



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

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

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Committee Members Present:

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

Other Councillors Present:

None

Council Officials Present:

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

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

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

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

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

Items 5-6: Mr C Stevenson

Apologies:

Councillor C Cassini

Declarations of Interest:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

He advised that points made in relation to economic viability and concerns over the development's potential to offset any CO₂ emissions were not planning matters, however, he suggested that comments made at the meeting could be noted as an addendum to the response. Mr Marsden also gave an account of a case in Angus where Scottish ministers recommended that an appeal be refused on the basis of the cumulative impact of loss of prime agricultural land; he suggested that this could also be noted in the Council's submission.

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

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

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

Decision

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

- An amendment to one of the grounds for objection, which would now read, 'Due to the potential impact the proposed development would have on recreational use, and Scottish outdoor access legislation, the Council objects to the proposal in relation to access and recreation.'
- That the Council's submission would ask the ECU to consider whether the development could be considered essential infrastructure that would justify the loss of prime agricultural land, with the wording of this amendment to be agreed between Councillor McIntosh, the Convener, and Mr Marsden.
- That points made in relation to economic viability and concerns over the development's potential to offset any CO₂ emissions be noted as an addendum to the Council's response.

Sederunt: Councillor Hampshire left the meeting.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Decision

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

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

Reason:

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

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

Reason:

In the interests of flood protection.

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

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

Reason:

In the interests of safeguarding the biodiversity of the area.

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

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

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

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

Reason:

To avoid or minimise disturbance of wildlife.

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

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

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

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

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

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

Reason:

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

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

Reason:

In the interests of the landscape character of the area.

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

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

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

Reason:

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

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

Reason:

In the interests of the amenity of the area.

Sederunt: Councillor Hampshire re-joined the meeting.

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

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

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

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

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

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

Sederunt: Councillor McIntosh left the meeting.

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

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

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

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

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

Decision

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

1. The undernoted conditions.
2. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:
 - (i) a financial contribution of a total of £7,964,749 towards the provision of additional accommodation at Whitecraig Primary School and Rosehill High School;
 - (ii) the provision of 91 affordable housing units within the application site;
 - (iii) a financial contribution to the Council of £461,010 towards sports and changing provision within Whitecraig;
 - (iv) a financial contribution to the Council of £102,910 towards enhancement and provision of additional play facilities at the existing play park within the Whitecraig Park to the north of the site;
 - (v) the transfer to East Lothian Council at no cost of the land as shown outlined in red on docketed drawing no. WC-TITLE-002 Rev A titled 'Proposed Title Area';
 - (vi) a financial contribution to the Council of £48,688 towards landscaping of the transfer land; and
 - (vii) a financial contribution to the Council of £26,320 for transport improvements to Old Craighall Junction, Salters Road Interchange, Bankton Interchange, Musselburgh town centre improvements, Tranent town centre improvements and rail network improvements.
 - (viii) The retail/commercial part of the site must be fully serviced (drainage, water, electricity, gas, telecoms and fully accessible to vehicular and pedestrians), including formation of road access from Salters Road by the completion of the 50th housing unit to enable development of the site.
3. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to a lack of sufficient primary and secondary school capacity within the catchment, a lack of provision of affordable housing, a lack of sports infrastructure improvements and a lack of roads and transport infrastructure contrary to, as applicable, Policy 18 of NPF4, Policies DEL1, HOU3, HOU4 and Proposals T9, T10, T15, T17, T21, T27, T28, ED1,CF1 and MH13 of the adopted East Lothian Local Development Plan 2018 and its adopted supplementary guidance: Developer Contributions Framework.

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

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

CONDITIONS

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

Reason:

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

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

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

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

Reason:

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

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

Reason:

In the interests of the amenity of the development.

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

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

Reason:

In the interests of the amenity of the development.

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

Reason:

In the interests of archaeological and natural heritage.

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

Reason:

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

- 12 Prior to the commencement of development, a timetable for the provision of the 3 footpath/cycle connections from the application site to the Smeaton Railway Walk as shown on docketed drawing no. WC-DL-001 Rev V shall 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.

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

Reason:

In the interests of sustainable travel.

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

Reason:

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

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

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

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

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

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

Decision

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

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

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

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

Decision

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

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

Reason:

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

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

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

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

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

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

Decision

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

Signed

Councillor N Hampshire
Convener of the Planning Committee

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

https://eastlothian.public-i.tv/core/portal/webcast_interactive/1032991

DRAFT



**MINUTES OF THE MEETING OF THE
LOCAL REVIEW BODY**

**THURSDAY 21 AUGUST 2025
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM**

2a

Committee Members Present:

Councillor L Allan
Councillor D Collins
Councillor N Hampshire (Chair)
Councillor K McLeod

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr P Zochowski, Planning Adviser to the LRB

Clerk:

Ms F Currie, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

None

Declarations of Interest

Item 1 – Councillor Allan declared an interest due to previous dealings with the applicant. She intended to leave the meeting while this application was considered.

The clerk advised that this meeting was being held as a hybrid meeting. It was being recorded and webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention and a recording of the meeting would be available for 5 years.

The clerk confirmed attendance by taking a roll call of Local Review Body (LRB) Members present.

Introductory Statement by the Legal Adviser

The Legal Adviser asked Members to confirm that they had had access to all the information. Confirm reviewed applicant's submission He outlined the procedure for the LRB to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application at this meeting.

On this occasion it was agreed that Councillor Hampshire would chair the LRB.

Sederunt: Cllr Allan left the meeting.

1. PLANNING APPLICATION NO. 24/01290/P: ALTERATIONS, EXTENSIONS AND CHANGE OF USE OF BANK TO FORM 1 HOUSE, FORMATION OF OFF-ROAD PARKING, HARDSTANDING AREAS AND ASSOCIATED WORKS, 12 WESTGATE, NORTH BERWICK, EH39 4AF

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning history of the site and outlined the reasons for refusal of planning permission for this, most recent application.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees, as well as objections submitted by interested parties and the community council.

The Planning Adviser then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also highlighted that four further representation had been received in relation to the request for review.

The Planning Adviser responded to questions from Members providing further information on the property valuation, the differing processes for considering appeals against refusal of LBC consent and planning permission and commercial property availability in North Berwick. He also commented on the differences between the various applications submitted by the applicant and any pre-application enquiries.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Collins noted that there had been pre-application discussions and advice provided by planning officers. She was of the view that there would be a loss of amenity and loss of daylight for neighbouring properties as a result of the proposals. She also said she had knowledge of at least 3 offers that were made for the commercial property but not at the inflated price paid by the applicants. She concluded by saying that she fully supported the decision of the planning case officer.

Councillor McLeod noted the valuation report, and that the LBC application appeal had been rejected. In his view, this information solidified the case for refusal of planning permission. He could see no major changes from previous proposals submitted by the applicant, and he would be supporting the planning officer's decision.

The Chair felt that the planning officer had followed the process as it should be done and that this site was unlike other commercial property conversions. He said he agreed with the decision of the planning officer.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed unanimously to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Sederunt: Cllr Allan rejoined the meeting.

2. PLANNING APPLICATION NO. 25/00229/P: ALTERATION, 1ST FLOOR EXTENSION TO HOUSE, FORMATION OF RAMPS WITH HADNRAILS AND BALUSTRADING, 16 FORTH STREET, NORTH BERWICK EH39 4AF

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that 4 representations had been received in relation to the appeal.

The Planning Adviser responded to a question from Councillor Hampshire on whether a smaller scale extension might be more acceptable to the planning authority.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McLeod felt that the size and scale of the proposed extension was not appropriate, and he could not support the application. He suggested that an alternative, smaller proposal may be more acceptable to the planning authority.

Councillor Collins said that this was the last of the cottages in the area that had original character. To alter it with what was proposed would not be complimentary to the property as well as being harmful to the character and appearance of area. She agreed with the planning officer's decision.

Councillor Allan – agree with her colleagues. While she liked to see new ideas and to see areas change and develop, this particular building was very special as a reminder of the history of North Berwick. Any modifications or changes had to be sympathetic and, as the proposals were at present, she supported with the planning officer's decision.

The Chair said he was of a similar opinion. This was a beautiful cottage and while he could appreciate the desire for the sea view, the size and scale of the application was excessive for the size of the building. He would be supporting the decision of the planning officer.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, unanimously, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

3. PLANNING APPLICATION NO. 25/00150/P: CHANGE OF USE OF FLAT TO SHORT TERM HOLIDAY LET (RETROSPECTIVE), 35E EDINBURGH ROAD, MUSSLEBURGH EH21 6EE

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and outlined the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant and drew attention to 1 representation submitted in relation to the review.

There were no questions from Members.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McLeod had noted on the site visit that there was no secure door to the communal stair, however, the flat had a Ring doorbell. He commented on the noise made by the main door banging shut and the impact on neighbours. He said that his opinion of this application was in line with his views on similar flats and he would be supporting the decision of the planning case officer.

Councillor Allan said that she agreed with the planning officer's decision and with the comments made by Councillor McLeod. This was clearly a residential block; the increased noise would impact neighbours; and it was not an appropriate location for a short term let.

Councillor Collins said that she was normally sympathetic to these applications, but this was the first occasion where there had been incidents attended by police. She had noted on the site visit that the rear garden was small and that people smoking or drinking may prevent residents from using this communal space. She would be supporting the planning officer's decision.

The Chair said he was of a similar view. He commented that the communal stairwell provided access to all of the flats and when one became a short term let, the communal area also became a commercial space. However, the applicant had no legal right to convert a communal space to commercial use. He also stated that the loss of amenity for residents was unacceptable. He would be supporting the planning officer's decision.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, unanimously, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Signed

Councillor Norman Hampshire
Chair of Local Review Body (Planning)



MINUTES OF THE MEETING OF THE LOCAL REVIEW BODY

THURSDAY 23 OCTOBER 2025
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM

2b

Committee Members Present:

Councillor D Collins (R)
Councillor A Forrest (Chair)
Councillor S McIntosh
Councillor K McLeod

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr M Mackowiak, Planning Adviser to the LRB

Clerk:

Ms M Scott, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

None

Declarations of Interest

N/A

The clerk advised that this meeting was being held as a hybrid meeting. It was being recorded and webcast live via the Council's website in order to allow the public access to the democratic process in East Lothian. East Lothian Council was the data controller under the Data Protection Act 2018. Data collected as part of the recording would be retained in accordance with the Council's policy on record retention and a recording of the meeting would be available for 5 years.

The clerk confirmed attendance by taking a roll call of Local Review Body (LRB) Members present.

Introductory Statement by the Legal Adviser

The Legal Adviser asked Members to confirm that they had had access to all the information. Confirm reviewed applicant's submission He outlined the procedure for the LRB to reach a decision on the planning application before it and reminded them that further advice would be provided on procedure, should they conclude they did not have enough information to determine the application at this meeting.

On this occasion it was agreed that Councillor Forrest would chair the LRB.

1. PLANNING APPLICATION NO. 24/00845/P: CHANGE OF USE OF GRASS VERGE TO FORM ADDITIONAL GARDEN GROUND, ERECTION OF FENCE AND OUTBUILDINGS, FORMATION OF HARDSTANDING AND DECKED AREAS, INSTALLATION OF AIR SOURCE HEAT PUMP, FLUE AND SOLAR PANELS (PART RETROSPECTIVE), NO. 1 QUONDRUM COTTAGES, YESTER, GIFFORD, HADDINGTON, EH41 4JZ

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning history of the site and outlined the reasons for the conditions attached to the approval of the planning application.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees, as well as objections submitted by interested parties.

The Planning Adviser then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also highlighted that four further representations had been received in relation to the request for review.

The Legal Advisor confirmed that only the condition around the placement of the summer house was for discussion and any other issues were outside the scope of the Committee. The Planning Adviser responded to questions from Members providing further information on the exact position of the summer house from the case officers drawings.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McLeod stated on the site visit he could not see anything wrong with the position of the summer house as it did not protrude beyond the cottage and would therefore be voting against the officers recommendation.

Councillor McIntosh agreed with Councillor McLeod, adding she was sympathetic with objectors but in terms of what the scope is for today then she would be voting against officers.

Councillor Collins also agreed with her colleagues and felt the summer house was within reason therefore would also be voting against the officer recommendation.

The Chair noted he found the site visit useful as the summer house was not jumping out at you. He was also in agreement with fellow Members that he would support the applicant on this occasion.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously to uphold the applicants appeal.

Decision

The ELLRB agreed unanimously to uphold the applicants appeal.

2. PLANNING APPLICATION NO. 24/01372/P: ERECTION OF 1 HOUSE AND FORMATION OF HARDSTANDING AREAS AND ASSOCIATED WORKS, THE STUDIO, GOOSE GREEN ROAD, GULLANE, EH31 2AT

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that 4 representations had been received in relation to the appeal.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McLeod commented that the current house is in a bad state and something should be done, whether this particular application today was accepted or not. He highlighted the applicant would be looking for a construction management plan and that an application to build a new property had been approved on 2018 but the time had lapsed therefore would be voting against officers recommendations.

Councillor McIntosh stated the sunlight test was key and officers have clear tests with clear methodology and the proposed development failed the test. She added that that if a Members neighbour was planning something that would negatively affect their sunlight they would this Committee would uphold the rules consistently. Councillor McIntosh commented on the height of the proposal combined with the balcony and number of bedrooms made it an overdevelopment and noted the housing emergency referenced within the application did not apply as what East Lothian required were one and two bedroom homes, therefore she would be voting to uphold the officers recommendations. She also noted that a former Chief Planning Officer had made Members aware they should not take decisions to approve based on the state that a current plot was in as that could prove an incentive to developers to leave things negligent.

Councillor Collins explained the 0.8m mentioned within the papers was the difference between the lapsed building application and the new proposed building, not the difference between the proposed building and May Cottage. She noted the proposed building would be double the

height of May Cottage and would be an overwhelming development, affecting the sunlight to neighbours and therefore she would be voting to uphold the officers recommendations.

The Chair said he was of a similar opinion to Councillors McIntosh and Collins and he would be supporting the decision of the planning officer.

The LRB members confirmed their decision via roll call vote. They agreed, my majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, by majority, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

3. PLANNING APPLICATION NO. 25/00479/P: ERECTION OF FENCING AND GATE (RETROSPECTIVE), 15 DAVIDS WAY, HADDINGTON, EH41 3DY

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and outlined the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant and drew attention to 4 representations submitted in relation to the review.

The Planning Advisor confirmed the fence was originally in line with the front facing of the house.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor McIntosh stated the fence did intrude on the street line as everything else was set back with open gardens. She added it acted to the detriment of the streetscape and she would be voting to uphold the officers recommendations.

Councillor Collins said she found the site visit helpful to see what the other buildings were like. She expressed her sympathies to the applicant as they had contacted Taylor Wimpey and Ross and Liddell with photographs of the fence and neither objected to it so there was no indication to them that they could be in breach of planning permission. She added that the way the fence was done made it look like part of the scheme as there is the same fencing all the way around the back of the properties in that section and has been tastefully done and therefore she would be supporting the applicant.

Councillor McLeod shared Councillor McIntosh's views on the application and therefore would be supporting officers recommendations.

The Chair said he was of a similar view to Councillor McIntosh and McLeod. He commented that the fence was tastefully done but he would be supporting the officers decision.

The LRB members confirmed their decision via roll call vote. They agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

4. PLANNING APPLICATION NO: 25/00618/P: ERECTION OF CONSERVATORY, 5 BOWMONT TERRACE, QUEENS ROAD, DUNBAR, EH42 1LF

The Chair invited the Planning Adviser, who had not been involved in the original decision, to present a summary of the planning policy considerations in this case.

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and outlined the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant and noted there were no representations submitted in relation to the review.

There were no questions from Members.

The Chair asked his colleagues to confirm that they had attended the site visit and if they were satisfied that they had sufficient information before them to determine the application. They confirmed this to be the case.

The Chair then invited Members to give their views on the application.

Councillor Collins expressed her frustration at Historic Scotland not making comment on applications of listed buildings as it made Members and planning officers jobs very difficult. She noted her struggle with coming to a decision on the application due to the fact the conservatory will be hit with weather from the North Sea but also due to the historic building significance she felt the conservatory should be a wooden structure and not UPVC as it would set a precedence for more UPVC structures which would be a concern due to the agricultural significance of the building. Councillor Collins confirmed she would be voting to support the officers recommendations.

Councillor McLeod stated the current conservatory had been left in a bad state from the weather and with the new technology and equipment that can be used, as well as the conservatory not being visible from the main road then UPVC would make sense but he was keen to hear from Councillor McIntosh on the environmental implications of using UPVC versus using wood before he made a decision.

Councillor McIntosh commented that she found the site visit helpful and the appeal interesting as they raised the issue of whether timber was sustainable and the rates that forests will sequester carbon if you don't cut them down in order to build conservatories. She added she had friends in sustainable construction and the debate on this issue was still live and not settled but said in general the climate benefits of PVC were quite often overstated as it was made out of fossil fuel products and was not really recyclable at the end of life. Councillor McIntosh explained to Members the whole life cycle of the product must be looked at but it was still unclear whether timber or PVC were better from a climate point of view however she

felt if you purchase a listed building then you have the responsibility to be a custodian of historic heritage and therefore she would be supporting the officers recommendations.

The Chair agreed with Councillor Collins that it is a historic building and the conservatory should be made of wooden frames therefore he would be supporting the officers recommendation.

The LRB members confirmed their decision via roll call vote. They agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Decision

The ELLRB agreed, by majority vote, to confirm the original decision of the planning case officer to refuse planning permission for the reasons set out in the original decision notice.

Signed

Councillor Andrew Forrest
Chair of Local Review Body (Planning)

COMMITTEE: Planning Committee
MEETING DATE: 2 December 2025
BY: Depute Chief Executive – Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

3

Application no. **25/00481/PM**
Proposal Section 42 application to vary Condition 22 of planning permission 15/00337/PM
Location **Land at Craighall
Musselburgh
East Lothian**

Applicant Persimmon Homes East Scotland

RECOMMENDATION Consent Granted

REPORT OF HANDLING

BACKGROUND

As the area of the application site is greater than 2 hectares, what is proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development type proposal and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

The application site is part of the some 116.5 hectares of land at Craighall to the south of Musselburgh, allocated by Proposal MH1 of the adopted East Lothian Local Development Plan 2018 for mixed use development. This part of the MH1 allocation comprises some 22 hectares of land located around part of the southern edge of Musselburgh. It is roughly a quarter circle in shape, with northern boundaries to part of the Old Craighall rail loop with Queen Margaret University beyond to the northwest, and the East Coast Main Line and houses at Stoneybank, Musselburgh beyond to the north and northeast. The southeastern boundary lies along the B6415 Monktonhall-Old Craighall road, with part of Musselburgh Golf Course and Old Craighall services beyond. The southwestern boundary runs alongside and under the A1 trunk road.

On 28 October 2019 planning permission (ref: 15/00337/PM) was granted for a development of 370 houses, 103 flats and for associated works on the site, those including formation of vehicle accesses, internal roads, landscaping, a Sustainable Urban Drainage System (SUDS) and open space on the application site. Development of the site has commenced and the many of the houses and flats are erected and occupied.

Condition 22 of planning permission 15/00337/PM states:

"Prior to the occupation of the 301st residential unit, the south access of the development site shall be completed and brought into use. This shall access the roundabout junction with the B6415/A1 link road and exit from Old Craighall services and the detailed design of the junction shall be agreed with the Planning Authority in accordance with the re-configured design of the roundabout to accommodate the development.

Reason:

In the interests of traffic capacity management and road safety."

Therefore Condition 22 requires the roundabout junction with the B6415/A1 link road and exit from Old Craighall services to be re-configured in accordance with a detailed design to be agreed with the Planning Authority to serve the development prior to the occupation of the 301st residential unit.

PROPOSAL

Planning permission is now sought through this application for the variation of Condition 22 of planning permission 15/00337/PM to increase the allowed for number of occupations of the residential units prior to the roundabout being re-configured, and for approval of the detailed design of the re-configured roundabout.

In a supporting statement submitted with the application, it is stated that the proposed variation to the wording of Condition 22 reflects the timings of works now anticipated by the Council and Persimmon Homes. The statement informs that the development approved by the grant of planning permission 15/00337/PM will pass the 300th completion within the next 6 months, and that following lengthy discussions between the Council and Persimmon Homes, it was agreed that completion of the roundabout upgrade works by the end of 2026 would be acceptable. The supporting statement continues that the existing north access into the site, along with the temporary access at Craighall Avenue, is capable of accommodating all vehicular movements for up to 473 residential units prior to and during the roundabout upgrade, as concluded in the submitted updated Transport Assessment.

Also, included with this application is the proposed detailed design of the re-configured roundabout, shown on drawing no. 60732123-SHT-CON-DD-1100-P1-001.

Therefore, it is proposed that Condition 22 of planning permission 15/00337/PM is varied to read:

"Prior to the occupation of the 381st residential unit, the south access junction to serve the development with the roundabout at the B6415/A1 link road and exit from Old Craighall services shall be constructed in accordance with the detailed design and specification shown for it on docketed drawing no. 60732123- SHT-CON-DD-1100-P1-001 and made available for use.

Reason:

In the interests of traffic capacity management and road safety."

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 the 21 July 2025 the Council issued a formal screening opinion 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. It is therefore the opinion of East Lothian Council as Planning Authority that there is no requirement for the proposed development 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.

Policy 13 (Sustainable transport) of NPF4 is relevant to the determination of this application. Policies T1 (Development Location and Accessibility) and T2 (General Traffic Impacts) of the East Lothian Local Development Plan 2018 are also relevant to the determination of the application.

REPRESENTATIONS

There have been 7 written representations received in respect of this application, all of which object to the proposed development. The main grounds of objection can be summarised as follows:

- * the current northern access junction with the B6415 is narrow, frequently impassible and not fit for purpose;
- * the current northern access junction with the B6415 causes risk of serious accidents and is very congested;
- * parked cars close to the current northern access junction with the B6415 causes visibility issues and risk of collision; and
- * the current northern access junction with the B6415 is not suitable for a greater amount of vehicle traffic.

PLANNING ASSESSMENT

The **Council's Road Services** have been consulted on this application and advise that the existing north access into the site, along with the temporary access at Craighall Avenue, is capable of accommodating all vehicular movements up to the 381 residential units prior to and during the roundabout upgrade as proposed by the variation to Condition 22 without being a road or pedestrian safety hazard.

Road Services advise that the applicant has confirmed that the existing construction access to the site via Craighall Avenue would remain available for emergency use if for any reason the existing northern access at Craighall Drive (for instance a vehicle accident, emergency utility works or other emergency) was unavailable.

Road Services further advise that continuous pedestrian routes for pedestrians, and specifically school children, requires to be made available from all occupied areas of the site to the B6415 /bus stops and to the new Craighall Primary School. The applicant has provided drawings showing that two pedestrian routes would be available, one at the southeastern side of the site adjacent to the B6415 and another at the southwestern corner of the site comprising of a new shared use footway/ cycle path via the existing railway underpass under the A1. Road Services advise these routes are acceptable and are should be provided from commencement of the works to construct the roundabout for the full duration of the works, until the roundabout is open to traffic.

Road Services also advise that a Road Safety Audit or review of the proposed route for pedestrians / school children from the site to Craighall Primary School should be provided.

Road Services confirm that the detailed design of the new roundabout is acceptable.

Subject to the above control, which can be imposed as conditions on a grant of planning permission, Road Services raise no objection to the application.

On the above considerations the proposed development does not conflict with Policy 13 of NPF4 or with Policies T1 or T2 of the East Lothian Local Development Plan 2018.

In conclusion, the proposal is considered to be in accordance 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.

Annex H of Circular 3/2022: Development Management Procedures gives guidance on applications for planning permission under section 42 of the Town and Country Planning (Scotland) Act 1997, as amended. The application that is the subject of this report is made under section 42 of the Act. Annex H states that planning authorities need to attach to the new permission any of the conditions from the previous permission which it is intended should apply to the new planning permission and need to secure any section 75 legal obligation (or other agreement) to the new permission, where it is intended this should still apply. Therefore, it is recommended that planning permission should be granted for the applied for variation to Condition 22 and subject to all of those conditions from planning permission 15/00337/PM where it is intended these should apply. In this case, conditions 1, 6, 8, 9, 10, 11, 13, 14, 15, 16, 18, 19, 20, 21, 23, 24 and 25 should continue to apply. It is also necessary to amend the wording of some of the conditions given development has commenced on the site. The conditions will also be renumbered so to be in numerical order.

It is also necessary to impose further conditions on this grant of planning permission to reflect the above recommendations of Road Services.

The **Council's Planning Obligations Officer** has confirmed that that the Section 75 Legal Agreement attached to planning permission 15/00337/PM will regulate the development of land in terms of any planning permission issued pursuant to applications made under Section 42 of the Town and Country Planning (Scotland) Act 1997, which this application is. Consequently, there is no requirement for any further modification to the S75 agreement to include this current Section 42 application.

RECOMMENDATION

That planning permission be granted subject to the following conditions:

- 1 Within two months of the date of the grant of this planning permission, final site setting out details shall be submitted to and approved by the Planning Authority.

The above mentioned details shall include final site setting-out drawings 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;
- c) the ridge heights of the proposed houses and flatted buildings; shown in relation to the finished ground and floor levels on the site; and
- d) open spaces adjacent to the opened culvert, including levels between these and the slope of the sides of the culvert.

Reason:

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

- 2 Within two months of the date of the grant of this planning permission, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and thereafter all phases of development shall be carried out in accordance with the consolidated flood risk assessment, unless otherwise agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that all agreed information shall be carried forward within the approved FRA and that site construction shall be carried out in accordance with the conclusions of the FRA about parts of the site at flood risk, which includes the preservation of flood plain and flow pathways in perpetuity.

- 3 Notwithstanding that which is shown on Development Layout Drawing CR DL001 Rev J docketed to planning permission 15/00337/PM, within two months of the date of the grant of this planning permission a detailed boundary treatment plan for the whole of the development shall be submitted to and approved in writing by the Planning Authority. The plan so approved shall delineate the boundaries of the development site and the front, rear and side boundary treatments of each residential plot with wall, hedge or railing boundary treatments where those boundaries face streets or public spaces and with other appropriate boundary treatments between individual properties where not facing public spaces and to include for screening of private driveways and shall take account of the findings of the Noise and Vibration Impact Assessment docketed to planning permission 15/00337/PM. Details of materials and finishes shall be provided.

Thereafter all boundary treatments so approved shall be implemented prior to the occupation of the relevant plot.

Reason:

In the interests of the amenity of future residents of the development and of the quality of design of the development and the visual amenity of the area.

- 4 Prior to the commencement of construction of the each of the flatted buildings of the development as shown on the Layout Plan CR DL001 Revision J docketed to planning permission 15/00337/PM, details showing enhancement by additional windows, architectural features and materials of the gable elevations of each block shall be submitted to and approved in writing by the Planning Authority and thereafter the flatted buildings shall be constructed in accordance with the details so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 5 Prior to the construction of those houses or flats that have gables facing onto streets, open space or parking as shown on Development Layout Plan CR DL001 Revision J docketed to planning permission 15/00337/PM, details showing enhancement by additional windows, architectural features and materials of gable elevations of those flats or houses shall have been submitted to and approved in writing by the Planning Authority and thereafter those houses and flats shall be constructed in accordance with the details so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 6 Notwithstanding what is shown on the approved layout and elevation drawings docketed to planning permission 15/00337/PM, the use of brick as a predominant external finish is not approved and, within two months of the date of the grant of this planning permission, a coordinated scheme of external materials and colour finishes of external walls and roofs of all buildings and walls shall have been submitted to and approved in writing by the Planning Authority. The scheme so approved shall respect the layout of the development and shall promote render, reconstituted stone, natural stone or appropriate contemporary cladding as the predominant finish to the walls of the residential units. This shall include for a variety of render or cladding colours where those finishes are to be used. Thereafter, unless otherwise approved in writing by the Planning Authority, the development shall be carried out in accordance with the scheme of external materials and colour finishes so approved.

Reason:

In the interests of the quality of design of the development and the visual amenity of the area.

- 7 All houses and flats shall include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards. Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.

Reason:

In the interests of sustainable development and compliance with Policy SEH2 of the adopted East Lothian Local Development Plan 2018.

- 8 A detailed scheme of landscaping, including details of its implementation through phases of the development, shall be submitted to and approved in writing by the Planning Authority, within two months of the date of the grant of this planning permission. The scheme shall provide details of:
- a) the height and slopes of any mounding on or re-contouring of the site including SUDS basin/ponds details;
 - b) tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting;
 - c) non-thorn shrub species located adjacent to pedestrian areas;
 - d) indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development;
 - e) tree planting located in communal areas and not in private gardens;
 - f) the southeast boundary levels and planting, including sections showing the levels between frontage plots and the site frontage, maximising the extent of hedgerow along the frontage to be retained and proposals for native species replacement planting as mitigation;

- g) landscaping and planting around the pumping station and sub station denoted in the open space in the eastern corner and sub station adjacent to the equipped play area in the centre of the site on the approved Development Layout Plan DL001 Revision G mitigate their prominent positions;
- h) the proposed SUDS basin redesigned with a more organic shape, differing side slope gradients to reduce the engineered look of the basin, omission of the grasscrete track around the basin as per advice in Sewers for Scotland 3, and with access provided only to the inlet and outlet points for maintenance and increased planting;
- i) The landscape space to the north boundary of the site with the freight rail line combining tree planting in terms of species and positioning acceptable to Network Rail with understorey shrub planting, informal paths and areas for natural play along its length. Planting along the security fence should be kept to hedgerow thicket planting;
- j) The open space to the south-western boundary combining tree planting of formal small species trees with understorey shrub planting, informal paths and areas for natural play along its length;
- k) Where hedge planting is used for front garden boundaries, beech or hornbeam hedge with return around corner plots and to the front boundaries and returns of the flatted blocks;
- l) residential street and parking area tree planting as small species to include Sorbus aucuparia varieties, small Prunus 'Sunset Boulevard' and ornamental Pear, with placement to avoid overshadowing gardens;
- m) large species specimen trees in the main open spaces to create features at nodal points, placed in small numbers within large open spaces to include species such as lime, horse chestnut, oaks, evergreen oak, sweet chestnut, maples and with feature willows close to the watercourse;
- n) Fastigate limes to create a formal avenue frontage;
- o) primary routes within the site defined with formal planting such as fastigate hornbeam or fastigate pears; and
- p) Feature corner spaces containing feature trees such as multi-stemmed birches.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the details of implantation so approved. Any trees or plants which die, are removed or become seriously damaged or diseased 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 order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and to control the impact of leaf fall on the operational railway.

- 9 A full management plan for development and long-term maintenance of all landscape elements on the site shall be submitted to and approved in writing by the Planning Authority, within two months of the date of the grant of this planning permission.

The maintenance of all communal landscape areas, and any hedges to private front gardens, as approved in terms of condition 3 above, shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved by the Planning Authority prior to the occupation of any residential units hereby approved.

Reason:

To ensure the retention and maintenance of landscaping on the site in the interest of amenity.

- 10 Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1997 (as amended), other than as shown on the drawings

docketed to planning permission 15/00337/PM no substation, pumping station, gas governor or other above ground utility infrastructure shall be installed on site without the formal approval of the Planning Authority.

Reason:

In the interests of the visual amenity of the area.

- 11 A Construction Method Statement (CMS) or Construction Environmental Management Plan (CEMP) shall be submitted for approval within two months of the date of the grant of this planning permission. The CMS or CEMP shall outline measures to be taken to minimise impacts upon existing and proposed sensitive receptors due to noise and dust. These shall include compliance with:

"Best Practice Guidance" as recommended BS5228-1: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part 1:Noise";

"Best Practice Guidance" as recommended BS5228-2: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part2: Vibration"; and

Section 8 of the Institute of Air Quality Management Guidance on the assessment of dust from demolition and construction (2014) with regards to practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary.

Reason:

In the interests of the residential amenity of the area.

- 12 Where not already provided the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval within two months of the date of the grant of this planning permission and the development shall be carried out only in full accordance with such approved details.

Reasons: In the interests of public safety and the protection of Network Rail infrastructure.

- 13 Prior to the opening of Craighall Primary School, the following shall be provided to details and specifications to be agreed in advance with the Planning Authority:
- a) an up to 4.0 metre wide footpath/cyclepath with street lighting, from the western part of the application site, under the A1 underpass to the closest boundary access gate of the primary school site;
 - b) an upgraded to up to 3.5 metre wide where space allows (2.0 metres minimum) shared used footway/cyclepath on the west side of B6415 between the north access junction of the development site to a point 50 metres south of the A1 overbridge;

Reason:

To ensure that pedestrian and cycle routes are available to occupants of the development, including provision for safe routes to school and connection with Old Craighall.

- 14 Within two months of the date of the grant of this planning permission, the detailed design of the north access junction to the development site from the B6415 public road shall be completed in accordance with the following, details of which shall be submitted for the prior written approval of the Planning Authority:

a) Provision and maintenance of a visibility splay of 4.5 metres by 70 metres on each side of the proposed access such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within that area;

b) Unless otherwise agreed in writing by the Planning Authority, the junction the B6415 formed with turning from that road enhanced by a road marking scheme at the junction in the form of ladder marking 50 metres on either side of the junction, with a gap in the ladder

at the junction. Lane widths shall be 3.0 metres inbound/outbound with 1.5m in the middle;

c) Provision of a Road Safety Audit completed through Stages 1 to 4, preliminary design to post-construction.

Reason:

In the interests of road safety

- 15 Prior to the occupation of the 381st residential unit, the south access junction to serve the development with the roundabout at the B6415/A1 link road and exit from Old Craighall services shall be constructed in accordance with the detailed design and specification shown for it on docketed drawing no. 60732123-SHT-CON-DD-1100-P1-001 and made available for use.

Reason:

In the interests of traffic capacity management and road safety.

- 16 Unless otherwise agreed in writing with the Planning Authority, the implementation of the development shall accord with the following, subject to details, including timescales for implementation, to be submitted for the prior approval of the Planning Authority:

a) East and westbound bus stops with bus shelters shall be provided, adjacent/opposite to the site frontage, on the B6415 to serve the site. These shall be located and designed to provide safe access to public transport routes on the B6415. Works to provide safe pedestrian crossing points adjacent to either/both bus stops shall also be provided. Details shall be submitted for approval;

b) Street lighting shall be provided/upgraded over the full extent of the proposed site frontage on the B6415 from the ECML overbridge to the south of the A1 link road / service area roundabout;

c) The internal access road and parking areas shall be laid out as shown on Development Layout Plan CR DL001 Revision J docketed to planning permission 15/00337/PM;

d) All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas;

e) The Segregated Active Travel Corridor to be provided on the northern part of the site and between the site and Whitehill Farm Road/Queen Margaret University shall be a minimum 4.0 metre wide footpath/cyclepath with street lighting and surfacing to a specification to be agreed in advance with the Planning Authority;

f) Road corners shall be constructed with asphalt finish with coloured chip or with thermoplastic screed (i.e. 'Imprint' or similar);

g) Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads - Part 5 Parking Standards;

h) Vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

i) Driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the

adjacent driveway surface;

j) Within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

k) Cycle parking for flats shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed;

l) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

m) A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area 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 noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work. Temporary measures shall be put in place to control surface water drainage during the construction works. Routes for construction traffic shall also be included. It shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site;

n) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

o) All courtyard parking areas, other than those with bin stores accessible from the roadside shall be accessible to Refuse Collection Vehicles, constructed to adoptable standard and with a T-shaped turning area of 23.5 metres length if that is where bin presentation points are located;

p) Roadways and roadway speed tables shall be designed in detail to ensure footways connect or can cross at-grade on each speed table with road and footway levels designed with low kerb upstand and with street trees in refuge areas, to details to be agreed by the Planning Authority;

q) The use of stone chippings for private driveways is not approved. Driveways shall be hard surfaced with permeable pavements or a surface to be agreed in writing with the Planning Authority; and

r) A detailed plan of street trees and street lighting to reduce forward visibility and traffic speeds within the development,

All parking spaces, roads and footpaths/cycleways shown in the docketed drawings shall be constructed in accordance with the docketed drawings and foregoing conditions of this planning permission and shall be finished and available for use in accordance with a phasing plan for completion of residential units on the site, to be submitted for the written approval of the Planning Authority prior to the occupation of any residential unit within the development.

Reason:

To ensure the satisfactory completion of the road network in the interest of visual amenity and highway safety.

17 The equipped play area and informal open spaces to be provided within the site in the positions shown for them on Development Layout Plan CR DL001 Revision J docketed to

planning permission 15/00337/PM shall be formed, equipped and made available for use in accordance with details, including timescales for provision, to be submitted and approved by the Planning Authority and thereafter the play area informal open spaces shall be made available for use equipped, surfaced and with boundary treatments as relevant in accordance with the details so approved.

Reason:

To ensure the provision of an appropriate equipped play area and open spaces, in the interests of the amenity of the development.

- 18 Unless otherwise agreed in writing by the Planning Authority, the following measures shall be implemented for the relevant residential units prior to the occupation of that unit:

a) Acoustic Barriers of 1.8 – 2.4m height shall be provided as detailed by thick black lines in Figure 4 of Appendix 3 of REC's Technical Report Ref: AC105702-1R3 entitled "Noise & Vibration impact assessment, Newcraighall, East Lothian" of 6th December 2018. The barriers shall be either of brick wall construction or timber fence that has a minimum mass of 5kgm², is close boarded, sealed at the base and be free from holes. The height of the barrier is plot specific. The precise mitigation measures required for each individual plot shall be as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018; and

b) Upgraded glazing and/or ventilation units shall be provided to habitable rooms (living rooms/bedrooms) of all properties as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018.

Reason:

In order to ensure compliance with daytime garden noise levels as low as practicable due to noise associated with road traffic on the A1 and B6415 and in order to ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" due to noise from road and rail traffic as described in Table A4 Mitigation Strategy of REC's Technical Report of 06th December 2018.

- 19 Prior to the commencement of the works to construct the re-configured roundabout as required by Condition 15 above, the pedestrian routes as shown on drawing nos. 1330-P-P-02 and 1330-P-P-01 that are docketed to this planning permission shall be formed and made available for use. There shall be no gaps in pedestrian footway provision so that pedestrians do not require to share a road with vehicular traffic and where they have to cross a road to access a footway or footpath, there shall be a dropped kerb crossing available. The pedestrian routes shall be finished to final level and surfaced and shall have street lighting. Thereafter the pedestrian routes shall remain in place unless otherwise approved by the Planning Authority.

Reason:

In the interests of pedestrian safety.

- 20 Prior to the commencement of the works to construct the re-configured roundabout as required by Condition 15 above, a Road Safety Audit for the proposed pedestrian routes required by Condition 19 above shall be submitted to and approved by the Planning Authority, and shall include an implementation programme describing when measures identified in the audit will be provided in relation to construction of them.

Reason:

In the interests of pedestrian safety.

COMMITTEE: Planning Committee
MEETING DATE: 2 December 2025
BY: Depute Chief Executive – Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

4

Application no. **25/00661/PM**

Proposal Coastal reinforcement and protection works, including installation of gabion baskets, mattresses, reinstatement of existing gabions, dune reinstatement, and associated works

Location **West Links Golf Course
Abbotsford Road
North Berwick
East Lothian**

Applicant The North Berwick Golf Club

Per Stantec

RECOMMENDATION Granted Permission

REPORT OF HANDLING

PRE-APPLICATION CONSULTATION

As the area of the application site is greater than 2 hectares, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement of major development applications, this development proposal was the subject of a Proposal of Application Notice (Ref: 25/00001/PAN) and of the required community consultation prior to the application for planning permission being made to the Council.

As a further statutory requirement of major development applications, a pre-application consultation report is submitted with the proposal. The report informs that a total of 22

people attended the two pre-application public exhibition events (12 attendees at the first event and 10 attendees at the second event), which were held at North Berwick Golf Club, New Club House, Beach Road, North Berwick, and that 11 attendees across the two events completed feedback forms/questionnaires (10 feedback forms from the first event and 1 feedback form from the second event). In addition, one other attendee provided comments by email. Of the 11 feedback forms and one email received from attendees over the two events, all respondents live in the local area. The feedback received was generally positive toward the proposed development, although some concerns were raised. In summary the main grounds of concern were:

- The exhibition materials;
- Ability to incorporate biodiversity improvements;
- Potential negative impacts on nature conservation interests/habitats;
- Comparison of the visual appearance of rock armour with gabion baskets (one respondent);
- Doubt over the severity of the erosion and therefore the necessity of the works (one respondent);
- Marram grass should be planted on the gabions in addition to planting elsewhere on the golf course.

One respondent gave feedback with concern that:

- the proposed development would have an adverse impact on the nature conservation interest of this stretch of coastline in the short to medium term; and
- raised doubt over the severity of the erosion and whether these defence measures are necessary.

The development for which planning permission is now sought is of the same character as that subject to the community engagement undertaken through this statutory process.

APPLICATION SITE

This application relates to an area of land comprising the northern edge of the North Berwick Golf Club and including the foreshore of the coastline of the Firth of Forth. The land comprises the interface between the North Berwick West Links Golf Course and the shoreline and extends along some 1,300 metres of the shoreline. The application site measures some 4.58 hectares in area. The area of land between the Golf Course and the coastline consists of grassland and sand dunes. A number of formal and informal footpaths traverse that land.

Due to its coastal location the application site is at risk from coastal flooding and is noted as such on the Scottish Environment Protection Agency's (SEPA) flooding maps.

The site forms part of the Firth of Forth Special Protection Area (SPA) and the Firth of Forth Site of Special Scientific Interest (SSSI). Parts of the site are also within Priority Habitat areas. The site is also close to the Forth Islands Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

The application site is part of the constrained coast as defined by ELLDP Policy DC6. It is also within the North Berwick to Seton Sands Coast Special Landscape Area. The majority of the application site is within the North Berwick Conservation Area.

The Scheduled Ancient Monument of Westerdunes Court Pillbox is located outwith the application site, some 200 metres to the west.

Outwith the application site to the south are a number of listed buildings. The nearest listed buildings are Carlekemp (Category A), Bunkerhill (Category A), Westerdunes

(Category A), Bunkerhill Lodge, Gates and Gatepiers (Category B), Engine Cottage (Category B), Carlekemp Lodge with Gates and Gatepiers (Category A), Carlekemp Stables (Category B) and 3 Teviotdale (Category B), all of which are on Abbotsford Road. Also nearby are the listed buildings of the Marine Hotel at 18 Cromwell Road (Category B), Minaki (Category B) and St Anns (Category C) on York Road, and Invereil House (Category B) and Invereil Coachhouse (Category C) on Dirleton Road.

The site is bounded to the north by the beach and shoreline of the Firth of Forth, and to the south by further land of the West Links Golf Course.

PLANNING HISTORY

On 26 June 2018, planning permission Ref. 17/00767/PM was granted for the refurbishment of existing coastal defence provisions and the installation of new coastal defence provisions, including rock armouring and refurbishment of existing timber revetments, planting of marram grass and the installation of a new Dune Protection System of soft rock sand bags on an area of land extending along the shoreline edge of the West Links Golf Course for a distance extending from the west side of North Berwick Bay in a westerly direction to Broad Sands. The development approved by the grant of planning permission Ref. 17/00767/PM has been implemented and installed.

PROPOSAL

Planning permission is now sought for further coastal reinforcement and protection works, including the installation of gabion baskets and mattresses, dune reinstatement and associated works, all as further coastal defence provisions.

The proposals comprise:

3rd tee - installation of gabion mattresses and single height gabion baskets over some 210m and their re-covering with sand and including the installation of a new set of timber steps at a pedestrian access from the golf course land to the beach/shoreline.

14th green - installation of gabion mattresses and single height gabion baskets over some 80m and their re-covering with sand. This part of the proposals includes the replacement of existing gabion protection which has been exposed.

13th green - installation of gabion mattresses and two, three and four height gabion baskets over some 155m and the re-covering of parts of those gabion mattresses and baskets with sand, including the planting of marram grass. This part of the proposals includes the replacement of existing gabion protection which has been exposed. On this part of the proposals, the length of four high gabion baskets would extend for some 40m at the eastern end, the three high gabion baskets would extend for some 70m and then the two high gabion baskets at the western end would extend for some 45m.

The application is supported by a:

- Planning Statement;
- Pre-Application Consultation (PAC) Report; and
- Letter confirming the anticipated life span of the proposed gabion baskets and mattresses.

The Planning Statement explains that the site is located along the southern shoreline of the Firth of Forth, comprising of raised beach foreshore, with beaches and rocky outcrops. The statement acknowledges that the shoreline of the Golf Course is recognised as an important natural environment providing high ecological and habitat resources. The

statement goes on to state that the applicant has recognised the threat that coastal erosion has upon the site and have previously invested in and delivered coastal protection works on other parts of the golf course shoreline edge. However, storm and high tide events in recent years have caused further significant erosion impacts to the course with the specific areas at the 3rd tee, 14th green and 13th green having the most serious threat of future damage. The applicant is thus seeking to improve protection interventions through the implementation of gabion baskets and mattresses and marram grass planting. It is explained that the proposed gabion baskets and mattresses, which are a hard defence measure, would be covered in whole or in part by reinstated sand and that marram grass planting would be carried out to help to soften the visual appearance of the gabion baskets and mattresses. The Statement explains that this type of coastal protection infrastructure has been selected as it is considered to be the most appropriate solution for the amenity and visual character of this part of the coastline, while also offering the same level of protection as alternative engineering solutions, such as the installation of rock armour.

The Statement notes the importance of the West Links Golf Course as a major tourist attraction both locally and nationally and that it has previously been voted/considered to be the 10th best golf course in the UK, 5th in Scotland and 32nd worldwide. It goes on to note that as a major tourist attraction, the golf course and the applicant, The North Berwick Golf Course (TNBGC) is an important tourism and economic asset to North Berwick.

Since the application was registered additional information has been provided to:

- (i) amend errors on the application drawings;
- (ii) provide clarity on the application drawings regarding the proposed ground levels and sand reinstatement levels;
- (iii) provide details of the proposed new steps;
- (iv) provide additional sections at the existing access points from the golf course to the shoreline;
- (v) confirm the expected lifetime of the proposed works; and
- (vi) identify all of the land under the control of the applicant.

DEVELOPMENT PLAN

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

The development plan is National Planning Framework 4 (NPF4) and the East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 7 (Historic assets and places), 10 (Coastal development), 14 (Design, quality and place), 20 (Blue and green infrastructure), 21 (Play, recreation and sport), 22 (Flood risk and water management) and 29 (Rural development) of National Planning Framework 4 (NPF4) and Policies DC1 (Rural Diversification), DC6 (Development in Coastal Areas), DC9 (Special Landscape Areas), OS1 (Protection of Open Space), NH1 (Internationally Designated Sites (RAMSAR), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH3 (Protection of Local Site and Areas), NH4 (European Protected Species), NH5 (Biodiversity and

Geodiversity Interests, including Nationally Protected Species), NH6 (Geodiversity Recording and Alternative Exposures), NH11 (Flood Risk), CH1 (Listed Buildings), CH2 (Development in Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the East Lothian Local Development Plan 2018 would be relevant to the determination of the application.

Also material to the determination of the application would be the ELLDP Supplementary Planning Guidance on Countryside and Coast, Special Landscape Areas and Cultural Heritage and the Built Environment.

Also material to the determination of the application is Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. Proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

REPRESENTATIONS

No public representation to the application has been received.

COMMUNITY COUNCIL

North Berwick Community Council has been consulted on the application, however, no response from them has been received.

ENVIRONMENTAL IMPACT ASSESSMENT (EIA)

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). On 31st January 2025, the Council adopted a Screening and Scoping Opinion that an Environmental Statement was required and setting out the scope of the matters to be considered in the Environmental Statement.

An Environmental Impact Assessment Report (EIA) was submitted to the Council on 26th June 2025 and has been duly advertised and consulted on. That EIA forms part of the planning application (Ref. 25/00661/PM).

The Environmental Impact Assessment Report (EIAR) comprises the following documents: (i) Volume 1: Environmental Impact Assessment Written Statement; (ii) Volume 2: Figures; (iii) Volume 3: Technical Appendices 2.1: Coastal Erosion Options Appraisal, 3.1: East

Lothian Council Scoping Opinion, 5.1: Preliminary Ecological Appraisal, 5.2: Wintering Bird Survey Report, 5.3: Shadow Habitats Regulations Appraisal (sHRA), 5.4: Outline Biodiversity Enhancement Management Plan; (iv) a EIAR Non-Technical Summary; and (v) a letter from Envirocentre dated 28th August 2025.

The submitted EIA Report contains chapters and appendices on the method and approach to preparing the Report, the description of the development, alternative options considered, biodiversity impact assessment, summary of likely significant effects and schedule of mitigations.

As required by Regulation 5(5)(b) of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA Report, the Report includes a table (Table 1-1: Competent Expertise) outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors, and the factors are - (a) population and human health; (b) biodiversity; (c) land, soil, water, air and climate; and (d) material assets, cultural heritage and the landscape.

The Council's EIA Scoping Opinion scoped out the following factors - (a) population and human health; (b) biodiversity - ancient woodland; (c) land, soil, water, air and climate; and (d) material assets, cultural heritage and the landscape. The EIA Report has considered the likely significant effects from biodiversity, excluding the effects on ancient woodland.

The Environmental Statement explains that due to the northern facing orientation of the Golf Course, the application site is exposed to coastal processes such as wind, waves and rain, and is susceptible to climate change impacts, which are all likely to contribute greatly to increased erosion along the coastline and thus along the application site, which are susceptible to periods of accretion and erosion occurring in a cyclical nature.

The EIA Report states that SEPA climate change guidance predicts sea level rise of 0.86m in the Forth river basin region, which includes North Berwick by 2100. SEPA calculation predict MHWS (mean high water springs) level in 2100 is 3.36m AOD and the 1 in 200 year extreme sea level for 2100 is 4.77m AOD, and sea level is expected to continue to increase past 2100 with suggestions of 0.15m per decade after the year 2100.

On the matter of biodiversity, which includes impact on European sites and protected species, the EIA Report finds that, subject to the schedule of mitigations contained in Chapter 7, potentially significant effects resulting from the proposed development can be minimised and can be mitigated for. The EIA Report concludes that subject to the implementation of the mitigation measures potential effects are considered to be not significant in relation to biodiversity.

PLANNING ASSESSMENT

PRINCIPLE OF DEVELOPMENT

The application site is part of the North Berwick West Links Golf Course. The land of the application site is owned by East Lothian Council and leased to The North Berwick Golf Club (TNBGC). The site comprises the northern edge of the golf course and the interface

of it with the shoreline of the Firth of Forth. It is covered by ELLDP Policy DC1. The site is also identified as being recreational, leisure and amenity open space as defined by ELLDP Policy OS1 and as being within the constrained coast as defined by ELLDP Policy DC6. Also relevant is NPF4 Policy 10 (Coastal development).

NPF4 Policy 10(c) states that proposals for coastal defence measures will be supported if: (i) they are consistent with relevant coastal or marine plans; (ii) nature-based solutions are utilised and allow for managed future coastal change wherever practical; and (iii) any in-perpetuity hard defence measures can be demonstrated to be necessary to protect essential assets.

The current coastal plan is the East Lothian Shoreline Management Plan (2002), which states that the preferred management of the area within which the application site falls is 'limited intervention' with proposed actions including "visitor management such as dune fencing and signs to keep visitors off the eroding dunes and relocation of tees/greens away from the eroding shore".

The proposed development is a series of hard intervention defence measures, comprising gabion mattresses and baskets of steel construction with a grey coloured high performance polymer coating and with the re-covering of the majority of the gabion mattresses and baskets with reinstated sand and with marram grass planting on the top of the uppermost gabion baskets and on the stepped facing of some of the proposed gabion baskets. All of the proposed hard intervention defence measures and the associated planting are intended to combat the rate of erosion currently experienced along the northern edge of the West Links Golf Course.

The West Links Golf Course occupies a strip of land to the north of the urban form of North Berwick on the west side of the town. The **Council's Service Manager - Economic Development** advises that the West Links golf course is a strategic tourism and economic asset of international standing and is consistently ranked within the top 25 golf courses globally, recognised as an exemplar of authentic links architecture, and forms a cornerstone of East Lothian's identity as Scotland's Golf Coast. The course's reputation is reinforced by its historic links design. The Service Manager - Economic Development advises that the West Links Golf Course makes a significant and irreplaceable contribution to East Lothian's tourism economy, international profile, and year-round visitor spend, and goes on to further advise that the proposed works support the long-term sustainability of the course and, by extension, the broader visitor economy. Economic Development therefore supports this application.

As the proposed development is to facilitate the continuing existing recreational use of the recreational open space of the West Links Golf Course, it has a clear operational justification of need to be in this constrained coastal location. Accordingly, the principle of the proposed development is consistent with ELLDP Policies OS1, DC1 and DC6 and NPF4 Policies 10 and 29.

The proposals would not result in a net loss of blue or green infrastructure or a loss of recreational open space, and thus would not conflict with NPF4 Policies 20 and 21.

The **Council's Head of Communities and Partnerships** comments that the proposed development is for the next phase of coastal protection measures adjacent to the West Links Golf Course, which is internationally renowned and is an important golfing, tourism and recreational asset not only within East Lothian but nationally due to its level of international visitors. The Head of Communities and Partnerships is committed to supporting the coastal mitigation works at this location and in partnership with The North Berwick Golf Club (TNBGC) and comments that this phase of work will enhance the work

carried out in 2017 in partnership between TNBGC and ELC.

The **Council's Head of Infrastructure** welcomes the investment in coastal defences, subject to the technical solution meeting planning tests, and comments that the proposals would be a great investment in coastal defences.

The **Council's Property and Estates Team** and the **Council's Strategy, Policy and Development Manager (Amenity Services)** have no comments to make on the application.

LANDSCAPE

The proposed gabion baskets and mattresses would be of steel construction coated with a grey coloured high performance polymer coating. No details of the type or colour of stone that would be placed in the baskets and mattresses has been provided with the application.

In their positions along the shoreline edge of the golf course land the proposed baskets and mattresses would be visible in public views, primarily from the shoreline/beach. The application site is within the North Berwick to Seton Sands Coast Special Landscape Area (SLA).

The **Council's Landscape Officer (Policy and Projects)** advises that North Berwick is a key focal point within the North Berwick to Seton Sands Coast SLA, valued for its scenic beaches, historic harbour and dramatic coastal setting, and with the town's beaches being popular recreational areas, heavily used by both locals and visitors, and forming an essential part of its identity. As a consequence, the Landscape Officer advises that the proposed works have the potential for significant landscape and visual impacts.

At the 3rd tee, the proposal comprises the installation of gabion mattresses with a single height of gabion baskets on top of them for a distance of some 210m. At this location the proposed gabion mattresses and baskets would be wholly covered with sand and the beach re-graded on their north side. The ground level of the top edge of the dune along the golf course edge would be subject to some infill and cut and the top edge of the dune would be regularised and would then be replanted with marram grass or turf depending on the specific locational requirement. A minimum of 200mm of material would cover the top of the proposed gabion baskets at this location. The beach slope would be re-graded to project beyond the existing sloping face of the dune. In this way the proposed gabion mattresses and baskets at this location would be wholly covered.

A set of new timber steps would replace the existing worn cut through the dune between the golf course land and the beach/shoreline at the location of the public right of way. The timber steps would be similar to an existing set of timber steps between the golf course land and the beach/shoreline, which are located further to the east along the shoreline edge of the golf course.

At the 14th green, the proposal comprises the installation of gabion mattresses with a single height of gabion baskets on top of them for a distance of some 80m. At this location the proposed gabion mattresses and baskets would be wholly covered with sand and the beach re-graded on their north side. The ground level of the top edge of the dune along the golf course edge would be subject to infill and the top edge of the dune would be regularised and would then be replanted with marram grass. A minimum of 200mm of material would cover the top of the proposed gabion baskets at this location. The shoreline face of the dunes would be re-graded to project beyond the existing sloping face of the dune. In this way the proposed gabion mattresses and baskets at this location would be

wholly covered.

Although the proposed works at the 3rd tee and 14th green would re-grade the top of the dunes and the shoreline face of the dunes at these locations and such change would be visible in public views within this part of the SLA, at these locations the proposed gabion mattresses and baskets would be wholly covered by sand and would not generally be visible unless uncovered by storm or tide events. With their covering with sand and marram grass planting, although the ground levels and gradient of the beach/shoreline would change, the natural materials covering the proposed hard defence measures would be in keeping with the landscape character of the area and accordingly, the proposed development at these locations would not therefore have a detrimental impact on the landscape character of this part of the SLA.

Notwithstanding that the gabion mattresses and baskets at the 3rd tee and 14th green would be covered by sand and would not generally be visible in public views, they may on occasions of storm or tide events be uncovered and exposed, it would be prudent to seek to ensure that the stones used to fill the gabion mattresses and baskets would be of a colour and appearance appropriate to the landscape character of this part of the shoreline. This requirement could be secured through a condition attached to a grant of planning permission. Subject to this condition, the proposed development at these two locations of the application site would not have a detrimental impact on the landscape character of this part of the SLA.

The proposed new timber steps would be similar to other steps that facilitate access between the golf course land and the shoreline/beach and thus would not be harmful to the landscape character of the area including the landscape character of this part of the SLA.

In the cases of the 3rd tee and 14th green, the Landscape Officer (Policy and Projects) advises that the proposed gabions and mattresses would be completely covered with sand on completion and as such they would not be visible, and that although the dunes created would be slightly higher than the existing and would be pulled further towards the beach to enable their covering with sand and marram grass as relevant, such change of form, height and profile would not appear to significantly change the character of the area and would retain the naturalness of the beachscape in this area. The Landscape Officer acknowledges that there will be some disruption to the landscape and visual amenity of the area during construction, particularly to recreational users of the beach, however this would be short term and temporary in nature.

Any such temporary impacts during construction at the 3rd tee and 14th green would not have a lasting impact on the landscape and visual amenity of the area and thus would not have a harmful impact on the landscape character of the area including the landscape character of this part of the SLA.

At the 13th green, the proposals comprise the installation of gabion mattresses with either two, three or four height gabion baskets stacked on top of them in a stepped layout. At this location, the proposed gabion mattresses and baskets will extend for a distance of some 155m. On this part of the proposals, the length of four high gabion baskets would extend for some 40m at the eastern end. The central part would be three high gabion baskets for some 70m and then the western end of this part of the proposals would be two high gabion baskets for some 45m. For the full length of this proposed section of the proposed development, the top of the uppermost gabion baskets would be covered with a minimum of 200mm of material with marram grass planting and the whole of the gabion mattresses at the base would also be covered with sand. Otherwise, to varying degrees, the proposed gabion baskets would be exposed and visible.

As with the proposed development at the 3rd tee and the 14th green, the proposed development at the 13th green would also regrade the top of the dunes at their interface with the golf course and would include both infill and cut along the top edge of the dune. This would regularise the top edge of the dune at its interface with the golf course land and this new ground level would then be planted with marram grass. This part of the proposals at the 13th green would not have a detrimental impact on the landscape character of this part of the SLA.

However, on their beach/shoreline face the proposed gabion baskets at the 13th green would be largely exposed and uncovered for the full length of this part of the proposed development, some 155m. The application drawings show that it is proposed to cover the lower part of the bottom gabion baskets and in the central section (three high gabions) to cover the whole of the bottom gabion baskets and part of the second one. However, otherwise the gabion baskets and their stone fill would be exposed and visible in public views. Due to the stepped form of the proposed gabion baskets at this location, it is proposed to plant marram grass on the upper part of the stepped gabion baskets for the full length of some 155m in order to help to integrate the proposals at the 13th green into their landscape setting.

The retention of the dune at this part of the proposals ranges from 2.2m to 4.15m above the beach level and this will leave a considerable height of the hard engineered gabion baskets exposed and visible along the shoreline/beach.

The Landscape Officer comments that the application drawings show that parts of the gabions would be visible along the whole length of this part of the proposals, roughly 150m in total and that in light of the retention range being between 2.2m to 4.15m above the beach level, this will create a significant engineered unnatural feature to the back of the beach rather than the natural marram covered sand dunes that currently form the backdrop to the beach. The Landscape Officer advises that this is likely to have a detrimental impact on the appreciation of the naturalness of the coast and the beach, important to the appreciation of the SLA, and that this is contrary to the Guidelines for Development within the Statement of Importance for the North Berwick to Seton Sands SLA including:

A. Any proposed development must not harm the coastal character and characteristic features of the area.

C. Any proposed development must not harm the recreational and scenic appeal of beaches, including access to them.

G. Any proposed development must not harm the sense of naturalness and wildness qualities of the area.

The Landscape Officer comments that had it been apparent at the pre-application stage and at the time of the EIA Screening/Scoping that the proposed gabion baskets would not be wholly covered by sand, the landscape responses to the pre-application enquiry and to the EIA Screening/Scoping would have differed and would have requested that landscape and visual impacts be scoped in and visuals be produced from the beach to enable the impact of the proposals to be assessed.

The landscape advice is that the extent of exposure of the hard engineered form of the proposed gabion baskets at the 13th green would have a detrimental impact on the natural setting of the beach and shoreline and consequently a detrimental impact on the SLA that would be contrary to ELLDP Policy DC9 and the ELLDP Supplementary Planning Guidance (SPG) on Special Landscape Areas.

The **Council's Landscape Officer** recommends that the proposals at the 13th green should be redesigned to ensure that if gabion baskets are proposed at this location they

would be fully covered upon completion by sand, either by bringing sand forward to cover the proposed structures or by setting the proposed gabion baskets further back into the golf course land.

The Landscape Officer also comments that generally storms and high tides may occasionally lead to uncovering of sections of the gabion mattresses and baskets at any of the proposed three locations where development is proposed, and that provided the gabion baskets and mattresses would be covered up swiftly following any such occurrence of exposure through weather or tide events, then landscape and visual impacts from the proposals will continue to be minimal.

The applicant's agent advises that the applicant is agreeable to maintaining sand coverage of the proposed gabion mattresses and baskets at the locations of the 3rd tee and 14th green and to recovering these areas when they become uncovered by weather and tide events and would be agreeable to a planning condition to control this.

Accordingly, in the case of the 13th green the proposals would leave a considerable height of the hard engineered gabion baskets exposed and visible within the shoreline/beach, creating a significant engineered and unnatural feature within this landscape setting, and such significant engineered unnatural feature would have a harmful impact on the naturalness of the beachscape in this area and thus would have a detrimental impact on this part of the North Berwick to Seton Sands Coast SLA, contrary to ELLDP Policy DC9 and NPF4 Policy 4.

OTHER MATERIAL CONSIDERATIONS

It must now be considered whether there are any other material considerations that outweigh the proposal's conflict with the development plan as set out in the LANDSCAPE section earlier in this report.

Of consideration is whether the value and cultural and heritage importance of the West Links Golf Course in its current form and layout, including the economic benefits that it brings to the area, are sufficient to outweigh the detrimental visual impact that the proposed development would have on the landscape character of this part of North Berwick.

The application is part of the constrained coast around North Berwick. As the proposed development is to facilitate the continuing existing recreational use of the recreational open space of the West Links Golf Course, and is for the installation of measures to combat coastal erosion, it has a clear operational justification of need to be in this constrained coastal location.

In Chapter 6 of their Options Appraisal report of the EIA, the applicant states that a no active intervention strategy in response to the threat of future erosion would likely require a golf course redesign and subsequent consequences for Managed Realignment, and that when taking account of the erosion over preceding years, this is not considered to be a viable option in terms of the sustainability of the golf course due to likely further erosion of golf course land. The report continues to state that the golf course occupies a narrow strip of land and scope for redesign of holes could impact the West Links' standing as one of the top 30 golf course in the world with consequent impact on visitor numbers to North Berwick and East Lothian.

As has been stated earlier in this report, the Service Manager - Economic Development advises that the West Links golf course is a strategic tourism and economic asset of international standing and is consistently ranked within the top 25 golf courses globally,

recognised as an exemplar of authentic links architecture, and forms a cornerstone of East Lothian's identity as Scotland's Golf Coast, and that the course's reputation is reinforced by its historic links design. The Service Manager - Economic Development further advises that the West Links Golf Course makes a significant and irreplaceable contribution to East Lothian's tourism economy, international profile, and year-round visitor spend, and that the proposed works support the long-term sustainability of the course and, by extension, the broader visitor economy.

The West Links Golf Course occupies a narrow strip of land on the coastal side of North Berwick. In the circumstances of the restricted and constrained nature of the land that the golf course occupies and in the circumstances of the importance of the cultural and heritage value of the West Links Golf Course as an exemplar of authentic links architecture and the international standing of the golf course within the top 25 golf courses globally, and taking into account the contributions made by the West Links Golf Course and The North Berwick Golf Club (TNBGC) to tourism and the economy of East Lothian, it would therefore in this case seem unreasonable to require the TNBGC to redesign the golf course layout in an attempt to relocate the golf holes, fairways and tees away from the impacts of coastal erosion along the shoreline edge of the beach and golf course interface. Any such change to the design and layout of the golf course would be likely to have a significant detrimental impact on the sustainability and importance of the course, and thus would have a significant detrimental impact on this strategic tourism and economic asset of East Lothian.

Undoubtedly, the proposed development at the 13th green where parts of the hard engineered gabion baskets would be left exposed and visible within the beachscape would have a negative impact on the landscape character of the area including on this part of the North Berwick to Seton Sands Coast SLA.

However, in the context of the wider SLA and coastline, such negative visual impact from this length of exposed gabion baskets would be for a relatively short duration of some 155m and the planting of marram grass on the top edge of the steps of the proposed exposed gabion baskets of this part of the proposed development would in some way help to soften the hard engineered form of the proposed exposed gabion baskets.

On balance therefore it is considered that the contribution that the West Links Golf Course and TNBGC makes to tourism and to the economy of East Lothian, in part as a consequence of its cultural and heritage value as an exemplar of authentic links architecture and the international standing of the golf course, is sufficient to outweigh the detrimental visual impact of the proposed development at the 13th green, which would be of relatively short duration in the context of the wider SLA and coastline and would be somewhat mitigated by the planting of marram grass on the steps elements of the proposed exposed gabion baskets.

In addition, as has been recommended earlier in this report in the case of the 3rd tee and 14th green, a condition could be imposed requiring the re-covering of the parts of the development at the 13th green which are shown on the application drawings to be covered by sand should they be uncovered by weather and tide events.

A condition could also be imposed requiring the planting of the marram grass on the stepped parts of the proposed exposed gabion baskets at the 13th green and the maintenance of such marram grass planting thereafter in order to ensure the establishment of the marram grass to ensure some screening of the proposed gabion baskets.

Accordingly, and subject to the aforementioned planning controls, the benefits of that the West Links Golf Course and TNBGC makes to tourism and to the economy of East Lothian,

in part as a consequence of its cultural and heritage value as an exemplar of authentic links architecture and the international standing of the golf course, is sufficient to outweigh the detrimental visual impact of the proposed development at the 13th green would have on this part of SLA. Thus, this material consideration is sufficient to outweigh the limited detrimental visual impact of the proposals and on balance the proposed development does not conflict with NPF4 Policy 4, and ELLDP Policies DC9 and DP1 and the ELLDP SPG on Special Landscape Areas.

INTERNATIONALLY DESIGNATED SITES, SITES OF SPECIAL SCIENTIFIC INTEREST AND BIODIVERSITY

The site forms part of the Firth of Forth Special Protection Area (SPA) and the Firth of Forth Site of Special Scientific Interest (SSSI). The site is also close to the Forth Islands Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI). The site is also within the North Berwick to Seton Sands Coast Special Landscape Area and parts of the site are also within Priority Habitat areas.

Chapter 5 of the EIA Report includes an assessment of the potential impacts of the proposed development on biodiversity and this chapter of the EIA Report is supported by a Preliminary Ecological Appraisal, a Wintering Birds Survey Report, a Habitats Regulations Appraisal and an outline Biodiversity Enhancement Management Plan.

A Habitats Regulations Assessment (HRA) report has been submitted with the application to establish whether the proposed development is likely to have any significant effects on the qualifying interests of the designated sites. The HRA concludes that there is potential for likely significant effects to arise on the selected qualifying interests of the Firth of Forth SPA, or the Forth Islands and Outer Firth of Forth and St Andrews Bay SPAs, and that with mitigations any potential impacts could be avoided.

The proposed development is unconnected to the conservation management of a Natura 2000 or Ramsar site, and is likely to have a significant effect on the integrity of a Natura 2000 site or Ramsar site. Thus, an Appropriate Assessment is required to be undertaken.

On the consideration of Special Protection Areas, NatureScot advise that the proposal could affect the Firth of Forth, Outer Firth of Forth and St Andrews Bay and Forth Islands Special Protection Areas.

NatureScot advises that they were not consulted at the EIA Scoping stage and had they been they would have recommended that loss of intertidal habitats as a result of hard defences was scoped in, and as this would have long-term year round impacts, that bird survey work covering all seasons was presented. This information and analysis is missing from the EIA and is a 'likely significant effect' that should have been included in the HRA and EIA.

NatureScot further advise that the proposed new defences, in combination with projected sea-level rise are likely to cause significant narrowing of the beach and tidal flats, beginning locally as early as 2030s at the 13th tee, and that this could directly impact on the conservation objective for the Firth of Forth SPA to maintain distribution and extent of habitats and could also affect bird populations from nearby SPAs, by reducing the extent of off-site supporting habitats.

However, NatureScot goes on to advise that, taking into account their knowledge of the site and the relatively small scale of the proposal in relation to the extent of intertidal habitats in the SPA, they are of the opinion that the information provided with the application and EIA is sufficient to conclude no adverse effect on site integrity for the

'extent of habitat' conservation objection for Firth of Forth SPA. They comment that this area of shoreline is not a key breeding or foraging site for SPA breeding bird species from Firth of Forth SPA and other nearby SPAs during the spring and summer.

NatureScot further advises that disturbance during construction is likely to have a significant effect on the qualifying interests of Outer Firth of Forth and St Andrews Bay SPA and Firth of Forth SPA. However, it should be possible to conclude no adverse effects on site integrity using the information provided with the application. In addition to the proposed mitigation set out in the EIA Report, NatureScot advise that the Construction Lighting Plan should include plans to prevent flood lighting and/or vehicle lights from disturbing roost sites on the rock or shoreline during low light and dark hours, and that flood lights should face inland and vehicles should avoid the use of full beam headlights unless strictly necessary.

On the matter of cumulative impacts on coastal processes and designated sites, NatureScot advises that the proposal raises the issue of the cumulative impact of hard defences along the coast and that if large stretches of coast have new or maintained hard defences it is inevitable that there will be significant impact on protected sites over time. They advise that this is an area of policy development for NatureScot and note the upcoming East Lothian Coastal Change Adaptation Plan.

On the consideration of the impact on the Firth of Forth SSSI, NatureScot advises that coastal defences can deflect energy onto nearby undefended areas of coast and that 'bypass erosion' could accelerate erosional retreat of the SSSI dune habitat west of the Eil Burn. However, they further advise that this cannot be identified as a clear threat from the current proposal but should be considered in the context of cumulative impacts to this feature.

NatureScot further advise that the proposed development would be adjacent to the rock exposures of the foreshore, which are part of the protected earth sciences feature of the Firth of Forth SSSI. However, this feature of the SSSI would not be affected by the proposed development providing the gabion baskets and mattresses are installed into the cliff as is shown on the application drawings at the 13th tee, rather than extending onto the foreshore.

Finally, NatureScot comments that with the predicted loss of intertidal habitat this proposal will result in a net loss to biodiversity and as is required by NPF4 Policy 3, details should be sought on how positive effects for biodiversity will be delivered.

In conclusion, NatureScot advises that on balance the proposals will not adversely affect the natural heritage interests of international importance on the site.

The **Council's Biodiversity Officer** has carried out an Appropriate Assessment for the proposed development and advises that the conclusions of the Appropriate Assessment are that there would be no adverse effects on the 3 SPAs (Firth of Forth SPA, Outer Firth of Forth SPA and St Andrews Bay and Forth Islands SPA) subject to the mitigations outlined in the Habitat Regulations Appraisal (HRA) and that in-combination effects are not significant. The HRA mitigations include:

- a pre-construction ecological survey to ensure the Zone of Influence (ZOI) has not changed;
- Appointment of an ECOW and the associated monitoring of the construction phase; and
- submission of a CEMP and a Construction Lighting Plan.

Subject to the mitigations outlined in the Habitat Regulations Appraisal, a detail that could

be secured through a condition attached to a grant of planning permission, the Biodiversity Officer raises no objection to the proposed development.

The Biodiversity Officer further advises that the conclusions and findings of the Preliminary Ecological Appraisal (PEA) and the outline Biodiversity Enhancement Management Plan (oBEMP) are satisfactory, and recommends:

(i) the submission of a final Biodiversity Enhancement Management Plan to include details of the biodiversity enhancements to be shown on a landscape plan;

(ii) adherence with the mitigation measures outline in section 5 of the PEA;

(iii) the submission of a Construction Environmental Management Plan (CEMP) and for that document to include:

(a) practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction;

(b) the times during construction when a specialist ecologist requires to be present on site to oversee works; and

(c) the role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person; and

(iv) the appointment of an Ecological Clerk of Works (ECOW) to oversee the works and submission of the CEMP.

These requirements could be secured through conditions attached to a grant of planning permission.

Subject to the aforementioned recommendations, the Council's Biodiversity Officer is satisfied that the proposed development would not have a detrimental impact on biodiversity in the area and should provide positive biodiversity enhancements, and thus raises no objection to the application.

Accordingly, subject to the recommended planning controls, the proposed development would not compromise the objectives of designation and overall integrity of the Firth of Forth SPA, Outer Firth of Forth and St Andrews Bay SPA, Forth Islands SPA and the Firth of Forth SSSI and would not be harmful to biodiversity on the site. Thus the application does not conflict with Policies 3 and 4 of NPF4 and Policies NH1, NH2, NH3, NH4, NH5 and NH6 of the adopted East Lothian Local Development Plan 2018.

SCOTTISH WATER AND FLOOD RISK

The factors of water environment and coastal processes were scoped out of the EIA in the Council's Scoping Opinion.

Scottish Water has been consulted on the application and in respect of the EIA Report. They advise that they have no objection to the proposed development. A copy of Scottish Water's responses to both the application and the EIA Report have been forwarded to the applicant's agent for their information.

Marine Scotland Water has been consulted on the application however no response from them has been received.

By its coastal shoreline location the application site is identified on the Scottish Environment Protection Agency's (SEPA) flood risk maps as being at risk from coastal flooding. As such SEPA have been consulted on the application and in respect of the EIA

Report.

As the proposal is for coastal erosion defence measures, it is considered to be water compatible.

The **Scottish Environment Protection Agency (SEPA)** advise that they have no objection to the application on the grounds of flood risk. They comment that although the proposals include areas of land raising as part of the coastal erosion reinforcement works, such potential land raising is minimal and in this coastal location would be unlikely to significantly increase the risk of flooding elsewhere. A copy of SEPA's response has been forwarded to the applicant's agent for their information.

The **Council's Team Manager - Structures and Flooding** raises no objection to the application on the grounds of flood risk and on the grounds of coastal protection. He comments that the East Lothian Shoreline Management Plan identifies erosion rates circa 0.7-1.0m/yr at West Links Golf Course, compared to the typical 0.2-0.4m/yr. The Team Manager - Structures and Flooding further comments that he is of the opinion that as a links golf course, West Links Golf Course is an "essential asset" in the East Lothian area and that the applicant has submitted a number of detailed studies, including a coastal erosion options appraisal report in support of the application. He is content that the proposed development is appropriate based on the content of the report.

On these considerations the proposed development is not contrary to Policy 22 of NPF4 and Policy NH11 of the adopted East Lothian Local Development Plan 2018.

HISTORIC ENVIRONMENT

The majority of the site is within the North Berwick Conservation Area. There are a number of listed buildings nearby including the Category A listed Carlekemp, the Category A listed Bunkerhill, the Category B listed Engine Cottage, Bunkerhill Lodge, Marine Hotel and Minaki, and the Category C listed St Ann's, 12 York Road.

The Scheduled Ancient Monument of Westerdunes Court Pillbox is located some 200 metres away to the west of the application site.

The EIA Scoping Opinion scoped out the factor of cultural heritage.

Section 6.7 of the EIA Report considers the potential direct and indirect impacts resulting from the proposed development on cultural heritage and archaeology assets and concludes that construction is unlikely to have any direct impacts on any of the historic assets in the vicinity of the site, and explains that the design of the proposals has been progressed taking cognisance of and seeking to avoid known archaeological/cultural heritage artefacts and scheduled monuments and that listed buildings have a degree of screening from the proposed works due to the elevation of the works and the intervening distances. This section of the EIA Report does however acknowledge that there may be previously unidentified cultural heritage and archaeological assets which could be impacted by the proposed development.

There are no listed buildings on the application site. Thus, the consideration in the assessment of this application is the impact on the setting of the listed buildings and scheduled monument, rather than any direct impacts on the listed buildings or scheduled monument.

At its closest the proposed development would be some 120 metres away from the nearest listed building and some 200 metres away from the Scheduled Ancient Monument of

Westerdunes Court Pillbox.

At such distance and due to the intervening land of the golf course and in some cases intervening trees and boundary enclosures, and due to the nature of the proposed development with the proposed gabion mattresses and baskets being installed on the dune system at the edge of the golf course land with the beach/shoreline and as has been explained earlier in this report of handling that the proposed finished ground level on top of the uppermost proposed gabion baskets would be a minimum of 200mm cover with marram grass planting, the proposed development would not be readily visible in views of the listed building or in views away from those listed buildings. In the case of the proposed development at the 3rd tee and the 14th green, the proposed development would be recovered with sand and marram grass planting and would not be readily discernible in views towards the listed buildings from the shoreline/beach. Although parts of the shoreline/beach face of the proposed development at the 13th green would remain partially exposed and visible, taking into account the intervening land of the golf course and existing trees and boundary enclosures at the nearby listed buildings in this locality, the proposed development would not draw focus away from the listed buildings or their settings and thus would not have a detrimental impact on the setting of any of the nearby listed buildings.

In these circumstances and on balance, none of the proposed development would not draw focus away from the nearby listed buildings or their settings and thus would not have a detrimental impact on the setting of any of the nearby listed buildings.

At its closest the proposed development would be some 200 metres to the east of the Scheduled Ancient Monument of Westerdunes Court Pillbox. The construction access route for the proposed development passes immediately to the west of the western end of the application site and therefore would be some 195 metres away from the Scheduled Ancient Monument. In such circumstances, the proposed development including its construction access would not have a direct impact on the Scheduled Ancient Monument of Westerdunes Court Pillbox.

The nearest part of the proposed development to the Scheduled Ancient Monument of Westerdunes Court Pillbox would be at the 13th green. The proposed gabion baskets at the 13th green would extend for some 150 metres and would be 2, 3 and 4 baskets in height all with a gabion mattress at the base. At their closest, the proposed gabions would be some 245 metres to the east of the Westerdunes Court Pillbox. When installed the northern face of these proposed gabion baskets would not be wholly covered by sand and vegetation and thus they would be partially exposed and visible. Marram grass planting is proposed on the steps of the proposed gabion baskets in order to help integrate the baskets into their landscape setting. The top of the uppermost gabion basket would have the ground level reinstated behind it and with a 200mm (minimum) depth of cover on top of the uppermost proposed gabion basket. In this context it would be the shoreline/beach face of the proposed gabion baskets that would be partially exposed and visible in public views of the setting of the Scheduled Ancient Monument of Westerdunes Court Pillbox.

Due to the intervening distance between this part of the proposed development and the Westerdunes Court Pillbox and as the top of the uppermost proposed gabion baskets of this part of the proposed development would be covered with sand and planting and as the proposed mattress and as a minimum the lower part of the lowest gabion basket would be covered with sand and taking into account the proposed marram grass planting, although likely to be partially visible in public views from the shoreline/beach and thus in the setting of the Scheduled Ancient Monument, the impacts on the setting of the Scheduled Ancient Monument of Westerdunes Court Pillbox would be of short duration and would not be significant. Accordingly, the proposed development would not be harmful

to the setting of the Scheduled Ancient Monument of Westerdunes Court Pillbox.

Historic Environment Scotland (HES) has been consulted on the application and on the EIA Report. HES comment that the proposals do not raise historic environment issues of national significance and therefore HES do not raise objection to the application. HES comment that the Westerdunes Court Pillbox scheduled ancient monument is located outwith the application site and therefore should not experience direct physical impacts, and HES advise that therefore they are content that potential setting impact to this monument are unlikely to be significant.

The **Council's Archaeology/Heritage Officer** advises that the application site is part of the dune system which bounds the West Links Golf Course and is part of a larger dune system which extends to Aberlady Bar to the west. The dune system is known to contain a significant amount of prehistoric burials with the closest known burial being approximately 100m to the south of the proposed area but further burials within the dune system are to be expected and are often not identified until erosion or intrusive works uncovers them. Additionally, the proposed area was known to have been utilised as a training/staging area by the Home Guard during WWII and there may well be ordinance within the dune system as well. The proposals therefore have the potential for impacts and disturbance of previously unidentified archaeological remains, and the impacts are judged to be significant enough that a suitable mitigated response is required. The Archaeology/Heritage Officer therefore recommends that a Watching Brief by a suitably qualified professional archaeologist(s) should be carried out on site during all ground breaking works in order to mitigate the potential impacts of the proposed development on the historic environment. This requirement could be secured through a condition attached to a grant of planning permission. A copy of the Archaeology/Heritage Officer's response to the application has been forwarded to the applicant's agent for their information. Subject to the aforementioned recommended planning control, the Archaeology/Heritage Officer raises no objection to the application.

The majority of the proposed development would be within the North Berwick Conservation Area. The ELLDP SPG on Cultural Heritage and the Built Environment describes the Conservation Area as encompassing the original core of the town and a major part of the later Victorian and Georgian development. The Conservation Area Statement focuses on the historic built form of the town and Harbour and the views outwards to the shoreline including glimpsed views between buildings.

Taking account of the considerations set out in the LANDSCAPE section of this report, in its location at the West Links Golf Course and by virtue of the extent of the proposed works, and subject to the aforementioned planning controls, the proposed development would not be harmful to the historic core of the North Berwick Conservation Area and would not harm the character and appearance of the North Berwick Conservation Area.

On these above considerations and subject to the aforementioned planning controls, the proposed development is consistent with Policy 7 of NPF4 and Policy CH1, CH2 and CH4 of the adopted East Lothian Local Development Plan 2018 and Planning Advice Note 2/2011: Planning and Archaeology.

TRANSPORTATION, FOOTPATHS AND ACCESS

Drawings submitted with the application show that access to the proposed development site would be taken from the northern end of Hamilton Road via an existing vehicular access and road serving the golf course, which provides access to the golf course maintenance shed/compound and other parts of the western extent of the golf course land.

Further to the east, a public right of way crosses the golf course from the northern end of Fidra Road in a northerly direction to the shoreline. A further public right of way passes along the shoreline beyond the land of the West Links Golf Course. A further informal footpath crosses the golf course at the vehicular access from the northern end of Hamilton Road and there are further informal footpaths along parts of the southern edge of parts of the golf course land.

The **Council's Road Services** raise no objection to the application subject to the following matters being made conditions of a grant of planning permission:

- Parking Provision: No construction vehicles or construction workforce vehicles should be parked on Hamilton Road or Cromwell Road, and sufficient construction parking should be provided on the golf course land, preferably at the green keeper's maintenance facility and the contractor's compound;

- Construction Method Statement: Prior to the commencement of development a construction method statement designed to minimise the impact of construction activity and the movements of construction traffic on the amenity of the area shall be submitted for the prior approval of the Planning Authority;

- Wheel Washing: Prior to the commencement of development wheel washing facilities shall be provided and maintained in working order during the period of construction of the proposed development;

- Dilapidation Survey: Prior to the commencement of development a programme for monitoring the condition of the public road and footpath to be used by construction traffic for the period of development shall be submitted for the prior approval of the Planning Authority. The public road and footpaths to be surveyed and monitored shall include Hamilton Road, Cromwell Road, the golf course maintenance road to the break in the rubble stone wall, the public footpath and right of way from the golf course maintenance road north to the beach/shoreline, and the public footpath and right of way from the northern end of Fidra Road to the beach/shoreline.

These requirements could be secured through conditions attached to a grant of planning permission.

On the matter of the potential impact on public footpaths, the **Council's Access Officer** raises no objection to the application. He is supportive of the proposed steps adjacent to the 3rd tee and is satisfied that the proposals would not affect any other locations where members of the public access the beach across the golf course land.

Any disruption to the existing public rights of way and footpaths which cross the golf course land at the locations of the proposed development would be limited to the construction period and other locations for access to the beach and shoreline would continue to be available for public access.

Although access from the northern end of the public right of way that crosses the golf course land from the end of Fidra Road would be precluded during the construction works of that part of the development at the 3rd tee, including the installation of the new timber steps, any such restriction to access to the shoreline at this location would be of a temporary nature and other locations where members of the public access the beach across the golf course land would remain accessible.

The proposed installation of the timber steps adjacent to the 3rd tee would replace a currently sloping unmade access leading from the end of the public right of way that

crosses the golf course land from Fidra Road to the shoreline. The applicant's agent advises that the public access to the beach at this location has formed due to regular foot traffic over a prolonged period of time and that continued use results in the natural plant erosion protection being eroded away. It is further stated that the proposed timber steps will allow this damage to be corrected and will act as a preventative measure for future erosion. The applicant's agent comments that given the current unmade and uneven ground across the golf course land and through the cleft in the dune on to the beach/shoreline, this access is not presently inclusive to all levels of mobility. Thus it was not considered that a ramped access would be required. Furthermore, to retain the current unmade sloping beach access would allow for the continued erosion of the natural plant protection and dune.

The proposed timber steps would ensure that access from the northern end of the public right of way that crosses the golf course land to the beach/shoreline would be maintained and although the proposed steps would not be inclusive to all levels of mobility, the current unmade and uneven ground across the golf course land and on to the beach/shoreline presently limits such access.

On these above considerations and subject to the aforementioned planning controls, the proposed development is consistent with Policy 14 of NPF4 and Policy T1 and T2 of the adopted East Lothian Local Development Plan 2018.

CLIMATE

The factor of climate was scoped out of the EIA in the Council's Scoping Opinion.

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 buildings and from the completed development should be imposed on relevant applications for planning permission. This application could be considered to be such a relevant planning application. However, on the basis of the nature of the proposed development and its small scale, it would not be reasonable to seek carbon emissions reduction measures in relation to the proposed development for hard intervention coastal defence measures.

AMENITY

The nearest residential properties are Carlekemp, Stables Cottage (Carlekemp), Engine Cottage and other residential properties on the north side of Abbotsford Road, at the northern end of Strathearn Road and Hamilton Road, and on the north side of Cromwell Road and York Road. The closest of these are some 130 metres away to the south.

By virtue of their distances away from the application site and by virtue of its nature and character, the proposed development would not allow for any harmful overlooking, overshadowing, loss of sunlight or daylight, or loss of privacy to any of those neighbouring/nearby residential properties.

The **Council's Environmental Health Officer** has no comment to make regarding the proposals.

On the matter of potential noise, dust and vibration disturbance arising from the construction phase of the proposed development, recreational activities including walking, cycling and use of the golf course and residential properties on the construction access

route could be impacted during the construction phase. The **Council's Road Services** recommends that the requirement for the submission of a construction method statement designed to minimise the impact of construction activity and the movements of construction traffic on the amenity of the area to be submitted prior to the commencement of development be secured by a planning condition. This requirement can be controlled by a condition attached to a grant of planning permission. Subject to such a control being imposed and due to the transient nature of the receptors and the limited temporary duration of the construction phase, the proposed development would not have a detrimental impact on amenity.

On these above considerations the proposed development is consistent with Policy 14 of NPF4 and Policy DP2 of the adopted East Lothian Local Development Plan 2018.

CONCLUSIONS

Based on the planning assessment given above and subject to the aforementioned planning controls, on balance, the benefits of that the West Links Golf Course and TNBGC makes to tourism and to the economy of East Lothian, in part as a consequence of its cultural and heritage value as an exemplar of authentic links architecture and the international standing of the golf course, is sufficient to outweigh the detrimental visual impact of the proposed development at the 13th green would have on this part of SLA. Thus, this material consideration is sufficient to outweigh the limited detrimental visual impact of the proposals and on balance the proposed development does not conflict with NPF4 Policy 4, and ELLDP Policies DC9 and DP1 and the ELLDP SPG on Special Landscape Areas and Cultural Heritage and the Built Environment. Otherwise the planning assessment given above, finds that, subject to the aforementioned planning controls, the proposed development would not conflict with NPF4 Policies 3, 7, 10, 14, 20, 21, 22, and 29, or with ELLDP Policies DC1, DC6, OS1, NH1, NH2, NH3, NH4, NH5, NH6, NH11, CH1, CH2, CH4, DP2, T1 and T2.

Thus, on balance, the proposal is considered to be in accordance 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

That planning permission be granted subject to the undernoted conditions:

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

Reason:

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

- 2 Prior to the commencement of development hereby approved a programme for monitoring the condition of the public road and footpaths to be used by construction traffic, prior to, during and immediately following the completion of the development, shall be submitted to and approved in advance in writing by the Planning Authority. The public roads and footpaths to be monitored shall be:
 - (i) Hamilton Road (public and private section);
 - (ii) Cromwell Road;
 - (iii) Golf course maintenance road from the end of Hamilton Road to the break in the stone wall;
 - (iv) Public footpath and right of way from the golf course maintenance road northwards to the beach/shoreline; and
 - (v) Public footpath and right of way from the north end of Fidra Road northwards to the

beach/shoreline.

To ensure that damage to the adjoining road and footpath network resulting from the movement of construction traffic is rectified.

The programme of monitoring shall include details of the inspection schedule and of the commitment by the developer for repairs to be made to the aforementioned roads and footpath, as relevant, including emergency repairs and more serious damage to the road surface that could represent a significant road safety risk.

Thereafter the approved programme of monitoring shall be implemented. Any non-emergency/remedial repair works required to those public roads and/or footpaths shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within three (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 and footpath network resulting from the movement of construction traffic associated with the proposed development is rectified.

- 3 Prior to the commencement of development a Construction Method Statement to minimise the impact of construction activity and the movement of construction vehicles on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic, delivery time restrictions and parking provision and a health and safety method statement and shall include provision for wheel washing facilities or alternative 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 and maintain the public footpath facility.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

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.

- 4 Prior to the commencement of development hereby approved, details of wheel washing facilities to be installed on the site shall be submitted to and approved in advance in writing by the Planning Authority. The wheel washing facilities shall be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Thereafter, the wheel washing facilities shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

In the interests of road and pedestrian safety.

- 5 Prior to the commencement of development hereby approved, details of construction vehicle parking shall be submitted to and approved in advance in writing by the Planning

Authority. No construction vehicles or construction workforce vehicles shall be parked on Hamilton Road or Cromwell Road. Sufficient construction vehicle parking provision shall be provided on the golf course land, preferably at the green keeper's maintenance facility and at the contractor's compound identified on docketed drawing no. 241413-PEV-ZZ-ZZ-DR-C-0221 rev P02.

Thereafter, construction vehicle parking shall accord with the details so approved unless the Planning Authority agreed to any variation.

Reason:

In the interests of road and pedestrian safety.

- 6 No development shall take place on the site until the applicant or their agent has, through the employ of an archaeologist or archaeological organisation, secured the implementation and reporting of a programme of archaeological works (Watching Brief) on the site of the proposed development in accordance with a written scheme of investigation which the applicant or their agent shall submit to and have approved in advance in writing by the Planning Authority. Thereafter, the programme of archaeological works (Watching Brief) shall be carried out in accordance with the details so approved.

The written scheme of investigation shall include, but not exclusively, that the appointed archaeologist or archaeological organisation shall have access at all times to the application site during the carrying out of the development works for the development hereby approved and shall observe work in progress and record items of interest and finds, and shall report on them in writing to the Planning Authority following the end of the period of observations.

Notification of the date of commencement of development on the site shall be given to the Planning Authority in writing not less than 14 days before development commences.

The watching brief should be undertaken and reported upon in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved in writing in advance by the Planning Authority prior to the commencement of development.

Reason:

To facilitate an acceptable archaeological investigation of the site.

- 7 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission, except where altered by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented.

- 8 Prior to the commencement of development hereby approved, the applicant and/or developer shall provide evidence that an Ecological Clerk of Works (ECOW) has been employed by the applicant/developer to monitor works on the site through the period of construction of the development hereby approved. The Ecological Clerk of Works (ECOW) shall oversee the submission of a Construction Environmental Management Plan (CEMP) and the construction works on the site and shall be retained through to completion of development.

Reason:

To mitigate the potential impacts of the development in the interests of safeguarding biodiversity on the site including of the Firth of Forth SPA, the Forth Islands SPA, the Outer Firth of Forth and St Andrews Bay SPA and Firth of Forth Site of Special Scientific Interest (SSSI).

- 9 Prior to the commencement of development hereby approved on the site (including any ground works and vegetation clearance), a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in advance in writing by the Planning Authority in consultation with NatureScot.

The CEMP: Biodiversity shall include, but not exclusively, the following:

- (a) practical measures (both physical and sensitive working practices) to avoid or reduce impacts during construction;
- (b) the times during construction when a specialist ecologist requires to be present on site to oversee works;
- (c) the role and responsibilities on site of an ecological clerk of works (ECOW) or similarly competent person; and
- (d) the timings for the different areas of the development hereby approved being undertaken.

Thereafter, all construction works associated with the development hereby approved shall accord with the approved Construction Environmental Management Plan (CEMP: Biodiversity), unless otherwise approved in writing by the Planning Authority in consultation with NatureScot.

Reason:

To mitigate the potential impacts of the development in the interests of safeguarding biodiversity on the site including of the Firth of Forth SPA, the Forth Islands SPA, the Outer Firth of Forth and St Andrews Bay SPA and Firth of Forth Site of Special Scientific Interest (SSSI).

- 10 Development hereby approved shall be carried out in strict accordance with the mitigation measures set out in Chapter 5 of the West Links Golf Course Coastal Erosion Protection - Phase 2 Preliminary Ecological Appraisal report, November 2024 (prepared by Environcentre), Chapter 6 of the West Links Golf Course Coastal Erosion Protection - Phase 2 Shadow Habitat Regulations Appraisal, May 2025 (prepared by Environcentre) and Chapters 5.14 and 7 of the West Links Golf Course Coastal Erosion Protection - Phase 2 Environmental Impact Assessment Report, May 2025 (prepared by Environcentre), unless the Planning Authority agree to any variation.

Reason:

To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented in order to mitigate the potential impacts of the development on the Firth of Forth SPA, the Forth Islands SPA, the Outer Firth of Forth and St Andrews Bay SPA and Firth of Forth Site of Special Scientific Interest (SSSI) in the interests of safeguarding biodiversity on the site.

- 11 Prior to the commencement of development hereby approved on the site (including any ground works and vegetation clearance), a Construction Lighting Plan shall be submitted to and approved in advance in writing by the Planning Authority in consultation with NatureScot. The Construction Lighting Plan shall include, but not exclusively, plans to prevent flood lighting and/or vehicle lights from disturbing roost sites on the rocks or shoreline during low light and dark hours. Flood lights shall face inland and vehicles shall avoid the use of full beam headlights unless strictly necessary.

Thereafter, all construction works associated with the development hereby approved shall be carried out in strict accordance with the approved Construction Lighting Plan, unless otherwise approved in writing by the Planning Authority in consultation with NatureScot.

Reason:

To mitigate the potential impacts of the development on the Firth of Forth SPA, the Forth Islands SPA, the Outer Firth of Forth and St Andrews Bay SPA and Firth of Forth Site of Special Scientific Interest (SSSI) in the interests of safeguarding biodiversity on the site.

- 12 Prior to the commencement of development hereby approved, a final Biodiversity Enhancement Management Plan shall be submitted to and approved in advance in writing by the Planning Authority. The final Biodiversity Enhancement Management Plan shall include a site landscape plan detailing the layout and positions of the biodiversity enhancements presented in the Outline Biodiversity Enhancement Management Plan (Environment Centre, May 2025) and shall include details of positive biodiversity enhancements and a timescale for their implementation.

Thereafter, the measures to conserve, restore or enhance biodiversity on the site and to deliver positive biodiversity enhancements shall be implemented in accordance with the details and timescale so approved.

Reason:

In the interests of enhancing the biodiversity on the site and to enhance the ecological interest in accordance with NPF4 policy 3.

- 13 Details of the type of stones, including their colour and appearance, to be used to fill the gabion baskets and mattresses hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved. Thereafter, the type of stones used, including their colour, to fill the gabion baskets and mattresses hereby approved shall accord with the detail so approved.

Reason:

To ensure that where exposed the type of stone used is appropriate to its location in terms of its appearance and colour in the interests of safeguarding the landscape character of the area including of the North Berwick to Seton Sands Coast Special Landscape Area and the North Berwick Conservation Area and in the interests of protecting the nature conservation interests of the Firth of Forth Site of Special Scientific Interest.

- 14 Prior to the commencement of development, a programme for recovering of the gabion baskets and mattresses in the event of them being uncovered by a weather or tide event shall be submitted to and approved in writing in advance by the Planning Authority. The programme shall include:

(a) the recovering of the gabion baskets and mattresses at the 3rd tee and 14th green of the development hereby approved; and

(b) the recovering of the gabion baskets and mattresses at the 13th green of the development hereby approved where those baskets and mattresses are shown to be covered by sand on the drawings docketed to this grant of planning permission;

and shall include a timescale for the recovering of the gabion baskets and mattresses with sand to be carried out.

Thereafter, the programme for recovering of the gabion baskets and mattresses hereby approved shall be implemented in accordance with the details so approved, unless the Planning Authority agrees to any variation.

Reason:

In the interests of safeguarding the landscape character of this part of the North Berwick to Seton Sands Coast Special Landscape Area and of this part of the North Berwick Conservation Area.

- 15 Prior to the commencement of development, a programme for the treatment and planting to the gabion baskets hereby approved shall be submitted to and approved in advance in writing by the Planning Authority. The programme for the treatment and planting of the gabion baskets shall include details for the timescale for the planting of the marram grass, replanting of the marram grass in the gabion baskets in the event that the marram grass planting of them fails or is removed by a weather or tide event.

Thereafter the treatment and planting of the gabion baskets shall be undertaken in

accordance with the details so approved and shall be undertaken at the time of the installation of the gabion baskets and such treatment and planting shall thereafter be maintained, unless the Planning Authority agrees to any variation.

Reason

To ensure retention of the special character and landscape amenity of the area.

- 16 All landscape planting, including marram grass and re-turfing, detailed on the drawings docketed to this grant of planning permission shall be carried out in the first planting and seeding season (October to March inclusive) following the installation of the gabion mattresses and baskets hereby approved or the completion of the development, whichever is the sooner, and any plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area and the landscape character of this part of the North Berwick to Seton Sands Coast Special Landscape Area and this part of the North Berwick Conservation Area.