

2024. The PAC report informs that it is estimated that some 34 people attended the first public consultation event, and 2 people attended the second event. For the first public consultation event, a total of 12 feedback forms were received and for the second public consultation event 1 feedback form was received. The development for which planning permission is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

APPLICATION SITE

The application relates to some 16.63 hectares of agricultural land located immediately to the southwest of the village of Whitecraig. It is bounded to the northeast by a combination of Whitecraig Primary School, a recreation ground with playing fields and a play park, and existing residential properties of Whitecraig with surrounding areas of grassed open space. To the southeast the site is bounded by the Smeaton Railway Walk which is core path no. 73 and to the southwest the site is bounded by Smeaton Farm Cottages and surrounding land which is part of the Edinburgh Green Belt, and a public road. On its east side the site is bounded by the A6094 Salters Road. On the opposite of Salters Road is the Dalkeith House (Palace) Inventory Garden and Designed Landscape and the River Esk Special Landscape Area.

The topography of the site is generally level with a gradual rise from west to east.

The site is within an area identified by The Coal Authority as being a Coal Mining Development High Risk Area. The application site is also within a wider area defined by the Macaulay Capability for Agriculture (LCA) classification system as being prime agricultural land.

The application site is allocated for a mixed-use development by Proposal MH13 (Land at Whitecraig South) of the adopted East Lothian Local Development Plan 2018. A small part of the application site at its northern side also forms part of Proposal MH15 (Whitecraig Primary School Expansion Land).

PROPOSAL

Planning permission is sought through this application for the erection on the application site of 339 houses, 24 flats and associated works. The associated works include the formation of roads, footpaths and parking areas, the formation of areas of open space, the formation of a play area, the erection of boundary enclosures, and hard and soft landscaping.

Planning permission is also sought for the erection for 2 retail/commercial units at the northwest corner of the site and associated roads, footpaths and parking area.

Since the registration of the application, a number of non-material amendments have been made to the proposals resulting in the submission of revised site layout and landscaping plans, road and footpath layouts and amendments to house types and designs and an increase in the number of houses proposed. These revisions include changes to the road and footway layout, revisions to the layout and orientation of house plots, revisions to house types proposed resulting in a decrease in the number of detached units being proposed, changes to boundary treatments and landscaping.

As a result of these changes the application was re-registered, re-notified to neighbours and re-advertised.

The proposed development site layout plan shows how the proposed 339 houses and 24 flats and the 2 retail/commercial units would be accommodated on the site along with associated access roads, parking areas, landscaping, open space, paths and equipped play provision.

The houses would comprise of a mix of 194 detached, 76 semi-detached and 69 terraced houses. The houses would all be two-storey with the exception of 2 bungalows. The 24 flats would be 'cottage style' flats consisting of 4 flats each within two-storey flatted buildings.

In terms of size, of the proposed 339 houses 9 would contain 5 bedrooms, 159 would contain 4 bedrooms, 148 would contain 3 bedrooms and 23 would contain 2 bedrooms. Of the proposed 24 flats, 16 would contain 2 bedrooms and 8 would contain 1 bedroom.

Out of the proposed houses and flats, 12 of the semi-detached houses, 53 of the terraced houses, the 2 bungalows and the 24 flats would be affordable housing units. The remaining 272 houses would be private houses for sale.

The private houses would comprise of 31 different house types, and the affordable houses would comprise 4 different house types.

Vehicular, pedestrian and cycle access to the 339 houses and 24 flats would be way of the formation of 2 new accesses taken from the A6094 Salters Road and one new access taken from the public road at the southwest corner of the site. Also proposed is to form a new pedestrian/cycle connection from the site at its northeast corner through to the existing footway at Dean Court, a requirement of Proposal MH13 of the adopted East Lothian Local Development Plan 2018. A dedicated active travel route access would also be taken from the A6094 Salters Road.

The proposed commercial units would have a separate new vehicular access taken from the A6094 Salters Road leading to an access road, pedestrian route, servicing area and parking area.

There would be 3 path connections to the Smeaton Railway Walk which bounds the site to the east, that would link into active travel paths formed through the site. Two large areas of open space would be formed to serve the proposed development, one linking into the existing recreation ground with playing fields and a play park on the northeast side of the site and another at the southeast side which would include an equipped play area. The SuDS would be formed at the western part of the site adjacent to Salters Road. A new footway would formed along part of the western boundary of the site linking into the existing footway into Whitecraig.

The application is also supported by a number of detailed drawings and reports including a Planning Statement and Statement of Community Benefit, a Design And Access Statement, a Tree Survey Report, a Flood Risk Assessment, a Transport Assessment, an Archaeological Report, Site Investigation Reports and a Statement on Energy, some of which have been updated or revised since registration of the application. Further reports submitted since the registration of the application include Ecology, Biodiversity Enhancement and Bat Reports, an Energy Statement, a Plant Schedule Specification and Maintenance Plan, a Woodland Tree Survey, Drainage Reports, and a Mineshaft Investigation Report.

ENVIRONMENTAL IMPACT ASSESSMENT

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). Schedule 3 of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 sets out the selection criteria for screening whether a Schedule 2 development requires an EIA. On 13 May 2024 the Council issued a formal screening opinion to the applicant with the conclusion that the proposed development is not likely to have a significant effect on the environment such that consideration of environmental information is required before any grant of planning permission and therefore it is the opinion of East Lothian Council as Planning Authority that there is no requirement for the development the subject of this application to be the subject of an EIA.

DEVELOPMENT PLAN

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

The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018 (LDP) together with its adopted supplementary guidance.

Relevant NPF4 Policies are Policies 1 (Tackling the climate and nature crisis), 2 (Climate Mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 7 (Historic Assets and Places), 9 (Brownfield, vacant and derelict land and empty buildings), 12 (Zero waste), 13 (Sustainable Transport), 14 (Design, quality and place), 15 (Local living and 20 minute neighbourhoods), 16 (Quality Homes), 18 (Infrastructure First), 20 (Blue and green infrastructure), 21 (Play, recreation and sport), 22 (Flood Risk and Water Management), 24 (Digital infrastructure) and 31 (Culture and creativity).

Relevant LDP Proposals are PROP MH13: Land at Whitecraig South, PROP T9: Larger Station Car Parks, PROP T10: Platform Lengthening, PROP T15: Old Craighall Junction Improvements, PROP T17: A1 Interchange Improvements, PROP T21: Musselburgh Urban Traffic Control System, PROP T27: Tranent Town Centre One-Way System, PROP CF1: Provision of New Sports Pitches and Changing Accommodation and PROP ED1: Musselburgh Cluster Education Proposals.

Relevant LDP Policies are DP1: Landscape Character, DP2: Design, DP3: Housing Density, DP4: Major Development Sites, DP8: Design Standards for New Housing Areas, DP9: Development Briefs, HOU3: Affordable Housing Quota, HOU4: Affordable Housing Tenure Mix, OS3: Minimum Open Space Standard for New General Needs Housing Development, OS4: Play Space Provision in New General Needs Housing Development, CH5: Battlefields, RCA1: Residential Character and Amenity, DCN2: Provision for Broadband Connectivity in New Development, W3: Waste Separation and Collection, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH10: Sustainable Drainage Systems, NH11: Flood Risk, NH12: Air Quality, NH13: Noise, T1: Development Location and Accessibility, T2: General Traffic Impacts, T4: Active Travel Routes and Core Paths as part of the Green Network Strategy, T31: Electric Car & Bus Charging Points, T32: Transport Infrastructure Delivery Fund, SEH2: Low and Zero Carbon Generating Technologies and DEL1: Infrastructure and Facilities Provision.

A further material consideration is the Scottish Government Policy Statement: Designing Streets which provides an overview of creating places, with street design as a key

consideration.

Also material is East Lothian Council's approved Developer Contributions Framework Supplementary Guidance (SG) and the approved Supplementary Planning Guidance (SPG) on Design Standards for New Housing Areas, Affordable Housing and Sustainable Drainage Systems (SuDS).

Also material to the determination of the application is the non-statutory Development Brief (MH13 Whitecraig South, Whitecraig) which was adopted by the Council on 30 October 2018.

REPRESENTATIONS

Material to the determination of the application are the written representations received to it. There have been three written representations received to this application, two of which raise objection to the proposed development and one makes comment on it. Copies of the written representations are contained in a shared electronic folder to which all Members of the Committee have access.

The main grounds of objection in respect of the proposed development are summarised below:

- * no major development should be opening onto an unclassified road;
- * there would be a loss of agricultural land and a wildlife corridor;
- * there would be added pollution and carbon footprint from the proposed houses;
- * the field at Whitecraig floods frequently and flooding on the main road has worsened over the last 5 years;
- * the proposed development would lead to increased traffic in the local area which the local roads cannot accommodate;
- * the proposed development would cause a loss of amenity through overlooking;
- * the proposed development would lead to dust, dirt and noise pollution;
- * there could be a release of harmful gas from past mining activity, and;
- * there are mine shafts which could lead to ground movement and subsidence.

The main grounds of comments are that development of this allocated site is supported but it should be ensured that there is integration with the existing settlement.

COMMUNITY COUNCIL COMMENTS

Whitecraig Community Council have been consulted on the application. They advise that they do not object to the proposed development and that the proposed commercial units would be a great asset to Whitecraig.

PLANNING ASSESSEMENT

The primary material consideration in the determination of this application is whether or not the principle and the detail of the proposed development accords with development plan policy and other supplementary planning guidance and if not, whether there are material considerations that outweigh any conflict with the development plan and other supplementary planning guidance.

The development is proposed on land allocated for a mixed use development of housing and a small local centre under PROP MH13 of the LDP. Policy 16 of NPF4 supports the principle of housing on land already allocated for that use. The principle of housing and commercial units is therefore supported on this site.

Proposal MH13 of the LDP allocates the site for a mixed use development to include circa 300 homes. However, the development proposed in this application would result in 363 residential units being built on the allocated site. Accepting higher overall housing numbers is, if there is no impediment on other grounds such as educational or road capacity, supported as an efficient use of land.

The proposed site layout plan demonstrates that the site is physically capable of accommodating a greater number of dwellings than the allocation. It is also relevant to note that some other allocated sites of the LDP have seen planning permissions granted for a higher number of housing units than their site allocation and some have seen planning permissions granted for a smaller number of housing units than their site allocation. The provision of a larger number of housing units compared to an approximate capacity stated in the LDP does not in itself amount to a conflict with the development plan.

It is thereafter necessary to consider the design and layout of the proposal against relevant development plan policies, the development brief for the site and other material considerations to ascertain whether the site can accommodate the proposed number of units and to consider the impact of the proposal on infrastructure and facilities.

The adopted Development Brief for the site sets out guiding principles, and indicative design, to be followed, where possible. These include (1) taking site access from the A6904 Salters Road; (2) providing tree planting along the western boundary and a well designed development frontage; (3) SuDS to provide an attractive open space; (4) the southern boundary consisting of a perimeter woodland edge incorporating a path with a connection to the Smeaton Railway Walk, (5) a minimum 5m set back of garden boundaries to the eastern boundary from the Smeaton Railway Walk with a minimum of 3 access points to the walkway; (6) the creation of a walking and cycling path along the northern boundary connecting the development to the existing village; (7) the Salters Road approach to provide a high quality sense of arrival to a village gateway; (8) a new area of open space to be provided as an extension to the existing area of open space to the north; and (9) potential for a local centre with the addition of a local shop and other facility.

The guiding principles of the Development Brief have been taken into account in the revised design of the development.

The development proposed in this application would, with its permeable street pattern, links to the Smeaton Railway Walk to the east of the site, road and pedestrian/cycle accesses, new and retained landscaped edges and other landscaping and open spaces, be a distinctive yet attractive urban expansion of Whitecraig respecting the guiding principles of the adopted Development Brief. In response to planning officer comments and consultation responses the applicant has revised the house type mix to include a greater mix of semi-detached and terraced homes and fewer detached homes to take better due regard to the existing built form of the settlement and neighbouring residential developments.

The proposed development would be of a pattern and density not out of keeping with patterns and densities of housing and other development in Whitecraig. The architecture of the proposed houses and flats is of a traditional pitched roof form and a relatively traditional design overall and the materials proposed are generally traditional in appearance including two different roofing colours and two different render colours. A condition can be imposed on the grant of planning permission for the proposed development to ensure that the finishing colours and mix of colours to be used respect the character and appearance of the village.

The proposed housing development would provide an attractive residential environment. The houses and flats are shown to be laid out in such a way that adheres to the normally accepted privacy and amenity criteria on overlooking and overshadowing, whilst affording the future occupants of the houses and flats an appropriate level of privacy and residential amenity.

The proposed new houses and flats would be so sited, oriented and screened such as not to harm the privacy and amenity of existing neighbouring or nearby residential properties through overlooking or overshadowing and in this respect would not conflict with Policy RCA1 of the LDP.

The **Council's Landscape Projects Officer** is generally content with the proposed scheme of landscaping, however she advises that some of the required landscaping planting should be supplemented and information on future maintenance of the landscaping of the site included. Therefore, a revised scheme of landscaping should be submitted with an accompanying maintenance schedule. Such a requirement can be made a condition of a grant of planning permission.

A scheme of landscaping would serve to encourage habitat creation and strengthen nature, enhancing the biodiversity of the site.

The **Council's Biodiversity Officer** has been consulted on the application and advises that the site in its present condition is of low biodiversity value and that the proposed scheme of landscaping would serve to enhance the biodiversity value of the site.

The Council's Biodiversity Officer further advises that the submitted Ecology Report has identified the presence a European Protected Species near the site. Given this a Species Protection Plan report (SPP) has been submitted. The Biodiversity Officer has appraised the applicant's submitted SPP and advises that the mitigation measures identified within it are sufficient to ensure there would be no harm to the European Protected Species from construction of the proposed development.

As the application site has been identified as a foraging area for the European Protected Species the applicant has also submitted a Habitat Enhancement Management Plan (HEMP) to indicate where alternative foraging area(s) could be provided when construction works start on site for the proposed development, were planning permission to be granted. The Biodiversity Officer has appraised the submitted HEMP, which identifies an alternative foraging area for the protected species. The Biodiversity Officer advises the alternative foraging area identified is not sufficiently connected by green networks and would be unlikely to provide a suitable alternative foraging area and thus recommends that an amended HEMP should be submitted identifying a more appropriate area. Such a requirement can be imposed on a grant of planning permission, were that to be the decision.

Policy 15 of NPF4 seeks to encourage, promote and facilitate the creation of 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 16 of NPF4 encourages, promotes and facilitates 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. It requires development proposals that include 50 or more homes to be accompanied by a Statement of Community Benefit which should explain the contribution of the proposed development to meeting local housing requirements, including affordable homes, providing or enhancing local infrastructure, facilities and services; and improving the residential amenity of the surrounding area. As is required by Policy 16 of NPF4, the

application is accompanied by a Statement of Community Benefit which sets out the community benefits the applicant considers this proposal will bring. These include the delivery of a wide range and mix of houses (private and affordable) which will contribute to meeting local housing requirements, providing developer contributions towards local education, transportation infrastructure and sports infrastructure, the provision of additional open space, woodland planting and footpath links to the benefit of residents in the new development and the wider community and the delivery of flexible retail/commercial space to provide opportunities for local services.

Whitecraig has a new primary school, a village hub, shops, public house as well as sport, recreation and play facilities all of which are within a reasonable distance of the application site. Where relevant and necessary, developer contributions can be secured through a Section 75 Agreement to contribute towards the provision of necessary infrastructure requirements such as education, sporting or transport improvements and provisions. A wide range of employment, shopping, health and social care, education and other community facilities are available a short distance away in Musselburgh which is accessible via public transport. In addition, and as referred to in the applicant's Planning Statement and in their Statement of Community Benefit contained within their Planning Statement, a range and mix of house types and tenures are proposed, including affordable and sustainable homes, improved areas of public open space and equipped play areas will be provided to benefit both the development proposed and the existing community and improved connectivity and linkages will be established in association with the provision of new and improvement of existing public paths.

In all of this the proposal would be an appropriate residential development of the site and whilst it would bring change to the southern edge of Whitecraig it would be well designed and integrated into its landscape and settlement setting.

The site is capable of accommodating all of the proposed development including vehicular and pedestrian access and amenity space without being an overdevelopment of it. The pattern and density of the proposed development would not be at odds with the existing patterns and densities of housing and other development within Whitecraig. In all of this the proposals are consistent with Scottish Government Policy Statement: Designing Streets, Policies 3, 4, 9, 14, 15 and 16 of NPF4, Policies DP1, DP2, DP3, DP4, DP8, DP9 and NH5 of the LDP and with the Council's approved Design Standards for New Housing Areas SPG and the Council's adopted Development Brief for the site.

The proposed site layout includes areas of open space to be formed within the site including two large areas of open space, one linking into the existing recreation ground with playing fields and a play park on the northeast side of the site and another at the southeast side which would include an equipped play area.

In relation to open space provision Policy OS3 of the LDP sets out the minimum requirement for on-site provision of open space which is 60m² per dwelling. This will consist of provision of formal and informal open space as well as space for equipped play areas in accordance with Policy OS4. The applicant has provided details that demonstrate that, not including the smaller pockets of open space, the open space provision would amount to some 63m² per dwelling which exceeds the 60m² per dwelling required by Policy OS3. The site layout shows how the equipped play area would be laid out on the area of open space at the southeast side, with detail of the play equipment with a path running through it has also been provided.

The **Council's Strategy, Policy & Development Manager (Amenity Services)** advises that the areas of open space shown to be provided would provide sufficient, usable areas of open space for informal recreation for the proposed development. She also advises

that the play area would provide a variety and flexibility of play and spaces and the play equipment to be provided is sufficient and would enhance the amenity value of the site.

The Strategy, Policy & Development Manager does however advise that seating should be provided and the material of the surfacing of the path through the play area should be confirmed. Such requirements can be secured by conditions imposed on a grant of planning permission. Subject to this control the proposal is consistent with Policies OS3 and OS4 of the LDP.

On these open space and play provision considerations the proposals are also consistent with Policy 21 of NPF4 which seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

Part of the application site lies within the Battle of Pinkie Battlefield Site. Historic Environment Scotland (HES) raise no objections to the application, being satisfied that the proposed development would not have a significant adverse affect on the key features of the Battle of Pinkie historic battlefield site. The Archaeology/Heritage Officer recommends that a programme of archaeological works (Archaeological Excavation) should be carried out prior to the commencement of development. This requirement can be secured through a condition attached to a grant of planning permission. Subject to such control the proposed development would not have a significant adverse effect on the key features of the battlefield, and is consistent with Policy 7 of NPF4 and Policy CH5 of the LDP.

The land of the application site is defined by the Macaulay Capability for Agriculture (LCA) classification system as being Land Capable of Supporting Arable Agriculture Classes 2 and 3.1, that being prime agricultural land capable of producing a wide and moderate range of crops. Policy 5 of NPF4 and Policy NH7 of LDP both provide significant protection for valued soils including prime agricultural land. Policy NH7 of the LDP states that development on prime agricultural land will not be permitted unless in the particular circumstances listed in the Policy. One of those circumstances is if it is to implement a proposal of the plan. As the land of this application site is allocated for residential development in the LDP the proposal does not conflict with Policy NH7 which already accepts the loss of this area of prime agricultural land to housing development. Policy 5 of NPF4 also sets out circumstances where development proposals on prime agricultural land will be supported and although housing development is not listed as one of those circumstances, Policy 16 of NPF4 supports development proposals for new homes on land allocated in LDPs. The Scottish Government's Transitional Arrangements for NPF4 states that "It is important to bear in mind NPF4 must be read and applied as a whole. The intent of each of the 33 policies is set out in NPF4 and can be used to guide decision making. Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement". In the circumstances of this application where it is a development proposal for new homes on land allocated for housing in the LDP, the proposal complies with Policy NH7 of the LDP and, although not falling within the types of acceptable development listed in Policy 5, it does not conflict with NPF4 when read as a whole.

The **Council's Access Officer** has advised he is supportive of the proposal to connect to the Smeaton Railway Walk which will provide an important off-road walking route to Whitecraig and Dalkeith.

The **Council's Road Services** have considered the details of the application and appraised the submitted Transport Assessment, Road Safety Audit and Quality Audit. Road Services advise they raise no objection to the proposed development, being satisfied that it could be accessed safely and would not lead to a road or pedestrian safety hazard. Road Services further advise that vehicle traffic associated with the proposed development

can be accommodated without additional mitigation works being required to the local road junctions.

The application drawings originally showed a proposal to form a road link between the site and Dean Court to the north. This was to reflect the wording in Proposal MH13 of the LDP that states a road connection should be provided connecting to Whitecraig Avenue and through to Salters Road. However, Road Services advised they were not supportive of a road link in this location as it was not required to serve the proposed development, and instead a footway/cycle link should be provided.

In this regard the **Council's Policy and Project's Manager** advises that the LDP was prepared in collaboration with various East Lothian Council Services including Road Services, and at that time, based upon relevant national planning policy and transportation policy, a road connection to allow traffic to move between the existing and new residential areas was deemed to be beneficial to the local area. However, the Policy and Projects Manager advises that both the National Transport Strategy and the Council's Local Transport Strategy, together with supporting Active Travel Improvement Plan have been updated since the production of the LDP, and there is now more emphasis on the sustainable transport hierarchy and for new developments to provide infrastructure which better supports more sustainable travel modes i.e. walking, cycling and wheeling, and these must be prioritised over infrastructure which supports private car journeys, with targets for reducing the number of car journeys. These recent changes to policy and associated discussions mean that, to be more in line with national policy regarding sustainable travel and reduction in car journeys, it has been necessary to reconsider the modal use at the access points for this development to create the greatest benefit to local residents at both the existing residential area and the future occupants of the housing proposed in this development. Thus, it is more appropriate to create a footpath connection between Dean Court and the proposed development rather than a road connection.

Therefore, it is now proposed to provide a footpath/cycle connection between the site and Dean Court, which Road Services support.

The **Council's Road Services** further recommend a number of transportation requirements which can be met through the imposition of conditions on a grant of planning permission for the proposed development. These include submission and approval by the Planning Authority of details of a Travel Information Pack to be distributed to new residents, a Construction Method Statement, Road Safety and Quality Audits, wheel washing facilities to be implemented during construction, a programme for monitoring the condition of the public road to be used by construction traffic for the period of development, the introduction of new speed limits along the site frontage, the provision of bus shelters and the implementation of proposed electric vehicle charging proposals.

With the imposition of conditions to cover these recommendations of Road Services, and the requirement to form a footpath/cycle connection between the site and Dean Court, the proposed development does not conflict with Policy 13 of NPF4 or with Policies T1, T2, T4 or T31 of the LDP and is consistent with Policy 15 of NPF4 which seeks to encourage, promote and facilitate the creation of 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.

The **Council's Waste Services Manager** has confirmed that he has no objections to the proposals and that the general collection and management of waste and recycling from the proposed development will be operated by the Council's Waste Services. The proposal complies with Policy 12 of NPF4 and with Policy W3 of the LDP.

The **Council's Environmental Health Officer** advises he has no objection to the proposed development, being satisfied that occupants of the proposed development would enjoy sufficient amenity and the proposals would not result in harm to the amenity of any neighbouring land use, subject to the proposed commercial units only being permitted deliveries between 0700 - 2300 hours on any day. Subject to the imposition of such a condition the proposals are compliant with Policies NH12 and NH13 of the LDP.

In relation to considerations of contaminated land issues, the **Council's Senior Environmental Compliance Officer** advises that he has reviewed the Site Investigation Report submitted with the application and agrees with its findings that no potential risks to on-site human health or the water environment have been identified and consequently there are no potential contaminant linkages considered to be present. He notes that the gas monitoring and risk assessment carried out have identified the site as falling within a Characteristic Situation 2 meaning that the appropriate gas protection measures should be installed. Therefore, the Council's Senior Environmental Compliance Officer recommends that a Remediation Statement be submitted detailing all the measures necessary and listing the validation procedures to be followed and that a Verification Report be submitted and approved to confirm the satisfactory completion of the remedial works (prior to the occupation of the residential units). These requirements can be secured through conditions attached to a grant of planning permission for the proposed development.

As the site is within a Coal Mining Development High Risk Area, The Coal Authority has been consulted on the application. The Coal Authority initially objected to the application on the grounds that the supporting Site Investigation Report submitted failed to address the implications posed by a recorded on-site mine shaft to the proposed development. In response to that objection the applicant submitted a Statement With Regard to Mine Entry which details the exact location and nature of the mine shaft, and concludes that it is not considered to present a constraint to the future development of the site. The Coal Authority, having considered the applicant's Statement With Regard to Mine Entry, subsequently withdrew their objection to the application subject to the imposition of conditions on any permission granted to secure the undertaking of remedial works in respect of the recorded mine shaft and shallow coal mining workings. The recommended conditions of The Coal Authority can be imposed on a grant of planning permission for the proposed development. Other advisory notes provided by The Coal Authority which are the responsibility of the developer to adhere to have been forwarded to the application for their information and attention.

Scottish Water have been consulted on the proposals. They raise no objection and have provided comments relevant to servicing the proposed development which have been forwarded to the applicant for their information. It is the responsibility of the developer to make separate applications to Scottish Water for permission to connect to the public waste water and water networks.

The **Scottish Environment Protection Agency (SEPA)** have been consulted on the application and they have confirmed they have no objection to the application on the grounds of flood risk.

The **Council's Team Manager - Structures and Flooding** confirms that he is satisfied with the proposals and raises no objection on the grounds of flood risk or drainage. He advises that detail of what temporary measures shall be put in place to control surface water drainage during the construction of the development should be submitted prior to the commencement of development. This matter can be secured through a condition on a grant of planning permission. The proposals are therefore consistent with Policy 22 of NPF4 and Policies NH10 and NH11 of LDP and with the Council's SPG on 'Sustainable

Drainage Systems (SuDS)'.

Policy 24 of NPF4 and Policy DCN2 of the LDP support the delivery of digital infrastructure. Policy DCN2 of the LDP requires that development proposals of 5 or more homes, shall as part of the development make provision for deliverable opportunities for digital infrastructure to the proposed new homes or business premises as relevant, particularly provision for ducting and fibre or wiring for broadband connectivity. The applicant has confirmed that their proposals are to provide Fibre to the Premises (FTTP) to every housing plot across the development at habitation, and that they will also provide a duct for future digital infrastructure connections to the proposed commercial premises of the local centre. The applicant advises that they are signed up to a tri-party agreement with the main digital infrastructure providers (BT Openreach, Virgin Media and Hyperoptic) which will allow for future residents to have access to over 15 different Fibre Broadband suppliers. On this matter of provision of digital infrastructure the proposals comply with Policy 24 of NPF4 and Policy DCN2 of the LDP.

Policy 31 of NPF4 states that "development proposals that involve a significant change to existing, or the creation of new, public open spaces will make provision for public art. Public art proposals which reflect diversity, culture and creativity will be supported". The proposals the subject of this application include for the creation of new, public open spaces and it would therefore be appropriate for artwork to be incorporated either as an integral part of the overall design or as a related commission. Were planning permission to be granted for the proposed development then the artwork(s) could be secured through the imposition of a planning condition. Subject to this planning control being imposed the proposed development is consistent with Policy 31 of NPF4.

At its meeting on 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 3rd September 2019 the Council's Planning Committee decided that a condition requiring a developer to submit for the approval of the Planning Authority a report on the actions to be taken to reduce the carbon emissions from the building and from the completed development should be imposed on relevant applications for planning permission. This application is supported by a 'Statement on Energy' which sets out the measures to be taken to reduce the carbon emissions from the building and from the completed development which are designed to ensure compliance with the CO2 requirements of the Scottish Building Standards, and to meet the 15% reduction in carbon emissions from Low and Zero Carbon Generating Technologies (LZCGT) as required by the LDP. The Report sets out that it will be investigated whether roof mounted photovoltaic panels will be installed on each dwelling, and that air source heat pumps will be used on the affordable dwellings. This will ensure that both the private and affordable homes meet Bronze Active standard under Section 7 (Sustainability) of the building standards. In addition, the affordable dwellings will be designed to achieve Aspect Silver Level 1 & 2 in accordance with minimum funding requirements for affordable housing in Scotland. The proposals, on these climate change considerations, comply with Policies 1 and 2 of NPF4 and with Policy SEH2 of the LDP.

Consideration must then be given to the potential impact of the proposed development on the infrastructure of the area. Policy 18 of NPF4 requires development to take into account the capacity and any additional needs for community services and facilities, as part of the infrastructure first approach. This reflects Policy DEL1 of the LDP which stipulates that new housing will only be permitted where appropriate provision for infrastructure, required as a consequence of the development, is made. Proposal MH13 of the LDP stipulates that any development on the site is subject to the mitigation of any development related impacts, including on a proportionate basis for any cumulative impacts with other proposals including on the transport network, on education and community facilities, and on air quality as appropriate.

The East Lothian Council Health and Social Care Partnership (ELHSCP) have been consulted on the application and have not provided any comment.

PROP CF1: Provision of New Sports Pitches and Changing Accommodation of the LDP requires development proposals for 5 or more homes to make provision for the delivery of new sports pitches and changing accommodation in the relevant contribution zone as set out in Appendix 1 of the Plan and in the Supplementary Guidance: Developer Contributions Framework. The new facilities to be provided, and the sites within which they are to be delivered are identified in Part A of PROP CF1 and include at the site of PROP MH13 provision for one full size grass pitch and a two team changing facility.

The **Council's Planning Obligations Officer** in consultation with the Council's Amenity Service advises that this current proposal for an additional 363 residential units would generate a requirement for additional sport provision as set out above and therefore advises that a Sporting Provision Contribution of £461,010 (£1,270 per residential unit) indexed linked from Q1 2019 until date of payment using the BCIS All-in Tender Price Index is required for this proposal.

The required payment of a financial contribution of a total of £461,010 towards sport provision within Whitecraig be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants confirm in writing that they are willing to enter into such an agreement.

The Council's Planning Obligations Officer further advises that in order to provide such new facilities, the Council's Amenity Service also requests that the part of the application site shown as open space land to be provided adjacent to the existing recreation ground of Whitecraig be transferred to the Council at zero cost. The Council's Planning Obligations Officer in consultation with the Council's Amenity Service further advises that this would also require a Landscape Contribution to be paid to the Council to enable the Council to prepare the land, including drainage before establishing/ planting trees, hedges and open grass area on the land, which would be £48,688 indexed from Q3 2025 until date of payment using the BCIS All-in Tender Price Index.

The required payment of a financial contribution of a total of £48,688 towards the landscaping and the transfer of the land to the Council at zero cost can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The Council's Planning Obligations Officer in consultation with the Council's Amenity Service also advises an open space and play provision contribution towards enhancement and provision of additional play facilities at the existing play park within the Whitecraig Park to the north of the site is required as a direct result of the proposed development. They have therefore requested a play provision contribution of £102,910 indexed from Q3 2017 until date of payment using the All-in Tender Price Index published by the BCIS. The required payment of a financial contribution of a total of £102,910 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to

enter into such an agreement.

Subject to securing the above contributions, the proposal is consistent with Policy 18 of NPF4 and Proposal CF1 and Policy DEL1 of the LDP.

Policy T32 of the LDP specifically relates to the package of transportation interventions to mitigate the cumulative impact of development on the transport network which have been identified by the Council in consultation with Transport Scotland. In line with Policy DEL1, relevant developments are required to contribute to the delivery of these transportation interventions, on a proportionate, cumulative pro-rata basis, as set out in Developer Contributions Framework (DCF) Supplementary Guidance.

The Council's Planning Obligations Officer in consultation with the Council's Road Services advises that the contributions required for each transport intervention are as detailed below:

Residential element of the proposed development:

- * Improvements to Old Craighall Junction (PROP T15): £3,591.28
- * Improvements to Salters Road Interchange (PROP T17): £11,918.50
- * Improvements to Bankton Interchange (PROP 17): £1,639.55
- * Musselburgh Town Centre improvements (PROP T21): £4,532.66
- * Tranent Town Centre Improvements (PROP T27 and T28): £1,510.08
- * Rail Network Improvements (PROP T9 and T10): £2,837.45

The total contribution required for transportation improvements resulting from cumulative impacts from the residential element of the proposed development is therefore £26,030.

Commercial element of the proposed development:

- * Improvements to Old Craighall Junction (PROP T15): £48.16
- * Improvements to Salters Road Interchange (PROP T17): £24.62
- * Improvements to Bankton Interchange (PROP 17): £26.10
- * Musselburgh Town Centre improvements (PROP T21): £30.07
- * Tranent Town Centre Improvements (PROP T27 and T28): £13.59
- * Rail Network Improvements (PROP T9 and T10): £288.89

The Council's Planning Obligations Officer advises that from the table above all but one of the strategic transport interventions is above £100, therefore the Council will only be seeking a Strategic Transport (Commercial) Contribution of £290.00 (rounded up to the nearest £10).

The total contribution required for transportation improvements resulting from cumulative impacts from the commercial element of the proposed development is therefore £290.

The total developer contributions towards the transportation interventions of £26,320 (indexed linked from Q1 2019) can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. The applicants have confirmed in writing that they are willing to enter into such an agreement.

The **Council's School Estate Planning Officer** informs that the application site is located within the school catchment areas of Whitecraig Primary School and Rosehill High School, and that neither school will have sufficient capacity to accommodate children that could

arise from the proposed development the subject of this application. Therefore, the School Estate Planning Officer advises that he would object to the application on the grounds of lack of permanent capacity at those schools unless the applicant makes a financial contribution to the Council of £7,964,749 towards the provision of additional school accommodation at Whitecraig Primary School and additional school accommodation and campus land provision Rosehill High School.

The required payment of a financial contribution of a total of £7,964,749 towards the provision of additional educational accommodation can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation, the proposal is consistent with Policy 18 of NPF4 and Policy ED1 of the LDP, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity. The applicants confirm in writing that they are willing to enter into such an agreement.

The Council's School Estate Planning Officer further recommends that a condition be imposed if planning permission is to be granted requiring that annual housing completions on the site be controlled over a period of eight years with completions beginning in 2026/27. Such a condition can be imposed if planning permission is to be granted. This will ensure that sufficient education capacity can be provided for the pupil product of the development.

The **Council's Housing Enabler** advises that in accordance with the Council's Affordable Housing Policy, 25% of the proposed 363 residential units require to be affordable housing units. The affordable housing component of the proposed housing development is 91 units. The Housing Enabler advises that the mix, size and location of the 91 affordable units to be provided on the site is acceptable. The terms for the provision of this affordable housing requirement can be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant is willing to do, the proposal would be consistent with Policy 16 of NPF4 in respect of affordable housing provision and Policies HOU3 and HOU4 of the LDP and the Council's adopted SPG on Affordable Housing.

In summary, the site is physically capable of accommodating the proposed development including vehicular and pedestrian access and amenity space without such development being an overdevelopment of the site and without significant impact on the global climate and nature crises. A grant of planning permission for the proposed development in the context of the site being part of housing allocation PROP MH13 of the East Lothian Local Development Plan, and in that its impacts in respect of amenity and technical considerations are acceptable in themselves, or can be mitigated through the appropriate use of planning conditions and necessary developer contributions, would not be inconsistent with National Planning Framework 4, with the relevant policies of the East Lothian Local Development Plan 2018 or with its adopted supplementary guidance.

In conclusion, and subject to the prior conclusion of a legal agreement and the imposition of the recommended conditions, the proposed development accords with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

RECOMMENDATION

It is recommended that planning permission be granted subject to:

1. The undernoted conditions.

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

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

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

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

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

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

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

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

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

As per the Adopted Supplementary Guidance: Developer Contributions Framework, all Strategic Transportation and Sports Provision Contributions will be increased in line with indexation from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment, all Primary Education Contributions will be increased from Q3 2023, Secondary Education Contributions will be increased from Q4 2023 and the Secondary Education Campus Land Contribution will be increased from Q1 2019 using the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment, and the Play Provision Contribution will be increased in line with indexation from Q3 2017 using

the All-in Tender Price Index published by the Building Cost Information Service (BCIS) Limited for the Royal Institution of Chartered Surveyors until due date of payment. The Landscape Contribution will be increased in line with indexation from Q3 2025 until date of payment using the BCIS All-in Tender Price Index.

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

Reason:

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

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

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

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

Reason:

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

- 3 Unless otherwise approved in writing by the Planning Authority:

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

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

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

Reason:

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

- 4 Notwithstanding that which is stated on the drawings docketed to this planning permission a detailed specification of all external finishes of the houses, flats and garages hereby approved shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses and flats shall be in accordance with a co-ordinated scheme of materials and colours that shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will

not each be of a light colour, and shall show the roofs being clad in more than one colour of roof tile. All such materials used in the construction of the houses, flats and garages shall conform to the details so approved.

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

In the interests of the amenity of the development.

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

Reason:

In the interests of the amenity of the development.

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

Reason:

In the interests of archaeological and natural heritage.

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

In the interests of pedestrian safety.

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

Reason:

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

- 16 No residential unit shall be occupied unless and until the existing 20 miles per hour (mph) speed limit on the A6094 Salters Road has been extended southwards to the southern side of the site access junction to the commercial/retail units with the A6094 Salters Road. Details of the new 20 miles per hour speed limit shall be submitted to and approved in advance by the Planning Authority and shall include the provision of street lighting over the full extent of the proposed new 20mph speed limit. Thereafter the new 20 miles per hour speed limit and street lighting shall be implemented and installed in accordance with the details so approved.

Reason:

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

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

Reason:

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

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

Reason:

In the interests of sustainable travel.

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

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

Reason:

In the interests of road and pedestrian safety.

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

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

Reason:

In the interests of road and pedestrian safety.

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

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

Reason:

In the interests of road and pedestrian safety.

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

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

Reason:

In the interests of road and pedestrian safety.

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

Reason:

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

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

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

To minimise the environmental impact of the development.

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

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

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

Reason:

To minimise the environmental impact of the development.

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

Reason:

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

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

Reason:

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

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

Reason:

To ensure that the site is clear of contamination.

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

Reason:

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

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

Reason:

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

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

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

Reason:

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

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

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

Reason:

In the interests of safeguarding the biodiversity of the area.

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

Reason:

In the interests of safeguarding the biodiversity of the area.

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

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

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

Reason:

To avoid or minimise disturbance of wildlife.

- 37 Prior to the commencement of development, a revised detailed scheme of landscaping shall be submitted to and approved by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on and adjacent to the application site, details of any to be retained, and measures for their protection in the course of development. The scheme shall also include a maintenance and management plan for the landscaping.

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

Reason:

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