



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

**1**

**TUESDAY 2 DECEMBER 2025  
VIA HYBRID MEETING FACILITY**

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**Committee Members Present:**

Councillor L Allan (R)  
Councillor D Collins (R)  
Councillor A Forrest (R)  
Councillor N Gilbert (R)  
Councillor C McGinn (R)  
Councillor S McIntosh  
Councillor K McLeod  
Councillor J McMillan (Depute Convener)  
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  
Ms S McQueen, Planner  
Mr S Robertson, Assistant Planner  
Mr G McLeod, Transportation Planning Officer (R)  
Mr R Miller, Transportation Planning Officer (R)  
Mr C Wiseman, Project Officer – Landscape (R)  
Ms J Newcombe, Biodiversity Officer (R)  
Ms P Gray, Communications Adviser (R)  
Ms E Barclay, Democratic Services Assistant  
\* (R) = remote participant

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 3: Mr N Martin  
Item 4: Mr I Hynd and Mr S Bain

**Apologies:**

Councillor N Hampshire  
Councillor C Cassini  
Councillor J Findlay

**Declarations of Interest:**

None

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, 4 November 2025**

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

**2. MINUTES FOR NOTING  
a. Local Review Body (Planning), 21 August 2025**

Members agreed to note the minutes.

**b. Local Review Body (Planning), 23 October 2025**

Members agreed to note the minutes, subject to the amendment of a typographical error.

**3. PLANNING APPLICATION NO. 25/00481/PM: SECTION 42 APPLICATION TO VARY CONDITION 22 OF PLANNING PERMISSION 15/00337/PM, LAND AT CRAIGHALL, MUSSELBURGH**

A report had been submitted in relation to planning application no. 25/00481/PM. 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: the reasons behind the delay in upgrading the roundabout, and with whom the responsibility lay for the work; whether the pedestrian-only access route to school would remain in place following the construction period; the timeline for work starting; the capacity of the existing junction; whether officers were satisfied that the islands on the arms of the roundabout were adequate to facilitate safe crossing for pedestrians; and whether there was opportunity to make the design safer for pedestrians. Graeme McLeod, Transportation Planning Officer, also agreed to take back Councillor McIntosh's questions about whether the development could improve the road design for drivers leaving the services.

Neil Martin spoke to the application on behalf of Persimmon. He advised that the work should begin early in 2026, and work was currently underway to finalise contracts and the programme of works with the Council. He advised that the Council was originally going to undertake the work, but this had not been possible. He gave a firm commitment from

Persimmon that the safe route to school, including the new active travel connection under the railway underpass and the footpath adjacent to the road, would be in place prior to the work beginning on the site; these would form the permanent active travel routes towards Craighall and the new primary school.

Councillor McIntosh sought clarity as to where the original obligation to upgrade the roundabout had lain, and Mr Irving provided commentary on how the matter had progressed between Persimmon and the Council.

At the debate stage, Councillor Forrest, local member commented on: having an appreciation of the challenges in adding the additional arm to the roundabout; local concerns that the changes would not be made, and welcoming the application coming forward; and a hope that the safe route to school and widened pavement would decrease the number of car journeys.

Councillor McIntosh, also a local member, welcomed the safe route to school and pedestrian access through the south route. However, she would vote against the application, as she did not agree with allowing the sale of 80 additional houses before the developer had to fulfil its obligation to upgrade the roundabout. She also raised concerns about the roundabout's design not being in keeping with the Sustainable Transport Hierarchy, and failing to address issues for pedestrians. Councillor McMillan acknowledged these comments, and asked that Transport colleagues consider Councillor McIntosh's points.

Councillor McMillan then moved to a roll call vote, and Committee members all voted in support of the officer's recommendation to grant consent, except for Councillor McIntosh, who voted against.

## Decision

Planning Committee agreed to grant planning permission, 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 5kgm<sup>-2</sup>, 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.

**4. PLANNING APPLICATION NO. 25/00661/PM: COASTAL REINFORCEMENT AND PROTECTION WORKS, INCLUDING INSTALLATION OF GABION BASKETS, MATTRESSES, REINSTATEMENT OF EXISTING GABIONS, DUNE REINSTATEMENT, AND ASSOCIATED WORKS, WEST LINKS GOLF COURSE, ABBOTSFORD ROAD, NORTH BERWICK**

A report had been submitted in relation to planning application no. 25/00661/PM. Stephanie McQueen, Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Officers responded to questions in relation to: planting and coverage of the gabion baskets and mattresses; the course of action should the baskets and mattresses become repeatedly exposed following storm and tide events; community consultation; whether the design counted as an 'in perpetuity defence' in relation to National Planning Framework 4's position on defence of essential infrastructure; whether the application could be considered premature in being brought forward before the Coastal Change Adaptation Plan; confidence that other parts of the coastal economy would not be at increased risk as a result of the work; and the likely outcome should the defences not be installed.

Iain Hynd and Stuart Bain spoke to the application. Mr Hynd discussed the urgency of the work to protect the historic golf course. He highlighted the locations on the course most at risk, and highlighted the growing concern over East Lothian's coastline. He advised that the Club monitored changes to the coastline. He pointed to current coastal defences, which were performing well, but said that damage to the coastline and harbour wall in 2023 had led to taking more urgent action. He discussed the particulars of the plans, which had been chosen as the least intrusive solution. He highlighted the full Environmental Impact Assessment, including consideration of biodiversity enhancement options and wintering bird surveys, and measures agreed with the Council's Biodiversity Officer to deliver habitat improvements. He reported that the community had shown support at consultation events.

Mr Bain discussed the significant erosion to the West Links in recent years, leaving these areas at critical risk, and threatening the golf course and public access to the dune system. He discussed the course's standing in world golf, and its positive impact on tourism and the local economy. He summarised that the application would preserve the coastline for future generations, while respecting environmental obligations, and said it presented the most balanced solution.

Mr Bain and Mr Hynd responded to questions relating to: timescales for commencement and completion of the work; and measures to ensure birds were not disrupted throughout the construction period.

At the debate stage, Committee members commented on: the importance of golf clubs to the county; the clear evidence of change on this part of the coastline; futureproofing the golf course; the course's standing in world golf; the importance of undertaking the work before further damage occurred, and even before the Coastal Change Adaptation Plan could come forward; the Club's immense success, even since Covid, and the part it played in the community; the Club's approach to safety to allow the community to access the course; and welcoming of conditions around access, the Construction Method Statement, and biodiversity.

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**

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 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 (Environcentre, 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.

Signed .....

Councillor J McMillan  
Depute 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/1043678](https://eastlothian.public-i.tv/core/portal/webcast_interactive/1043678)

DRAFT

**COMMITTEE:** Planning Committee  
**MEETING DATE:** 13 January 2026  
**BY:** Depute Chief Executive – Resources and Economy  
**REPORT TITLE:** ECU Consultation Response

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2

ECU Application No. ECU00005089

ELC Reference No. 25/00005/SGC

**Proposal** Electricity Act 1989 – Application for construction and operation of a repower of Crystal Rig 1 wind farm. Consisting of up to 10 wind turbines including six turbines with a maximum overall height (to blade tip) of up to 230 m and the remaining four turbines with a maximum overall height (to blade tip) of up to 200 m

**Location** Crystal Rig 1 Wind Farm, approximately 10km South of Dunbar and approximately 40km East of Edinburgh, within the Lammermuir Hills

**Applicant** Fred Olsen Renewables  
Ltd Per Emily Galloway  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE

**Ward** 06 Dunbar and East Linton

**Date** 18 December 2025

## **REPORT**

In Scotland, any proposal to construct, extend, or operate an onshore electricity generating station with a capacity of 50 megawatts (MW) or over requires the consent of Scottish Ministers under Section 36 of the Electricity Act 1989. Such applications are processed on behalf of the Scottish Ministers by the Energy Consents Unit ("ECU"). Onshore generating stations which will have a capacity of less than 50MW when constructed are not within the scope of the Electricity Act, and such proposals require an application for planning permission to be submitted to the relevant local planning authority.

The ECU consults East Lothian Council on all Section 36 applications within East Lothian. At

the Council meeting of 27 February 2024 a new procedure for processing Section 36 consultation requests was approved. It was agreed that once the consultation response has been completed by the Planning Service it will be placed on the Committee Expedited List. Members then have seven days in which to request referral to Planning Committee. Otherwise, the consultation response is deemed to be accepted and the Service Manager for Planning shall be authorised to proceed on that basis.

The ECU have consulted the Council in respect of a repower of Crystal Rig I wind farm on land located approximately 10km South of Dunbar and approximately 40km East of Edinburgh, within the Lammermuir Hills. The consultation response completed by the Planning Service is attached as Appendix 1.

### **RECOMMENDATION**

It is recommended that the content of Appendix 1 is approved as the Council's consultation response to the ECU.

ECU Application No. ECU00005089

ELC Reference No. 25/00005/SGC

Proposal Electricity Act 1989 – Application for construction and operation of a repower of Crystal Rig 1 wind farm. Consisting of up to 10 wind turbines including six turbines with a maximum overall height (to blade tip) of up to 230 m and the remaining four turbines with a maximum overall height (to blade tip) of up to 200 m

Location Crystal Rig 1 Wind Farm, approximately 10km South of Dunbar and approximately 40km East of Edinburgh, within the Lammermuir Hills

Applicant Fred Olsen Renewables  
Ltd Per Emily Galloway  
Ochil House  
Springkerse Business Park  
Stirling  
FK7 7XE

Ward 06 Dunbar and East Linton

Date 18 December 2025

Sent via email to  
[econsents.Admin@gov.scot](mailto:econsents.Admin@gov.scot)  
Cc Kevin Ainslie [Kevin.Ainslie@gov.scot](mailto:Kevin.Ainslie@gov.scot)

**ENERGY CONSENTS UNIT (“ECU”) CONSULTATION: PROPOSED CRYSTAL RIG 1 WIND FARM REPOWER ON LAND LOCATED APPROXIMATELY 10KM SOUTH OF DUNBAR AND APPROXIMATELY 40KM EAST OF EDINBURGH, WITHIN THE LAMMERMUIR HILLS (REFERRED THROUGHOUT THIS REPORT AS “CRYSTAL RIG 1 REPOWER”), EAST LOTHIAN COUNCIL’S RESPONSE**

**BACKGROUND**

This application has been made to the Scottish Ministers under Section 36 of the Electricity Act 1989 for the construction and operation of a wind farm. In the case of S36 applications planning authorities are a consultee to the application process and are not the Consenting Authority.

With regard to paragraph 2(2) of Schedule 8 to the Electricity Act and regulation 8 of the Consents Regulations, if a planning authority makes an objection within the timescale given by regulation 8 (1) and that objection is not withdrawn, the Scottish Ministers must cause a Public Inquiry to be held unless the Scottish Ministers propose to accede to the application subject to such modifications or conditions as will give effect to the objection of the planning authority.

## **SITE**

The application site covers approximately 893 hectares and is located approximately 10km south of Dunbar, and approximately 40km east of Edinburgh, within the Lammermuir Hills. The site is located across two council areas, with the proposed access area located within East Lothian Council (“ELC”) and the proposed turbine area located within the Scottish Borders Council (“SBC”).

The proposed turbine area is situated within the Lammermuir Hills Local Landscape Area and is predominantly on open heather moorland. The proposed access area, whilst is predominantly on existing roads, also includes agricultural fields.

The nearest settlement to the site is Cranshaws, located approximately 4.8km to the south of the proposed turbine area, with the nearest residential property (Crichness Farm) located 570m to the southeast of the site boundary.

The River Tweed flows along the southwest boundary of the site and joins the River Tweed Special Area of Conservation (“SAC”) designation.

The proposed access area lies within an area of countryside as defined by Policy DC1 of the adopted East Lothian Local Development 2018 (“ELLDP”). Several designated sites are located within the site boundary:

- Dryburn Valley & Dunglass Burn Local Biodiversity Sites;
- Woodhall Dean Site of Special Scientific Interest (“SSSI”);
- Thurston Home Farm (Category A), North Lodge And Gate Piers, Thurston House (Category B) and East Lodge, Thurston House (Category C) Listed Buildings;
- Thurston Local Garden & Designed Landscape (GDL)
- Scheduled Monument - Thurston, enclosures and ring-ditch 600m NE of (SM5870);
- Halls to Bransley Hill Special Landscape Area (“SLA”);
- Doonhill to Chesters SLA;
- Tree Preservation order Number 150 – Land to the south side of East Lodge, Innerwick; and
- Several areas of Ancient Woodland including Whittly Strip, Birky Bog Plantation, Aikendean Wood and High Wood (NT67 and NT77).

The Applicant has undertaken an Environmental Impact Assessment (“EIA”) and produced its findings in the EIA Report (“EIAR”). The EIAR informs readers of the nature of the Proposed Development, likely significant environmental effects and measures of mitigation proposed to protect the environment during site preparation, construction, operation and decommissioning.

## **PROPOSAL**

The proposed development is located within the existing Crystal Rig 1 site, which was established in 2003 as one of Scotland’s first onshore commercial-scale wind farms. Crystal Rig 1 was consented for a 25-year operational life, which ends in 2027. The site currently comprises 21 turbines and benefits from an existing grid connection with an export capacity of up to 62.5 MW. All 21 turbines will be decommissioned to enable the construction of the proposed development.

The proposed development would have an estimated generating capacity of up to 72 MW for an operational period of 35 years. The proposed development would consist of the following aspects:

- 10 wind turbines and associated foundations (each measuring an approximate 25m in diameter and 4m in depth);

- Crane hardstandings;
- Transformers;
- Switch room;
- Onsite control building, maintenance building and parking area;
- Underground cabling network;
- New and upgraded internal site access tracks;
- Fencing and gates;
- Two temporary construction compounds and concrete batching plant;
- One area of potential exaction/borrow pit workings;
- 43.01 ha of peatland and bog restoration; and
- 4.18 ha of woodland creation.

The proposed access area is predominantly along existing road networks, starting at the Innerwick Junction off the A1 southbound carriageway where it joins the minor road C122. The proposed access area follows a series of roads including the C123, U196 and U201. A buffer along these sections of road would be required to accommodate the abnormal indivisible load vehicles. This buffer varies in width along the proposed access route and the full extent is shown on Figure 1.1 of the EAIR. The proposed access area is the same route as was used for the construction of previous phases of the Crystal Rig complex. It is also proposed to contain one of the two construction compounds within the proposed access area. This would be used as the main construction compound for storage of material and infrastructure for construction personnel. It is proposed that this construction compound is maintained for further use among the wider Crystal Rig complex.

The proposed turbine area is within the existing Crystal Rig 1 area and anticipates utilising existing access tracks where possible. It is proposed that 4.75km of new access tracks are to be formed and 10.2km of existing tracks to be upgraded. Of the 10 turbines proposed, six would measure a maximum overall height of up to 230m and the remaining four with a maximum overall height of up to 200m.

The construction of the proposed development would take approximately 18 to 24 months, from mobilisation through to site reinstatement. Normal construction hours are anticipated however it is noted that out of necessity due to weather conditions and health and safety requirements, some activities, such as abnormal load deliveries and the lifting of turbine components may occur outside the normal construction hours.

Chapter 4 (Project Description) of the EIAR notes that advance warning of any works outside normal working hours will be provided to the SBC Environmental Health Officer. However, as the proposed access area lies wholly within ELC, we request that a condition be attached to ensure ELC is also informed in advance of these works.

Similarly, Section 4.6 of Chapter 4 states that a Construction Environmental Management Plan ("CEMP") will be drafted and agreed with SBC prior to commencement of construction. Given that the proposed access area is wholly within ELC, any CEMP should also be agreed with ELC.

Once the proposal has reached the end of its operational life, approximately 35 years, the EIAR states that it is expected that decommissioning will take approximately 12 months. The environmental effects are anticipated to be similar to those during construction, excluding the loss of habitat which

will have occurred already during construction. Appendix 4.2 (Decommissioning, Restoration and Aftercare Statement) of the EIA provides an outline on how the proposed development will be decommissioned after its operation, including restoration and aftercare measures. It states that all works must be agreed with ELC and SBC

The decommission of Crystal Rig 1 wind farm would be managed by the consenting process for the original development and as such not assessed within the EIA.

## **THE DEVELOPMENT PLAN**

This application is made under the Electricity Act 1989 and not the Planning (Scotland) Act, therefore the development plan does not have the primacy it normally would for planning decisions. It is still an important material consideration in this instance and informs the Council's consultation response.

The development plan comprises the National Planning Framework 4 ("NPF4"), which was adopted by Scottish Ministers on 13 February 2023, and the ELLDP.

Appendix B (National Development Statement of Need) of NPF4 identifies 18 national developments that are significant developments of national importance. National development 3 of NPF4 (Strategic Renewable Electricity Generation and Transmission Infrastructure) supports renewable electricity generation, repowering, and expansion of the electricity grid.

National development 3 informs that the electricity transmission grid will need substantial reinforcement including the addition of new infrastructure to connect and transmit the output from new on and offshore capacity to consumers in Scotland, the rest of the UK and beyond.

Whilst National development 3 references a Scotland wide rather than a specific location, the south of Scotland (including East Lothian) is identified for supporting on and offshore electricity generation from renewables and delivering new and/or upgraded infrastructure directly supporting on and offshore high voltage electricity lines, cables and interconnectors including converter stations, switching stations and substations.

### **National Planning Framework 4**

NPF4 is Scotland's national spatial strategy for Scotland. It sets out spatial principles, regional priorities, national developments and national planning policy. Relevant policies are:

- 1 – Tackling the climate and nature crises
- 2 – Climate mitigation and adaptation
- 3 – Biodiversity
- 4 – Natural places
- 5 – Soils
- 6 – Forestry, woodland and trees
- 7 – Historic Assets and Places,
- 11 – Energy
- 12 – Zero Waste
- 13 – Sustainable Transport
- 14 – Design, Quality and Place
- 18 – Infrastructure First
- 20 – Blue and Green Infrastructure
- 22 – Flood risk and water management

## **East Lothian Local Development Plan**

The following policies within the ELLDP are relevant to the proposed

development: WD1 (Wind Farms)  
WD3 (All Wind farms)  
WD4 (Access Tracks)  
WD6 (Decommissioning and Site Restoration) W4 (Construction Waste)  
DC1 (Rural Diversification)  
DC9 (Special Landscape Areas)  
NH1 (Internationally Designated Sites)  
NH3 (Protection of Local Sites and Areas) NH3 (Protection of Local Site and Areas) NH4 (European Protected Species)  
NH5 (Biodiversity and Geodiversity Interest, including Nationally Protected Species), NH7 (Protecting Soils)  
NH8 (Trees and Development) NH9 (Water Environment) NH11 (Flood Risk)  
NH13 (Noise)  
CH1 (Listed Buildings)  
CH2 (Development in Conservation Areas)  
CH4 (Scheduled Monuments and Archaeological Sites) CH6 (Gardens and Designed Landscapes)  
T1 Development Location and Accessibility T2 (General Transport Impact)  
T4 (Active Travel Routes and Core Paths as part of the Green Network Strategy) DP1 (Landscape Character)  
DP2 (Design)  
SEH1 (Sustainable Heat and Energy)  
SEH2 (Low and Zero Carbon Generating Technologies)

### **OTHER RELEVANT POLICY**

Scottish Borders Local Development Plan (LDP2) 2024  
East Lothian Council Tree and Woodland Strategy

### **REPRESENTATIONS**

A total of five public representations have been received in relation to the proposed development, three of which object to the proposal. The main grounds of objection include:

- continuous construction traffic in the area since 2020 due to multiple windfarm projects, which is perceived as a permanent condition rather than temporary;
- ongoing road issues, including speeding, dangerous driving, lack of signage, road deterioration, intimidation, and increased roadkill;
- significant sacrifice by the local community, raising questions about the necessity of repowering given surrounding energy developments;

- adverse visual effects due to taller proposed turbines with aviation lighting;
- insufficient mitigation has been secured and as such the requirements of the Electricity Act are not met;
- the visual effects are not localised and the range of other effects are contrary to NPF4 Policies 3, 4 and 11;
- decommissioning not adequately addressed within the EIA and should be considered;
- the project should be designed so that power output remains within the capacity of the existing cable and substation connection; and
- swept path analysis should be provided to ensure no further road widening or loss of trees/hedgerows.

The other two representations neither support nor object to the proposal but raise concerns regarding road safety and the poor condition of local roads proposed for site access. They highlight ongoing issues with responsibility for repairs and suggest that roads should be upgraded (free of potholes and cracks) prior to construction or decommissioning. Other notes of concern include (i) cumulative visual impact, (ii) net biodiversity gain should be clearly demonstrated, (iii) disposal of existing turbines and foundations, (iv) potential bird strikes, and (v) ensure aviation safety.

## **COMMUNITY COUNCIL COMMENTS**

### **Dunbar Community Council**

A neighbouring Community Council, Dunbar Community Council (DCC), has provided comments regarding the proposed development and whilst they do not object have raised a number of concerns and comments regarding the proposal. These have been summarised below:

- clarification should be provided regarding the removal of the original turbine bases and how this land will be restored;
- details on the disposal and potential recycling of the current turbines should be provided and road safety during removal should be addressed;
- there are road safety concerns during construction, especially along the A1 and Innerwick junction. It is suggested developer contribution for safety improvements (e.g., lighting);
- net biodiversity gain should be demonstrated with clear proposals and species protection;
- cumulative visual impact; consider paint colours to reduce dominance of taller turbines (230m and 200m);
- query over how bird strike risks will be mitigated due to taller turbines;
- the proposal should ensure RAF low-flying safety with appropriate measures (e.g., warning lights); and
- the applicant should continue community engagement and provide further Community Benefits funding to East Lammermuir CC and East Lothian Community Benefits SCIO.

### **East Lammermuir Community Council**

East Lammermuir Community Council (ELCC) have provided comments noting that the entire access route for the proposed development passes through East Lammermuir. While they tentatively support the proposal, they have raised concerns about the introduction of a permanent works access route and the resulting disruption and delays for local residents. ELCC has therefore emphasised the need for a number of planning conditions to reflect and mitigate the significant and permanent changes this proposal would bring.

These conditions cover the matters of generating capacity and grid connection, drainage, micro-siting, construction traffic management, biodiversity enhancement, vegetation maintenance/removal and decommissioning.

East Lothian Council recommends that the ECU should carefully take into account the recommended conditions and views of ELCC and DCC in their assessment of this proposal.

## **PRINCIPLE OF DEVELOPMENT**

The proposed development would enable the storage of electricity and would contribute to the delivery of infrastructure of national importance. As transmission infrastructure to support renewable energy, it is also part of National Development 3 and is thus supported by NPF4.

As the proposal supports renewable energy, the principle of the proposal is also consistent with Policy 11 of NPF4, which states that development proposals for all forms of renewable, low-carbon and zero emissions technologies will be supported, including enabling works, such as grid transmission and distribution infrastructure.

Repowering is also supported under Policy 11 of NPF4 which gives significant weight to proposals that contribute to renewable energy targets, including upgrading or replacing turbines at existing wind farm sites to improve capacity and efficiency. Repowering is encouraged as part of Scotland's strategy to achieve net zero and increase renewable generation, and large-scale wind farms (over 50MW) are designated as national developments, strengthening their planning status.

The ELLDP helps facilitate the transition to a low carbon economy by supporting means of energy generation that help to reduce greenhouse gas emissions. It seeks to support a diverse range of renewable and low carbon energy generation in appropriate locations, taking environmental, community and cumulative issues into account.

The proposed access area, to facilitate the wind farm, is allocated within the ELLDP as countryside and therefore Policy DC1 (Rural Diversification) is relevant to the determination of this application. This policy states that development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

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

This policy recognises that countryside sites may be needed to provide infrastructure for operational reasons and states that proposals for renewable energy will be considered against other plan policies.

Whilst the principle of this development is acceptable, there are other issues that require to be considered. This is in line with Policy 11 of NPF4 which lists 13 criteria relating to the design and mitigation of energy related developments that require to be addressed to determine their compliance with the Development Plan.

## **CLIMATE**

Policy 1 of NPF4 states that when considering all development proposals significant weight will be given to the global climate and nature crises.

The Scottish Government's Climate Change Plan sets out the national Scottish Government's pathway to achieve the ambitious targets set by the Climate Change (Scotland) Act 2009, as amended by the Climate Change (Emissions Reduction Targets) (Scotland) Act 2019, and the commitment to end Scotland's contribution to climate change by 2045.

Scotland's renewable electricity generation has grown rapidly over the last twenty years, and a large contribution to achieving the commitment set out in the plan will be made by the increased decarbonisation of our electricity system.

The Climate Change Plan notes operating a zero-carbon electricity system will mean finding new ways to provide a range of technical services and qualities currently provided by fossil fuel and nuclear generation. Battery storage and solar are technologies which helps achieve these goals.

However, it is important to ensure that the lifecycle carbon impacts of the proposal itself are assessed and mitigated. At its meeting on the 27 August 2019 the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on the 3 of 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 completed development should be imposed on consents for relevant development proposals.

It is recommended that such a condition should be imposed on any consent for this proposed development, consistent with the requirements of Policy 2 of NPF4 and Policy SEH2 of the ELLDP.

The Council's Sustainability and Climate Change Officer has provided comments on the proposed development, acknowledging the positive contribution it would make towards addressing the climate emergency and the reuse of existing tracks and materials wherever possible. They further note that, while they do not object to the developer's decision not to use a carbon calculator for peatland soils, they would like to see an estimate of emissions arising from the construction and maintenance of the development. Ideally, this should include details of the mitigation measures proposed to minimise carbon emissions during construction, for example, procuring European-manufactured turbines or reusing materials for turbine bases.

Additionally, the Officer states that, while supportive of the development overall, they believe the electricity generation figures may have been overestimated. Based on an installed capacity of 72 MW, multiplied by 8,760 hours in a year and applying the DESNZ estimated load factor for onshore wind (0.253), the annual output would be approximately 159,572 MWh rather than 270,579 MWh. This equates to zero-carbon electricity for around 49,250 homes, not 83,512 as stated. A further explanation of this calculation would be welcomed to ensure accuracy within the EIAR.

## **NOISE AND VIBRATION**

The EIAR provides an assessment on Noise (Chapter 12) which assesses the potential for significant noise and effects arising from the construction and operation of the proposed development.

The **Council's Environmental Health Officer** has been consulted, and they state they are *'satisfied that noise during the operational phase of development, for both the independent operation of Crysyal Rig 1 Repowering and also cumulatively with other windfarms, will not have any significant impact upon amenity of existing sensitive receptors within East Lothian. It would be beneficial if Noise Sensitive Receptors are identified by the Local Authority in which they are located within the Tables provided within the EIA in addition to the names of the properties and their co-ordinates. However, this has not been done.'*

They further note that a CEMP should identify any mitigation measures considered necessary to minimise impacts during construction due to noise, vibration and dust upon amenity of noise sensitive receptors.

## **CONTAMINATED LAND**

The **Council's Senior Environmental Compliance Officer** has no comment to make on the proposed development with particular regard to Chapter 9 (Geology, Hydrology & Geohydrology) of the EIAR.

## **LAND USE, ACCESS & RECREATION**

The EIAR provides an assessment of the potential impacts of the proposed development on the hydrological, geological, and hydrogeological environment (Chapter 9), including peat. However, this assessment primarily focuses on the potential impacts arising from construction and operational works within the proposed turbine area.

The proposed turbine area lies within SBC and is predominantly open heather moorland. The proposed access area, located within ELC, comprises existing access tracks and surrounding agricultural land. The red line boundary along the proposed access area indicates a buffer of varying distances around the existing access track, a temporary construction compound, and the proposed turbine area. This land-take equates to approximately 81ha of prime agricultural land (2ha of class 1 and 79 ha of class 3.1), 44ha of class 3.2 and the remaining 766ha classes 4 to 6. While the Council acknowledges that it is unlikely all land within the red line boundary will be required to facilitate the proposed access route, no details have been provided to confirm whether there would be any loss of agricultural land, road verge, or vegetation to facilitate delivery and construction of the proposed development. Due to the lack of information regarding potential land-use impacts associated with the proposed access area, the Council is unable to determine whether these impacts would be significant.

With regard to public access, this is not assessed within the EIAR. The Design and Access Statement ("DAS") notes that existing tracks within the area are used for recreation and commits to providing alternative access during construction and maintaining access post-construction. The **Council's Access Officer** advises that further information should be obtained on which paths and tracks may be affected and how public safety will be managed. There has already been significant disruption to public access along the route from Innerwick, including new fences and gates that have made access to tracks and fields more difficult. The Access Officer therefore recommends that this information be secured by condition, requiring a Public Access Management Plan ("PAMP"). The PAMP should identify all paths and tracks that may be used or crossed during construction and operation and set out how public access will be managed in these areas, including any proposed diversions. It should also include a programme of works indicating the duration of any closures or diversions and recognise Scotland's statutory right of responsible access, acknowledging that people may walk across open moorland beyond defined paths.

## **FLOOD RISK AND THE WATER ENVIRONMENT**

Consultation was undertaken with the **Council's Flood Protection Technician**, who advised that, as the site lies within the Scottish Borders Council boundary, comments on flood risk should be provided by Scottish Borders Council's Flood and Coastal Management Team. Accordingly, they have no further comments on the EIAR in relation to flood risk.

This application affects East Lothian Council only in terms of the access road to and from the site. Following their review of the EIAR, they note that Volume 2 includes a Hydrology Overview (Figure 9.1) and an appendix on watercourse crossings (Appendix 9.1). While they do not object to the information provided, they consider that further details are required on hydrology, including:

- the formation of any newly formed hard surfaces such as access roads should be attenuated to at least existing Greenfield runoff rates so that there is no increased effect on downstream receptors. Likewise, any discharges from SUDS and other drainage should be kept to existing Greenfield runoff rates;
- if there are to be any culverts, watercourse crossings or alterations to crossings, these must not reduce the flow conveyance of the watercourse; and
- details of the silt traps and any other functions that the applicant proposes to minimise the amount of sediment entering the water course should be submitted.

The Council's Flood Protection Technician has advised that these requirements can be addressed through conditions, which are recommended at the end of this report.

## **BIODIVERSITY**

NPF4 policy 3 applies to all developments and requires that an overall biodiversity net gain is achieved, in order to address the nature crisis across Scotland. The policy intention is to '*...protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.*'

The proposal is supported by an Outline Biodiversity and Ecological Management Plan ("oBEMP"), which compiles recommendations from the EIA Report based on pre-submission surveys for the proposed development. This aligns with scoping responses from NatureScot and ELC, both of which advised that a draft or outline Habitat Management Plan ("HMP") should be prepared in accordance with NatureScot (2016) guidance to mitigate the loss of key habitats.

However, the **Council's Biodiversity Officer** has commented that the oBEMP does not acknowledge any areas within the red line boundary that fall within East Lothian. There is no reference to habitats or enhancements along the access route or public roads from the A1 to the windfarm site. While the oBEMP is a working document and subject to refinement through consultation and conditions, it is currently inadequate in relation to East Lothian.

Consequently, the Council's Biodiversity Officer advises that, due to the lack of clarity on proposed or intended enhancements for the access route, the development is contrary to NPF4 policy 3 in respect of East Lothian. On this basis, the Council **objects** to the proposal on **biodiversity** grounds.

The Council's Biodiversity Officer further highlights several omissions from the EIAR including:

- *'Up to date ecological surveys for the entire route are required and should not be restricted to the Pinch Points identified in Fig 7.1.*
- *Up to date tree survey of entire route is missing. This has been repeatedly requested for the Crystal Rig 4 ongoing works on the route through East Lothian and has as yet not been provided by the CR4 team to ELC for appraisal. It is critical that a survey of all the trees and hedgerows, habitats and has been carried out prior to commencement. European Protected Species must be surveyed prior to determination, and I do not find the 2024 data to be sufficient to determine in this case due to the huge and ongoing impact of the Crystal Rig 4 development.*

- *Appendix 4.1 The Outline Construction Environmental Management Plan provided does not specifically mention the access route within the East Lothian Council boundary and I would recommend that specific consideration is made regarding the mitigations that are involved in the access route as they have specifically different considerations compared to the Wind Farm Area.'*

ELLDP Policy NH5 (Biodiversity and Geodiversity Interests including Nationally Protected Species) highlights that developers must demonstrate how impacts on biodiversity and geodiversity have been addressed as part of their proposal with sufficient supporting information being submitted. The EIAR presents extensive information on the application based on surveys and considerations for previous Crystal Rig developments however, very little is presented for the proposed access area which is entirely within East Lothian. A few examples are detailed below:

- Figure 7.1 details the survey areas and locations for the EIA, showing the bat roosts surveys, badger surveys and Phase 1 and otter surveys around the pinch point areas. The entire route from the A1 to the wind farm area should have been surveyed.
- Figures 7.4a and 7.4 a,b,c,d show the Phase 1 results and NVC classifications for the WFA. No results shown for the access route.
- Figure 7.6b does detail the presence of several European Protected Species on the route. This data is from 2024. This is not up to date and would require a further survey of these features prior to commencement to allow for the appropriate Species Protection Plans to be in place regarding the route.
- Figure 7.8 details outline enhancement areas within the WFA. No enhancements are presented for the access route from the A1 to the WFA.
- Figure 8.4 Curlew territory 2022, more up to date surveys should have been presented.
- Figure 8.5 Lapwing, Curlew and Greylag Goose territories shown in 2023. More up to date surveys should have been provided for consideration.

The Council's Biodiversity Officer states that there is insufficient evidence supplied to make an informed consideration against Policy NH5 and as such the Council **objects** to the proposal on **biodiversity** grounds.

## LANDSCAPE AND VISUAL IMPACT

The **Council's Senior Landscape Project Officer** has provided comments on the application, and the full response is appended to this report (Annex A). They have concluded three points of objection within their response which are summarised below:

- 1) Excessive scale and height
  - The proposed turbines are overly large for the Lammermuir Hills' character, even with suggested reductions; and
  - The current design would dominate the landscape and create a significant visual contrast with existing schemes.
- 2) Aviation lighting impact
  - The proposed development would double the number of visible aviation lights in the area; and
  - Opportunities to reduce lighting impacts have not been explored.
- 3) Lack of access route assessment
  - No assessment has been carried out on the impacts to the access route through East Lothian.

For the three reasons outlined above, and detailed further within Annex A, the Council formally **objects** to the proposed development on the grounds of **Landscape and Visual Impact**.

## **HISTORIC ENVIRONMENT**

The **Council's Archaeology/Heritage Officer** was consulted on the proposal, and they have highlighted two main areas of concern: the omission of any assessment within the EIAR of potential impacts of the access route on the historic environment and inadequate assessment on the setting impacts upon Traprain Law.

*With regards to the access area, they state that 'In terms of the Historic Environment there has been no assessment of the access route from the A1 junction at Innerwick undertaken. It is simply stated in the EIA that access will be on the public roads and that any changes or alterations to the access corridor are currently unknown. This does not allow a proper assessment of any potential impacts to be undertaken.*

*The road network along the proposed route contains a number of 90deg corners, is very narrow in places and is largely lined with mature trees and hedges which significantly contribute to the historic character of this area. The route runs along the edge of the locally designed landscape of Thurston. Previous archaeological investigations in relation to the Neart na Gaoithe cable route uncovered significant archaeological remains in the immediate area, many of which extend towards the current public roads. The areas investigated by these investigations run parallel to the public roads which form the access route, and in places they are adjacent to it. An assessment of the potential heritage impacts along the access route from the A1 was excluded from the Heritage chapter.*

*The experience from previous windfarms suggests that the public road network in this area is not suitable for the transportation of large (the term used in the traffic assessment chapter is indivisible) loads without alterations to the road corridor (up to and including creating temporary routes). There appears not to be any mapping of potential alterations to the road corridor included in the submitted documents. The potential alterations will need to be mapped and an assessment of potential impacts upon the Historic Environment undertaken, this would allow a determination as to what mitigation might be necessary and what form it should take.'*

The Council's Archaeology/Heritage Officer has advised that they cannot assess the potential impacts on the historic environment arising from the proposed access route until further information is provided. Accordingly, they **object** to the proposed access element of the application in relation to **Historic Environment**.

The Council's Archaeology/Heritage Officer also highlights concerns regarding the increased indirect impact on the setting of Traprain Law, a scheduled monument (SM 755), arising from the proposed larger turbines. Their comments are provided below:

*'One of the key functions of Traprain Law was the 360deg visibility from the summit and although the preexisting turbines are visible, generally as blade tips or far distant hubs, they are not seen as the towards the front (from the East Lothian side) of the hills. Due to the increased height the proposed turbines and will be much more prominent and appear to be towards the front of the ridgeline. The Newlands Hill proposals will also be seen towards the front of the hills from Traprain and cumulatively these two proposals will have a significant impact upon the setting of Traprain Law, this cumulative impact was not assessed in the EIA chapter which is a significant oversight. In terms of the current proposals turbines 1 and 3, will be seen as stacked which increases the visual impact; turbines 5, 10*

*and 4 are tightly clustered which again increases the visual impact and turbines 7, 9 and 8 are again clustered which increases the visual impact of them; turbines 8 and 2 only the tips will be visible above the horizon. Although they will be seen amongst other turbines their increased height will mean that they are far more visible on the horizon and I would advise that these turbines are reduced in height or set further back. The EIA chapter assessed this impact as a negligible adverse impact (para 6.7.65) we would disagree with this assessment as the majority of the proposed turbines will be seen as being towards the front of the viewpoint (as shown in Fig 6.14) and along with the proposed Newlands Hill windfarm the cumulative impact will be much more prominent than the preexisting turbines which appear set back in the hills. This is considered a significant change from the baseline and I think has been considerably under assessed in the EIA, and in terms of the cumulative impact not assessed.'*

Consequently, the Council's Archaeology/Heritage Officer has advised that the assessment of the setting impact upon Traprain Law is inadequate in that it under assesses the impact from the proposal itself and does not assess the cumulative impact in conjunction with other known windfarm schemes. Accordingly, they **object** to the proposed development in relation to **Historic Environment**.

## **TRANSPORTATION**

The **Council's Road Services** were also consulted on the proposal, and the full response is appended to this report (Annex B). They have highlighted various concerns regarding the proposed access route, most notably that the Developer has not demonstrated that the public access road arrangements are either practical or achievable to accommodate the delivery of 80m blades. Accordingly, they **object** to the proposed development in relation to **Transportation**.

## **CUMULATIVE EFFECTS**

Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the assessment of in-combination and intra-project cumulative effects is a key requirement of the EIA process. Intra-project cumulative effects are addressed within each technical chapter. However, in-combination cumulative effects have not been assessed as part of the EIAR.

The Council highlights concerns that neither intra-project nor in-combination cumulative effects have been adequately assessed within the proposed access area in relation to the construction of the proposed development. Given the insufficient assessment of the proposed access area, as highlighted by technical disciplines within this report, the Council has significant concerns regarding the potential cumulative impacts along this area. In light of the substantial ongoing and future energy developments, including construction, operation, and decommissioning, the Council considers the omission of a cumulative effect assessment, both intra-project and in-combination, for the proposed access route to be a notable omission and as such **objects** on this basis.

## **EIA ISSUES**

East Lothian Council recognises the importance of aligning with national policy objectives and supporting Scotland's transition to clean energy. Accordingly, the principle of the proposal, situated within an established cluster of wind turbines, is considered logical and broadly acceptable. However, the Council remains concerned about the cumulative and ongoing impacts associated with the construction access route to the Crystal Rig complex. These impacts, which have already manifested and are likely to persist, may arise not only from the proposed development but also from potential future schemes, and therefore warrant careful consideration, assessment, and mitigation.

In accordance with Schedule 4 of the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the EIAR must include a comprehensive description of factors and the likely significant effects of the development. This requirement explicitly encompasses *“any direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.”*

Although the proposed access route is described as a temporary component, it is essential to acknowledge the ongoing impacts resulting from the construction of Crystal Rig 4 and the potential for further Crystal Rig developments. The Council’s position is that, despite its temporary status, the access route functions as a long-term feature within this part of East Lothian and must therefore be assessed thoroughly and proportionately within the EIA process.

As highlighted by several technical disciplines in this report, the proposed access area has not been subject to adequate assessment, if any, leaving the extent of potential significant impacts unknown. This omission represents a serious oversight in the current EIAR. While it may be argued that the route is already in use for construction traffic, evidence from past and ongoing experience demonstrates that it is experiencing detrimental effects. Any additional construction traffic, particularly involving larger vehicles and abnormal loads as a result of larger wind turbines, could exacerbate these impacts.

Whilst the EIAR acknowledges the requirement for a CEMP and a Construction Traffic Management Plan (“CTMP”) prior to the commencement of construction, in this particular circumstance, the Council considers this insufficient. An assessment of the proposed access area should be included at this stage to confirm the deliverability of the proposals and to evaluate the potential significant impacts of construction on environmental constraints, along with the mitigation measures proposed. As an example, the DAS within the EIAR notes that where existing tracks do not meet engineering requirements for transporting blades of up to 81m in length, widening may be necessary. These details should be provided within the EIAR to ensure that adequate assessment and mitigation are in place.

Overall, it is imperative that the EIA addresses the potential effects of the proposed access area on key environmental receptors, including transport infrastructure, biodiversity, land and soil, water resources, cultural heritage, and landscape character. This assessment is critical to ensure that significant impacts are identified, quantified, and appropriately mitigated in accordance with statutory requirements and best practice. Due to the absence of the assessment of potential impacts on the proposed access area, the Council **objects** to the proposal.

## CONCLUSION

While the proposed development would contribute to Scotland’s decarbonisation objectives and align with national policy, the Council has concerns regarding potential significant construction impacts along the proposed access area. Whilst the principle of development is accepted, based on the assessment against other policy considerations, the Council **objects** to the proposal on the following matters:

- due to the lack of clarity on proposed or intended enhancements for the access route, the development is contrary to NPF4 policy 3 in respect of East Lothian;
- there is insufficient biodiversity evidence supplied to make an informed consideration against Policy NH5;
- the proposed turbines are overly large for the Lammermuir Hills’ character, even with suggested reductions, the current design would dominate the landscape and create a significant visual contrast with existing schemes.

- the proposed development would double the number of visible aviation lights in the area;
- no assessment has been carried out on the landscape impacts to the access route through East Lothian;
- inability to assess the potential impacts on the historic environment arising from the proposed access route;
- the assessment of the setting impact upon Traprain Law is inadequate in that it under assesses the impact from the proposal itself and does not assess the cumulative impact in conjunction with other known windfarm schemes;
- it has not demonstrated that the public access road arrangements are either practical or achievable to accommodate the delivery of 80m blades; and
- omission of a cumulative effect assessment, both intra-project and in-combination, for the proposed access route.

The Council recommends that the applicant is offered the opportunity to amend their proposal and to submit further information in order to seek to overcome the Council's objections above. It is further recommended that the Council should be reconsulted on any amended proposals and further information.

It should be noted that if these objections are not resolved then the application would likely have to go through an inquiry process.

Were the ECU to decide to grant consent, then the Council recommends that this should be subject to conditions, and that these conditions are agreed in advance by the Council.

## RECOMMENDATIONS

1. That the Scottish Government Energy Consents Unit is informed that East Lothian Council objects to the granting of consent under Section 36 of the Electricity Act 1989 for the reasons set out in this report;
2. That East Lothians Chief Planning Officer be authorised to undertake any discussions with the Scottish Government Energy Consents Unit to seek to resolve these objections and conditions to be attached to the consent if required; and
3. That if consent is granted then it be subject to conditions to be agreed with East Lothian Council's Chief Planning Officer.

## RECOMMENDED CONDITIONS

The following sets out a list of recommended conditions for the proposed development. However, it excludes conditions relating to **Landscape and Visual Impact, Transportation, Biodiversity** and **Historic Environment**. Due to the objections raised by the Council and the current lack of sufficient supporting information, we are unable to recommend appropriate conditions for these technical disciplines at this stage.

### Commencement of Development

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

Reason: To ensure that the development is commenced within a reasonable period.

## **Carbon Emissions**

- 2 Prior to the commencement of any development a report on the actions to be taken to reduce the Carbon Emissions from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings including the consideration of any opportunities for heat recovery systems, where feasible and appropriate in design terms. The details shall include a timetable for implementation.

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

Reason: To minimise the environmental impact of the development.

## **Water and Flood Risk Management**

- 3 No development shall commence until detailed information has been submitted to and approved in writing by the Planning Authorities demonstrating compliance with the following requirements:
- 1) The formation of any new hard surfaces, including access roads, shall be designed to attenuate runoff to at least existing greenfield rates, ensuring no increased impact on downstream receptors. Similarly, any discharges from SUDS or other drainage systems shall be limited to existing Greenfield runoff rates.
  - 2) Any culverts, watercourse crossings, or alterations to existing crossings must not reduce the flow conveyance capacity of the watercourse.
  - 3) Full details of silt traps and any other proposed measures to minimise sediment entering watercourses shall be submitted for approval.

Reason: To ensure existing greenfield run-off rates are maintained, minimise impact on the water environment and to ensure that flood risk is ameliorated.

## **Noise**

- 4 The rating level of noise emissions from the combined effects of the wind turbines forming part of the Development (including the application of any tonal penalty) shall not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this consent. The turbines shall be designed to permit individually controlled operation or shut down at specified wind speeds and directions in order to facilitate compliance with noise criteria and:
- 1) The Company shall continuously log power production, wind speed and wind direction. These data shall be retained for a period of not less than 24 months. The Company shall provide this information to the Planning Authority within 14 days of receipt in writing of a request to do so.
  - 2) There shall be no First Commissioning of the Development until the Company has received written approval from the Planning Authority of a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Planning Authority.

- 3) Within 21 days from receipt of a written request from the Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the Company shall, at its expense, employ a consultant approved by the Planning Authority to assess the level of noise emissions from the wind farm at the complainant's property. The written request from the Planning Authority shall set out at least the date, time and location to which the complaint relates and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the 18 This section will only be relevant in circumstances where updated landslide assessment is required prior to commencement of development. Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- 4) The assessment of the rating level of noise emissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Planning Authority. The protocol shall include the proposed measurement location(s) where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise emissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Planning Authority under paragraph 17c, and such others as the independent consultant considers likely to result in a breach of the noise limits.
- 5) Where the property to which a complaint is related is not listed in the tables attached to this condition, the Company shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the tables to be adopted at the complainant's property for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's property. The rating level of noise emissions resulting from the combined effects of the wind turbines shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's property.
- 6) The Company shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise emissions within 2 months of the date of the written request of the Planning Authority for compliance measurements to be made under paragraph e, unless the time limit is extended in writing by the Planning Authority. Certificates of calibration of the instrumentation used to undertake the measurements shall be submitted to the Planning Authority with the independent consultant's assessment of the rating level of noise emissions.
- 7) Where a further assessment of the rating level of noise emissions from the wind farm is required, the Company shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (4) above unless the time limit has been extended in writing by the Planning Authority.

**Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10-minute periods.**

Location	Standardised 10 m Height Wind Speed (ms <sup>-1</sup> )									
	3	4	5	6	7	8	9	10	11	12
R1	35	35	36	39	42	46	49	52	54	56
R2	35	35	35	35	36	38	40	42	44	46
R3	35	35	37	40	43	46	49	51	51	50
R4	35	35	37	40	43	46	49	51	51	50
R5	35	35	37	40	43	46	49	51	51	50
R6	35	35	36	39	42	46	49	52	54	56
R7	35	35	37	40	43	46	49	51	51	50
R8	35	35	36	39	42	46	49	52	54	56
R9	35	35	35	39	42	46	49	52	54	56
R10	35	35	35	36	38	40	43	45	46	47
R11	35	35	35	40	43	45	48	51	53	55
R12	35	35	35	36	38	40	43	45	46	47
R13	35	35	35	40	43	46	49	51	51	50
R14	35	35	35	36	38	40	43	45	46	47

**Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10-minute periods.**

Location	Standardised 10 m Height Wind Speed (ms <sup>-1</sup> )									
	3	4	5	6	7	8	9	10	11	12
R1	43	43	43	43	43	43	47	51	55	58
R2	43	43	43	43	43	43	43	43	43	43
R3	43	43	43	43	43	44	48	51	52	53
R4	43	43	43	43	43	44	48	51	52	53
R5	43	43	43	43	43	44	48	51	52	53
R6	43	43	43	43	43	43	47	51	55	58
R7	43	43	43	43	43	44	48	51	52	53
R8	43	43	43	43	43	43	47	51	55	58
R9	43	43	43	43	43	43	47	51	55	58
R10	43	43	43	43	43	43	43	44	45	46
R11	43	43	43	43	43	44	44	48	47	43
R12	43	43	43	43	43	43	43	44	45	46
R13	43	43	43	43	43	44	44	51	52	53
R14	43	43	43	43	43	43	43	44	45	46

Reason: to protect nearby residents from undue noise and disturbance. To ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

**Planning Monitoring Officer**

- 5 (1) There shall be no Commencement of Development unless and until the Planning Authorities have approved in writing the terms of appointment by the Company of an independent and suitably qualified environmental consultant as a Planning Monitoring Officer (PMO) to assist the Planning Authorities' in the monitoring of compliance with conditions attached to this deemed planning permission during the period from Commencement of Development to completion of post-construction restoration works.
- (2) The terms of appointment shall:
- (a) impose a duty to monitor compliance with the terms of the deemed planning permission and the conditions attached to it;
  - (b) require the PMO to submit a monthly report to the Planning Authority summarising works undertaken on site; and
  - (c) require the PMO to report to the Planning Authority any incidences of non-compliance with the terms of the deemed planning permission and conditions attached to it at the earliest practical opportunity.

Reason: To enable the Development to be suitably monitored to ensure compliance with the consent and deemed planning permission.

### **Redundant turbines**

- 6 (1) If one or more turbine fails to generate electricity for a continuous period of 12 months (excluding any periods of constraint imposed by the National Grid during which turbines are not operating), then unless otherwise agreed in writing by the Planning Authorities, the Company shall submit a scheme to the Planning Authority for its approval setting out how the relevant turbine(s) and associated infrastructure will be removed from the site and the ground restored thereafter.
- (2) The Company shall implement the scheme as approved in writing by the Planning Authorities within six months of the date of its approval, all to the satisfaction of the Planning Authorities.

Reason: to ensure that any redundant wind turbine is removed from the site, in the interests of safety, amenity and environmental protection.

### **Decommissioning, Restoration and Aftercare**

- 7 There shall be no Commencement of Development until an Interim Decommissioning, Restoration and Aftercare Strategy has been submitted to, and approved in writing by, the Planning Authorities in consultation with SEPA. The Interim Decommissioning, Restoration and Aftercare Strategy shall outline measures for the decommissioning of the Development and restoration and aftercare of the site, and shall provide proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environmental management provisions in any instance that the site as a whole, or in part, ceases to operate prior to the approval of the Detailed Decommissioning, Restoration and Aftercare Plan.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the

interests of safety, amenity and environmental protection when a detailed decommissioning, restoration and aftercare Plan has not yet been approved.

- 8 (1) The Development shall cease to generate electricity to the grid network by no later than the date falling 35 years from the Date of Final Commissioning.
- (2) Unless the Development has been deemed to be redundant, no later than one year prior to the Date of Final Generation or the expiry of the section 36 consent (whichever is earlier) a Detailed Decommissioning, Restoration and Aftercare Plan shall be submitted for the written approval of the Planning Authorities.
- (3) If the Development has been deemed to be redundant, no later than twelve months from the Date of Final Generation, a detailed Decommissioning, Restoration and Aftercare Plan shall be submitted for the written approval of the Planning Authorities.
- (4) The Detailed Decommissioning, Restoration and Aftercare Plan shall provide updated and detailed proposals, in accordance with relevant guidance at that time, for the removal of the Development, the treatment of ground surfaces, the management and timing of the works and environment management provisions which shall provide:
- a) a site waste management plan (dealing with all aspects of waste produced during the decommissioning, restoration and aftercare phases and, including details of measures to be taken to minimise waste associated with the Development and promote the recycling of materials and infrastructure components);
  - b) details of the formation of the construction compound, welfare facilities, any areas of hardstanding, turning areas, internal access tracks, car parking, material stockpiles, oil storage, lighting columns, and any construction compound boundary fencing;
  - c) a dust management plan;
  - d) details of measures to be taken to prevent loose or deleterious material being deposited on the local road network, including wheel cleaning and lorry sheeting facilities, and measures to clean the site entrances and the adjacent local road network;
  - e) a pollution prevention and control method statement, including arrangements for the storage and management of oil and fuel on the site;
  - f) details of measures for soil storage and management;
  - g) a surface water and groundwater management and treatment plan, including details of the separation of clean and dirty water drains, and location of settlement lagoons for silt laden water;
  - h) details of measures for sewage disposal and treatment;
  - i) temporary site illumination;
  - j) the construction of any temporary access into the site and the creation and maintenance of associated visibility splays; and
  - k) a species protection plan based on surveys for protected species (including birds) carried out no longer than eighteen months prior to submission of the plan.
- (5) The Development shall be decommissioned, the site restored, and aftercare undertaken prior to the date falling three years after the Date of Final Generation and in accordance with the approved detailed decommissioning, restoration and aftercare plan.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

### **Financial Guarantee**

9 (1) No development shall commence unless and until the Company has delivered a bond or other form of financial guarantee in terms reasonably acceptable to the Planning Authorities which secures the cost of performance of all decommissioning, restoration and aftercare obligations are submitted to the Planning Authority. The value of the financial guarantee shall be agreed between the Company and the Planning Authorities or, failing agreement, determined (on application by either party) by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations.

(2) The financial guarantee shall be maintained in favour of the Planning Authorities until the date of completion of all decommissioning, restoration and aftercare obligations.

(3) The value of the bond or financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in the decommissioning, restoration and aftercare method statement.

(4) The value of the financial guarantee shall be reviewed by agreement between the Company and the Planning Authorities or, failing agreement, determined (on application by either party) by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with decommissioning, restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company.

### **Public Access Management Plan**

10 (1) Prior to the commencement of development a Public Access Management Plan shall be submitted to and approved in writing by the Planning Authorities. The Public Access Management Plan shall include the following details:

- (a) any temporary closures and diversions to rights of way and public access during construction, their duration and any proposed signage;
- (b) proposals to restore any existing rights of way and public access to their previous condition between construction and decommissioning and once full decommissioning has taken place; and
- (c) proposals to enhance public access within and adjacent to the site during the lifetime of the development.

(2) Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authorities.

Reason: To ensure the safe continuation of public access and amenity.

ECU Application No. ECU00005089

ELC Reference No. 25/00005/SGC

Proposal Electricity Act 1989 – Application for construction and operation of a repower of Crystal Rig I wind farm. Consisting of up to 10 wind turbines including six turbines with a maximum overall height (to blade tip) of up to 230 m and the remaining four turbines with a maximum overall height (to blade tip) of up to 200 m

Location Crystal Rig 1 Wind Farm, approximately 10km South of Dunbar and approximately 40km East of Edinburgh, within the Lammermuir Hills

Applicant Fred Olsen Renewables  
Ltd Per Emily Galloway  
Ochil House  
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Stirling  
FK7 7XE

Ward 06 Dunbar and East Linton

Date 18 December 2025

Sent via email to

[econsents\\_Admin@gov.scot](mailto:econsents_Admin@gov.scot)

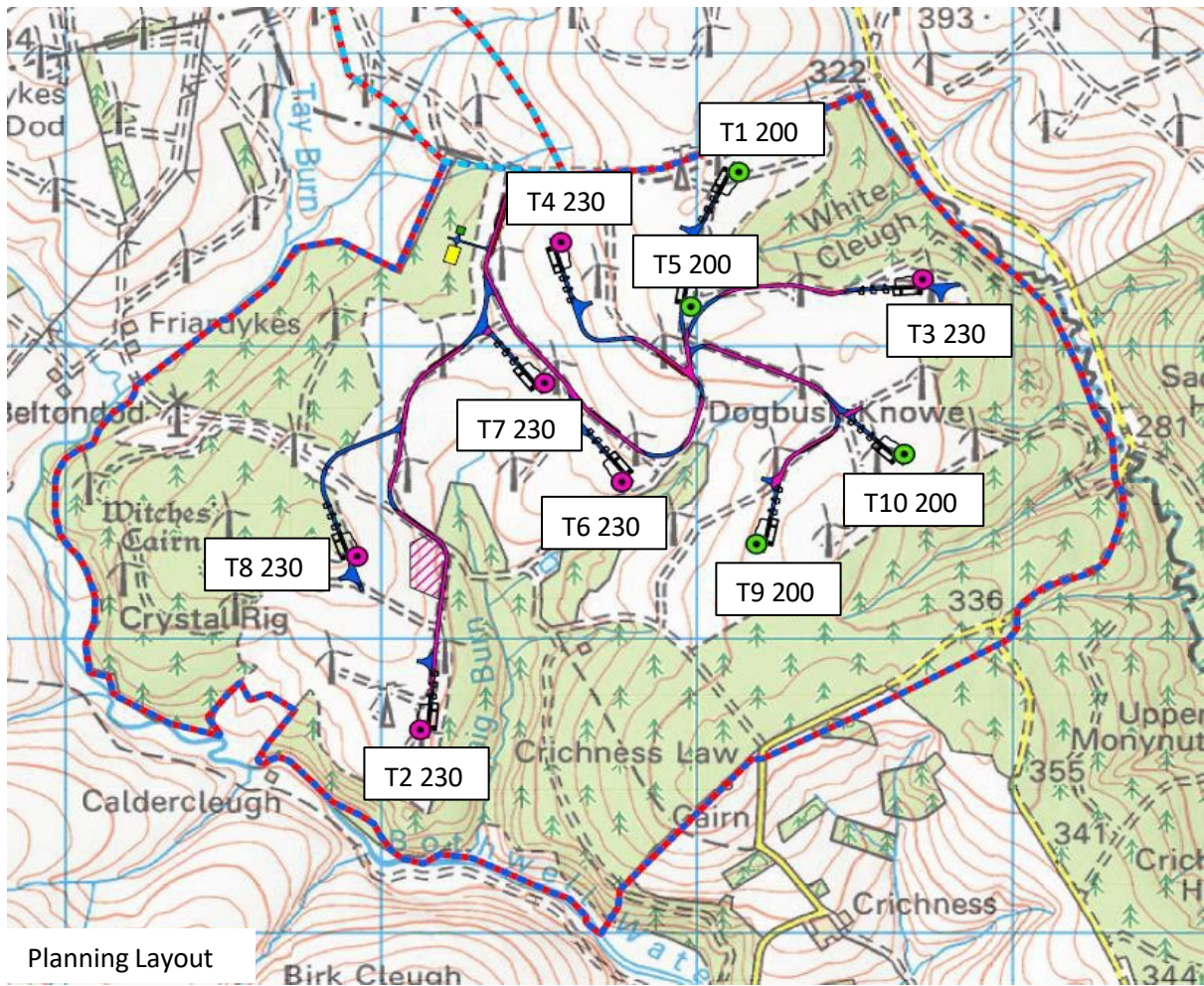
Cc Kevin Ainslie [Kevin.Ainslie@gov.scot](mailto:Kevin.Ainslie@gov.scot)

## **ANNEX A – LANDSCAPE COMMENTS**

### **DESCRIPTION OF PORPOSAL**

This is an application for the repowering of the existing Crystal Rig Wind Farm (referred to in this report as CRIR). It includes for decommissioning of the existing 25no. existing 100m high wind turbines and construction of 10no. new wind turbines including six turbines with a hub height of 149m and maximum overall height (to blade tip) of up to 230 m and four turbines with a hub height of 119m and maximum overall height (to blade tip) of up to 200 m. All proposed turbines are to have a rotor diameter of 162m and blade length of 81m. Visible aviation lighting will also be required

The site lies within the Scottish Borders Council local authority area immediately to the SE boundary of East Lothian.



All site access will be by minor roads through East Lothian from the Innerwick junction from the A1 to the northeast of the site.

Table of proposed turbines sorted highest to lowest

ID	Easting	Northing	Altitude	Tip height	AOD to tip	Hub Height	AOD to hub	Visible aviation lights
3	368714	668229	347	230	577	149	496	No
4	367569	668355	338	230	568	149	487	No
1	368132	668595	365	200	565	119	484	Yes
5	367980	668136	365	200	565	119	484	No
8	366923	667283	329	230	559	149	478	No
6	367761	667537	325	230	555	149	474	No
10	368655	667632	354	200	554	119	473	Yes
9	368188	667325	351	200	551	119	470	No
7	367516	667875	320	230	550	149	469	Yes
2	367122	666691	303	230	533	149	452	Yes

## **LVIA**

A full LVIA has been submitted for assessment of the proposed development. It only includes assessment of the turbines and does not include an assessment of impacts on access route.

The LVIA accords with the GLVIA.

## **DESCRIPTION OF SITE**

The site lies within a landscape characterised by rolling plateau of hill tops. There are limited peaks. Spartleton being one of these at 468m to peak, is located to the southwest of the site forming the backdrop to the Whiteadder Reservoir.

The generally low-lying area of Dunbar Common, forming a slightly lower-lying bowl-like area within the Lammermuirs is an established area for wind farm. The landform offers opportunity to reduce the impact of the turbines in wider views both across the plateau of the Lammermuirs and from the East Lothian agricultural plain to the north.

Crystal Rig 1 was the first wind farm development within this area. Operational since 2004 it is now nearing the end of its operational life.

There is established landscape pattern of wind farm within this area such that the landscape area immediately adjacent to the site in East Lothian has been characterised as Upland with Wind Farm.

## **DEVELOPMENT DISCUSSION**

The cumulative ZTVs indicate that the proposed turbines will introduce very little new visibility of turbines from this cluster area into the lowland plain to the north. In addition the location of the turbines within an established windfarm area retains the existing pattern of cluster and space along the Lammermuir skyline.

The cumulative ZTVs also indicate very limited extension of turbine visibility into the Whiteadder Reservoir valley.

## **LANDSCAPE CHARACTER**

The LVIA notes at 5.10.2 that effects on landscape character can arise off-site, where visibility of the Proposed Development may alter the way in which this pattern of elements is perceived. However the LVIA has only assessed the effects on the following Landscape Character Areas (LCA) and Special Landscape Areas (SLA) in East Lothian, with three of these only assessed for night time effects:

- Lammermuir Plateau (ELC LCA);
- Lammermuir Plateau with Windfarm (ELC LCA);
- Halls to Bransly Hill SLA (ELC SLA no 6) (night-time only); and
- Monynut to Blackcastle SLA (ELC SLA no 4) (night-time only); and
- Whiteadder SLA (ELC SLA no 2) (night-time only).

### **Lammermuir Plateau LCA**

The LVIA defines this LCA as having a high-medium value, due to the whole area lying with various SLAs and its strong upland sense of place, and recreational value afforded by the network of paths and tracks.

The LVIA states that this is a large-scale landscape with simple landform and landscape patterns, ensuring that the influence of the Proposed Development will not lead to scale comparisons between the landscape and the turbines.

The susceptibility is also moderated by the direct influence of wind energy within the receptor as well as close-proximity external influence. These wind farms establish this type of development as part of the baseline character, ensuring that the Proposed Development will not add a new external influence to the character of the LCA. The combination of a medium-low susceptibility and high-medium value of the landscape results in a **medium** sensitivity for the Lammermuir Plateau LCA.

The LVIA notes that the magnitude of change afforded by the development differs depending on where you are in this large area. It does note that to the west and south-west the Lammermuir Plateau LCA directly abuts the Dissected Plateau Moorland LCT within which the Proposed Development lies, and here there is a more limited context of operational and under construction development (although Crystal Rig IV does lie between the Proposed Development and the receptor on this edge). This increased influence can be seen at Viewpoints 5, 11 and 30, where the Proposed Development will have a greater influence due to its level of visibility and contrast with baseline development. The LVIA suggests that this will be a medium magnitude of change for this area, higher than for other parts of the LCA.

It notes that the factors that contribute to this magnitude of change are:

- The relatively limited context of operational and under construction development means that the Proposed Development turbines will lead to a readily apparent increase in wind farm influence at reasonably close proximity, although they are not uncharacteristic in the view;
- The Proposed Development turbines will be larger than the operational and under construction turbines and this increases their influence; and
- The Proposed Development turbines will have a higher level of visibility than the baseline Crystal Rig I turbines due to their increased dimensions, resulting in a more apparent influence on landscape character.

It suggests that factors that restrict this magnitude of change to a maximum medium level are that this LCA is strongly characterised by external wind farm influence, including Crystal Rig I on the Site itself, ensuring that the Proposed Development will not introduce a new, unfamiliar influence on landscape character, but will integrate with the baseline character. Also that the Crystal Rig I turbines that form part of the baseline setting to this receptor provide a precedent for wind farm development on the Site, and this reduces the additional influence of the Proposed Development as it will not introduce a new influence on this specific part of the setting to the receptor. We agree with this.

We however disagree with the suggestion that this part of the receptor has large-scale, generally simple landform, ensuring that scale comparisons with the Proposed Development are unlikely to arise. The peak of Spartleton sits directly adjacent to the site within this LCA. The hubs of nine of the ten proposed turbines are higher than the peak of Spartleton. This will have a direct detrimental influence on the appreciation of this prominent landscape feature which will no longer appear as the high point of this part of the LCA.

Scale comparisons are further likely to be increased with the proposed development being seen in context with the Whiteadder Upland Valley SLA across this part of the Lammermuir

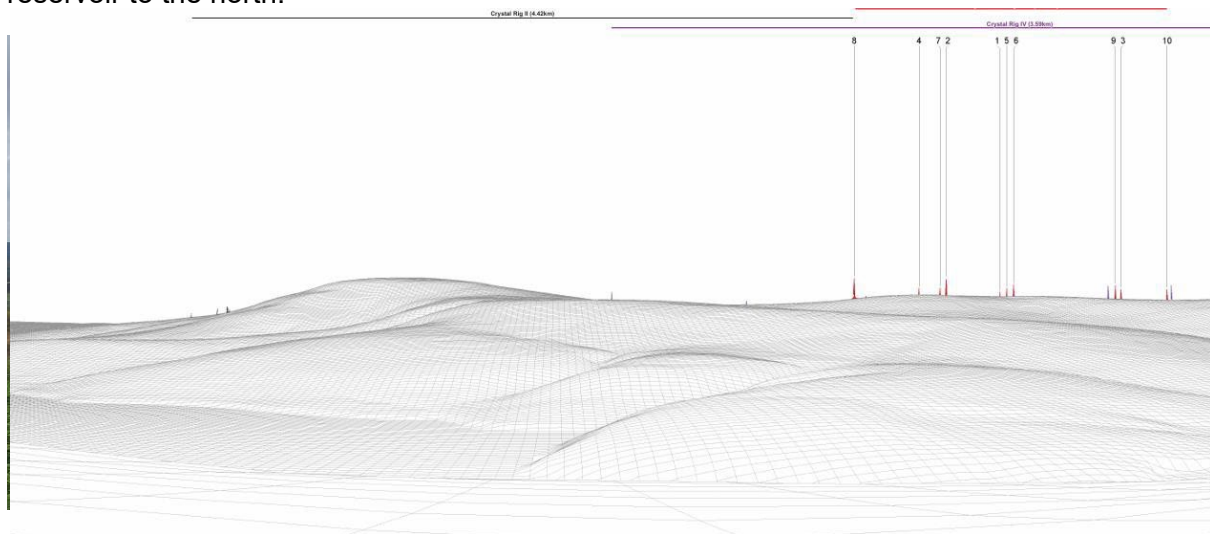
Plateau LCA. This is demonstrated most clearly in viewpoint 11.

We agree that there will be significant effects on this LCA from the proposed development but consider these to be significant over a wider area of the LCA than suggested in the LVIA.

### **Whiteadder SLA**

We had concerns that the ZTV showed visibility of turbines within this SLA and the impact this may have on the setting of the Whiteadder Reservoir and Spartleton. The applicants submitted a wireline from the core path to the east of Priestlaw Hill.

The photograph below shows the direction of this view with Spartleton rising beyond the reservoir to the north.



The wireline clearly shows that the turbines, although visible in this view, do not intrude behind Spartleton and therefore do not impact on the setting of the reservoir. The wireline does however indicate the increased visibility of proposed turbines compared to the existing turbines in this view.

### **Agricultural Plain**

The impact of the development from the Agricultural Plain LCAs in East Lothian has not been considered in the LVIA. There is a large area of the coastal plain LCA where the hubs as well as blades are visible well within the 20km study area to the south of North Berwick and across to Gullane beyond the 20km study boundary. The closest viewpoint to represent this is 17 (29 is within the area but is from the top of North Berwick Law and therefore not representative of views from the plain).

The Lammermuir skyline has long been identified as important to the natural beauty of East Lothian in providing a pencil sharp skyline and a simple and largely uncluttered backdrop for the agricultural plain, settlements and volcanic outcrops of East Lothian. At present the wind farms are spaced at intervals across the extensive skyline with the majority of the skyline retained as an unbroken element. It is important that any new wind farms retain this existing cluster and space layout across the skyline to retain this uncluttered backdrop to the plain. This proposal retains this with the repowering being proposed within the same geographical spread as the existing wind farm. What the proposal does do is increase the height of the turbines.

The East Lothian Local Development Plan (LDP) contains Appendix 2 – Cumulative Wind Turbine Issues. In the section on the Lammermuir Skyline it notes that windfarm development

on the skyline can be prominent and it has three design principles:

- firstly, the horizontal skyline should continue to appear as the dominant feature;
- secondly, wind development should continue to appear set back from the East Lothian edge of the Lammermuir Hills; and
- thirdly, physical and visual spacing between windfarms should be maintained.

The proposed development begins to erode the appearance of the wind turbines set back from the edge of the Lammermuir Hills and contained by the hills in views from the plains. This can be seen in viewpoint 17 where the turbines extend above the horizon so that the whole hubs, rotor diameter and some of the column are visible. This gives more of an appearance of the turbines sitting on the hills rather than being contained within them. This is particularly evident for turbines 1, 3, 4 and 8.

## **VIEWPOINTS**

There are 17 viewpoints agreed for East Lothian. I have commented on those where there appears to be greatest impact from the proposal.

### **VP5 Moss Law**

This viewpoint is from the B6355 as you head directly towards the Crystal Rig wind farm development on the road to the Whiteadder and Duns beyond. It is on the boundary between the Lammermuir Hills SLA and the Whiteadder SLA.

The LVIA states that it is included to represent views gained by people travelling eastwards on the B6355. It is also representative for hill walkers within this area of the plateau and other recreational users.

Although the proposed turbines are located within the existing spread of the Crystal Rig and Aikengall wind farms to the left of Spartleton in this view, their greater size will make them a dominant element within the view. The turbines greater height mean they dwarf the peak of Spartleton. This no longer appears as a feature peak in this view. Nine of the ten turbines have hubs higher than Spartleton and this is apparent in this view.

This does not accord with NatureScot's advice in Siting and Designing Wind Farms in the Landscape Version 3a where at 3.41 it states that wind farms interaction with the existing hierarchy of foci needs to be considered in their siting and design, in order to minimise visual conflicts or avoid compromising the value of existing foci. In addition at 3.32 it notes that a wind farm should be of minor size compared to other key features and foci within the landscape; or separated from these by a sufficiently large area of open space (either horizontally or vertically) so that direct scale comparison does not occur.

The proposal extends the spread of larger scale turbines across the view increasing their visibility and prominence. In addition although the number of turbines will be reduced overall the proposal introduces significant contrast in scale with the existing turbines. This could have the effect of causing visual confusion and clutter.

We agree with the LVIA that the effect of the proposed development on this view and users of the hills to the northwest of the Lammermuirs will be significant.

### **Night Time Effect**

A night time photomontage has been produced for this viewpoint. This shows three lights visible from the under construction CRIV turbines. These are close to the horizon and relate to the landform.

All four of the lights on the proposed turbines would be visible in this view together with the

three from CRIV. The proposed lights appear as an almost horizontal line across the sky, roughly in line with the peak of Spartleton and on a level with the viewer such that lighting intensity will be up to full intensity. They greatly increase the spread of development visible at night time.

We believe that for the reasons given in the LVIA assessment that the magnitude of change will be greater than medium-low. Namely - The proposal leads to an increase in the visible number of lights in addition to those seen on Crystal Rig IV, an increase in the extent of the view that will be affected by turbine lighting, increased height above the skyline of the Proposed Development lights in relation to the Crystal Rig IV lights, and the appearance of the lights in the broad direction of travel.

### **VP8 Traprain**

The view from Traprain as noted in the LVIA is panoramic and as such the view to the south along the Lammermuir skyline forms an important part of this view.

The existing turbines are contained by the hills with hubs, where visible, close to the horizon. The proposed turbines site much higher than the existing with hubs and rotor diameters visible for a number of turbines. The scheme also shows stacking of turbines 1 and 3, grouping of turbines 4, 5 and 10, and a separate group with 6, 7 and 9, with the wind farm appearing as three separate groups of turbines. The blades of turbine 8 and tip of turbine 2 increasing the spread across the hill slope to the west. This is an important viewpoint should be considered in design. It is not a changing or mobile view.

The proposed turbines intensify the effect of development with greater visibility and greater scale and height. It could be said that they appear as a major feature given their increased height, movement and stacking and lack of other structures of this size in this direct view. The LVIA appears to have under assessed the magnitude of change to this viewpoint by the proposals.

### **Night Time Effect**

The proposal introduces lighting from three turbines into this view, raised above the horizon.

### **VP10 Minor Road to the south of Spott**

This viewpoint shows the large contrast in scale between the existing turbines of Aikengall and the proposed turbines. The proposed turbines increase the intensity and emphasise the spread of windfarm across the skyline. There is no visibility of CRIV from here so this proposal also introduces night time lighting into an otherwise completely dark environment.

### **VP11 Killpallet**

In this view, the proposed turbines form a line to the right of Spartleton. Similar to VP5, this viewpoint demonstrates how the height of the turbines—greater than Spartleton—results in the loss of Spartleton as a distinctive individual peak. This diminishes an important feature of the Whiteadder SLA and is not in accordance with NatureScot's advice in Siting and Designing Wind Farms in the Landscape Version 3a.

Key observations:

- Turbine 8 is the tallest and closest to Spartleton, overlapping with Turbine 4.
- The turbines become the sole focus of the view, creating a higher magnitude of change.
- The surrounding landscape near Whiteadder is upland farmland, which is smaller in scale compared to plateau uplands.

- The large scale of the turbines contrasts sharply with the farmed landscape, making them appear closer and more dominant.
- They are visually raised and prominent along the ridgeline south of Spartleton.

The impact of the turbines in this view is likely more significant than currently assessed.

### **VP13 Blackcastle Hill**

Same magnitude of change as VP11. However this viewpoint views the proposed turbines through the existing turbines. This therefore does not appear to lead to as large a magnitude of change as the view from VP11 Killpallet.

### **VP15 St Baldred's Cradle**

Large scale but clearly set within the hills. Aikengall already raised from here. It is 13.41km to the nearest turbine.

Turbine 4 appears higher than the others from this viewpoint. Turbine 8 appears as an outlier to the west.

### **VP16 Lammer Law**

Turbines from here appear large and higher than the peak of Spartleton (468m to peak). The hub of the lowest turbine appears level with the top of Spartleton. Spartleton no longer appears as a major peak within the landscape. It loses its identity by no longer standing alone. The turbines of CRIV are visible extending up the hill slope of Spartleton. Although large they are of a smaller scale than the proposed turbines and do not reduce the impact of the feature of Spartleton to the same extent.

In addition the proposed turbines to the left in this view appear even large in scale as they read with the turbines of CRII and CRIII, at half the height and scale of the proposed turbines.

### **VP17 Dirleton A198**

This viewpoint is located over 22 km from the nearest turbine, offering a wide panoramic view of the Lammermuir Hills, defined by the pencil-sharp profile and simple, largely uncluttered backdrop, which has long been recognised as important to the natural beauty of East Lothian.

The proposed development, while located within the same geographical spread as the existing wind farm, introduces significantly taller turbines. At this distance, the existing turbines appear low on the horizon and relatively small in scale. However, the proposed turbines increase both scale and visibility, altering the perception of the skyline. In this view, the hubs, rotor diameters, and even parts of the towers are visible above the horizon, creating the impression that the turbines are sitting on the hills rather than being contained within them. This effect is particularly noticeable for Turbines 1, 3, 4, and 8.

The proposed increase in turbine height begins to erode the principles of maintaining the horizontal skyline as the dominant feature and keeping turbines set back from the edge of the hills. The turbines extend above the skyline, reducing the dominance of the horizontal horizon and introducing a more cluttered appearance. This represents a notable change in character, even at 22 km distance, and suggests that the magnitude of change and cumulative impact may be greater than assessed in the LVIA.

While the LVIA concludes that the effect is not significant due to distance, this viewpoint demonstrates that the proposal visibly intensifies development along the skyline, diminishing its simplicity and the sense of containment that currently defines the Lammermuir Hills.

### **VP21 Barns Ness**

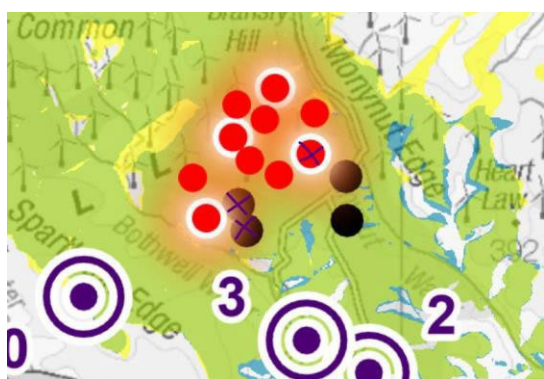
The proposed turbines sit beyond the turbines of Aikengall I and II in this view. This reduces their prominence in the daytime. Two hubs with visible aviation lighting (1 and 10) are visible from here and this will introduce lighting within the hills where there is none at the moment. This has the effect of introducing development in the hills into the night time view from the coast (and the Dunbar to Barns Ness Coast SLA). This viewpoint has not been included in the detailed assessment in the LVIA.

### **AVIATION LIGHTING**

The applicant has agreed a reduced lighting scheme with the Civil Aviation Authority (CAA) whereby the 2000 candela visible aviation lights can be dimmed to 200 candela when visibility in **all** directions from all turbines is greater than 5km. This means that should visibility be less than 5km from any turbine all visible aviation lights will be at 2000cd. The number of turbines with visible aviation lighting has also reduced to four out of the total ten.

We asked at scoping stage that, should the CAA not agree to no visible aviation lighting, then a reduced lighting scheme in combination with the proposed lighting scheme at Crystal Rig IV to minimise night-time visual impact be considered. This has not been provided.

The proposals include the lighting scheme previously approved for CRIV together with a lighting scheme for CRIR. This appears to include lighting for turbines that do not form the cardinal points of a scheme where CRIR and CRIV read as one. This would therefore appear to be unnecessary visible aviation lights. If scheme goes ahead then we would ask that the lighting scheme ties in with CRIV and omits what will be the lights on internal turbines of the two schemes, such as sketched below.



Possibly omit three lights, two on CRIV and one from proposed development.

The lights at 200cd and at longer distances may just appear as dim points of light. However they still appear as uncharacteristic elements within the landscape, not related to landscape form or character. A single light will be less eye catching than several. This proposal increases the number of lights. Omitting some as suggested above may help to reduce impacts from lighting.

It has recently been announced that the Scottish Air Ambulance now has night vision.

<https://www.scaa.org.uk/our-mission/news-and-media/your-support-will-be-our-eyes-in-the->

[dark/](#)

At the time of the public inquiry for CRIV the argument given for visible aviation lighting was that this helicopter did not have night vision. We would question whether this changes the whole landscape around the requirement for visible aviation lighting.

This is the wording for Condition 23 Aviation warning lighting of ECU00000607 Crystal Rig Wind Farm (Phase IV):

*(1) Unless otherwise agreed in writing by the Planning Authorities, in consultation with the Civil Aviation Authority, the Company shall install medium-intensity, Type C 2000 candela red aviation lights that will be within the range between the minimum required intensity and maximum recommended intensities set out in Table 6.3 of International Civil Aviation Organization Annex 14 to the Convention on International Civil Aviation, Volume 1, Aerodrome Design and Operations, Eighth Edition, July 2018 (the ICAO Regulations) as reproduced in Table 1 below, and with the capacity for dimming to not less than 10% of the minimum peak intensity specified for a light of this type in circumstances permitted by Civil Aviation Authority Policy.*

*(2) The lighting to be installed in terms of paragraphs (1)(b) above shall be in accordance with the Civil Aviation Authority approval of 19 February 2020. No visible spectrum lighting other than that described may be installed at the site, other than as required for health and safety purposes, unless otherwise agreed in advance and in writing by the Planning Authorities.*

*(3) In the event that prior to commencement of development the Planning Authorities receive:*  
*(a) written confirmation from the Scotland's Charity Air Ambulance service that its helicopters are able to operate using night vision imaging technology; and,*  
*(b) written approval from the Civil Aviation Authority for an infra-red only lighting scheme, the lighting scheme to be implemented in terms of this condition shall require only the provision of infra-red only lighting in accordance with the written approval of the Civil Aviation Authority referred to at (b) above.*

*(4) In the event that the written confirmations and approvals referred to above in paragraph (3) of this condition are received by the Planning Authorities and the Civil Aviation Authority after the development becomes operational, any visible aviation warning lighting installed on the turbines shall be operated in infra-red mode only, or replaced with infra-red lighting, if that is not possible.*

*The Development shall thereafter be operated fully in accordance with the requirements of this condition.*

**Reason:** *in the interests of aviation safety.*

## **ACCESS ROUTE**

No landscape assessment of the impact of the AIL route has been submitted. We requested at scoping stage that the LVIA should include an assessment of the impact on both landscape and visual (including physical effects on landscape character) of any works to the access route to the site. The access route lies within the Upland Fringe – Lothian LCT and Eastern Lammermuir Fringe LCA. Works have been undertaken to this route to enable access for blade delivery for the CRIV development. The blades proposed for this development are 14m longer.

Chapter 10 – Traffic and Transport chapter of the LVIA states:

*“Some additional works may be required to accommodate the AILVs delivering the turbine components to the Proposed Development. The extent of any additional works would be determined once construction of the Crystal Rig IV wind farm is complete and the exact turbine model for the Proposed Development has been confirmed (should consent be granted). A condition could be attached to any consent issued for the Proposed Development requiring an assessment of AILVs delivering components to the Proposed Development to be submitted and approved by the roads authorities.”*

The LVIA states that *“further work is underway to refine the details of minor works that may be required on the access area, and an assessment of this work is not included within this LVIA”*.

A full assessment of the landscape and visual effects of the proposal cannot be provided without this information. It is the same applicant taking forward this proposal as implementing CRIV and therefore they will have all the information available to them such as existing surveys of the route and the mitigation required for CRIV. We would ask that this information be submitted.

## **CONCLUSION**

We support repowering of the wind farm in this location rather than introducing new turbines into a new area of the hills. Our concern lies with the scale and layout of the proposal. Wind turbines at Crystal Rig phases I, II, III and IV have remained contained by the landform with the hills remaining as the dominant element. Crystal Rig IV wind farm, which includes four turbines at 200m to tip, three at 174.5m to tip and four at 149.9m to tip, increases the scale and mass of the wind farm but retains Spartleton as a feature peak.

The CRIR proposals however have been identified in the LVIA as having a significant impact on the landscape and views of East Lothian. The proposal appears to overwhelm the scale of the plateau landscape leading to the loss of Spartleton as a feature peak as shown in the visuals from Viewpoints 5 and 11.

The LVIA appears to undervalue the importance of the horizontal skyline element of the Lammermuirs especially as viewed as the backdrop to East Lothian from the agricultural plain to the north and the effect of the increased visibility afforded by the proposed turbines on the skyline in views from the A198 tourist route (such as from viewpoint 17), the John Muir Way long distance walk and the East Lothian coast.

There appears to have been a lack of consideration given to the design of the wind farm on the historic, tourist and recreational viewpoint from Traprain Law (viewpoint 8).

Overall the scale and height of the proposal appears overly large for the scale and character of the Lammermuir Hills in both day and night such that this could not be supported on landscape grounds. We would support consideration of reducing all the proposed turbines to 200m to tip and 119m to hub. Reducing the hubs of the 230m to tip turbines to 119m would lead to only four of the hubs being higher than the peak of Spartleton. It would not remove the significant effect created by the proposed development. There would still be a contrast in scale where turbines of different schemes are seen together. It may however help to provide a more balanced scheme better contained by the hills in views from the north and that reads better with the existing remaining wind turbines of Crystal Rig and Aikengall.

Visible aviation lighting proposals double the number of lights on turbines within this area of the Lammermuirs. There appear to be opportunities to reduce this that we would encourage the applicant to explore.

No assessment has been undertaken for the impacts on the access route through East Lothian. I would recommend a landscape objection based on these three concerns.

ECU Application No. ECU00005089

ELC Reference No. 25/00005/SGC

Proposal Electricity Act 1989 – Application for construction and operation of a repower of Crystal Rig 1 wind farm. Consisting of up to 10 wind turbines including six turbines with a maximum overall height (to blade tip) of up to 230 m and the remaining four turbines with a maximum overall height (to blade tip) of up to 200 m

Location Crystal Rig 1 Wind Farm, approximately 10km South of Dunbar and approximately 40km East of Edinburgh, within the Lammermuir Hills

Applicant Fred Olsen Renewables  
Ltd Per Emily Galloway  
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Date 18 December 2025

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## **ANNEX B – ROAD SERVICES COMMENTS**

We conducted a site visit on Friday 28/11/25; we were able inspect the condition of the public local road from the A1(T) Innerwick junction to the junction at the Crystal Rig private road near Woodhall. We reviewed the access issues at each of the eleven pinch points along the 5km route, referenced pp#1 to 10 and 4A. Note, it is currently impossible to transit the public road with the 80m turbine blades without further construction works impacting on the public road, trees, hedging and vegetation removed, and existing boundary fences and wall relocated, none of these issues have been referred to or detail provided in the published ECU documentation. We have insufficient information to make a fair and reasonable assessment. I can confirm without receiving further information from the ECU and the Developer we are unable accept their proposals.

All public roads, paths, verges and parking areas shall conform to the latest version of East Lothian Council's [Transport Infrastructure in New Developments](#) document.

The principal reason is the Developer has not demonstrated that the public road access arrangements are either practical or achievable to accommodate the delivery of 80m blades without considerable construction works, and these works impacting on the local roads, trees, verges, hedges, and landscape. The absence of any documentation, this suggests either the scope of this work has not been fully assessed or the ESU documentation is incomplete, and therefore we are unable to consider the impact of the development on the county and complete our assessment.

Considering the volume of information provided, we request that a drone survey is undertaken and

provided to assist all the parties clearly appreciate the access issues at each of the eleven pinch points.

We have ongoing experience of the development works associated with Crystal Rig 4. The 67m blades have created unresolved issues at pp#5, 7, 8, 9 and pp#10 the temporary works at the embankment.

I will require further information including a draft Construction Traffic Management Plan (CTMP) complete with a detailed statement, plans and swept-path analysis demonstrating how the heavy equipment, materials, labour and 80m blades will transit through the 5 km of public road network to the Crystal Rig private access track. If the blades cannot reach the site from the A1 trunk road an alternative route should be considered from the A68 and this would require a separate application.

The CEMP and CTMP should include the plans and swept-path analysis to demonstrate the development is achievable using the public road network in East Lothian. Plans to control traffic speed, and volume, complete with mitigation measures to ensure compliance and identify offenders and resulting actions to prevent repeated offenders. Include measures to avoid any impact on the environment from construction activities.

Abnormal loads and Special loads should be considered in detail for both the Strategic Tunk Road Network and the local public road network

Financial Guarantees should include a bond of sufficient value to ensure the developer undertakes all construction works, landscaping, biodiversity and heritage protection activities in accordance with ELC requirements. This should include an planned timeline and programme of activities (milestones), these milestones to be linked to conditions described in the financial guarantees documentation.

#### Design and approval of the works to the public road

Add a design phase to the programme prior to mobilisation, scheme designs for each pinch point are to be approved prior to any works commencing on site.

#### Programme of works

A detailed programme is to be provide within two months of the ECU consent being awarded, this programme is to be then updated monthly based in actual progress, the milestone dates are to indicated and revised as necessary.

Re: CEMP page 17

The following phases would be taken into consideration for the construction works:

- Phase 1 – Site set-up:
- Phase 2 – Construction:
- Phase 3 – Commissioning:
- Phase 4 – Demobilisation:

Including:

- access road improvements and reinstatement
- site compound set-up, including installation of welfare facilities;
- construction of access tracks as required;
- construction of turbine foundations and crane hardstanding's;
- installation of wind farm cabling;
- turbine delivery and construction;
- wind farm commissioning;
- turbine and wind farm reliability run;
- take over;

- snagging; and
- decommissioning of temporary compounds / structures and restoration of the Site

Further additional phases are required to ensure effective project control, add phases for:

- Pre-commencement works, (see the list of activities below)
- Local Public Roads enabling works, at eleven pinch points, pre-construction works
- Public local road maintenance
- Public local road reinstatement
- Landscaping, biodiversity and heritage reinstatement / compensation
- Local public roads damages and compensation negotiation and payment
- Community and stakeholder engagement

#### Communication and distribution of information

It is critical that East Lothian Council are included in the distribution list for the regular updates of the CEMP, CTMP, consent condition requirements, the project programme, and all community liaison matters.

Table 1.2 Distribution List

Organisation	Contact Name	Email	Telephone Number
Applicant – Fred Olsen Renewables Ltd	TBC	TBC	TBC
Principal Contractor	TBC	TBC	TBC
Environmental Clerk of Works (EnvCoW)	TBC	TBC	TBC
Archaeological Clerk of Works	TBC	TBC	TBC
Scottish Borders Council (SBC)	TBC	TBC	TBC
Scottish Environment Protection Agency (SEPA)	TBC	TBC	TBC
NatureScot	TBC	TBC	TBC
Historic Environment Scotland	TBC	TBC	TBC

The transportation planning team has reviewed the ECU portal, in addition to the points noted in the emails below, we have also identified the following information:

#### Volume 1 Chapter 4 – Project Description

Page 7 –“Works have been undertaken on the route between the A1 and the access to the Crystal Rig complex to accommodate the abnormal indivisible load vehicles (AILVs) delivering the turbine blades to the Crystal Rig IV wind farm. Whilst dependent on the availability and selection of a final turbine model, it is anticipated that the turbine blade length for the Proposed Development (based on a maximum length of up to 81 m) will exceed that of the turbine blades used for Crystal Rig IV (67 m). As such, additional works along the access route from the A1 are likely to be required to accommodate the AILVs delivering the turbine components to the Proposed Development (e.g. some areas of road widening and vegetation trimming”

The developers should provide sufficient information to allow us to assess the additional works required to allow the development to proceed. What is the extent of the road widening, impact on the landscape, biodiversity, geology, and heritage of the area?

#### Volume 1 Chapter 10 – Traffic & Transport

Page 2 - *“The effects of the traffic estimated to be generated during the construction of the Proposed Development were assessed and it was concluded [by FOR] that the additional traffic would not have a significant effect on the surrounding transport network, subject to appropriate measures in a Construction Traffic Management Plan (CTMP)”*

I have not seen the Construction Traffic Management Plan (CTMP) and do not agree with the developer’s assessment. I therefore conclude their proposals would have a significant effect on the surrounding transport network. These effects are to be addressed and mitigated wherever possible. I would expect to see the CTMP and appendices before the ECU closes the consultation period.

#### Volume 2 Figure 10.1 Study Area and Traffic Count

The developer should provide traffic speeds and volumes (vehicle data including types HGV etc.) on a monthly basis and then compare with predicted data. This information is to be used as supporting information when the assessment is made regarding the extra ordinary damages to the public road and environment and necessary compensation is established and paid by the developer.

#### Volume 2 Figure 10.2 - Abnormal & Special Loads – Planned Route

The Abnormal Loads and Special Deliveries is the same as Crystal Rig 4. From the experience gained over the last year with FOR, there are several lessons to be learnt, we should reserve the opportunity to draft a set of conditions with our Structures colleagues to protect the route from damages to the road, verges, landscaping and the environment and have the ability to suspend deliveries if the conditions of the CEMP, CTMP consent conditions are not being adhered to.

#### Volume 4 Appendix 4.1 Outline Construction Environmental Management Plan (CEMP)

Page 2 – *“The CEMP is a fluid document that would evolve during the different phases of the Proposed Development. As such it will be subject to ongoing review in order to:*

- *address relevant conditions required in the approved consent;*
- *ensure it reflects best practice at the time of construction;*
- *ensure it incorporates the findings of pre-construction site investigations;*
- *address changes resulting from the construction methods used by the contractor(s); and*
- *address unforeseen conditions encountered during construction”*

The CEMP is a “live” document and will be subject to periodic review and update – CEMP is to be updated and distributed on a monthly basis

The objectives of the CEMP are to

- provide a framework for reporting, compliance auditing and inspection to ensure environmental aims would be met – The CEMP is to be approved prior to any pre-commencement works being undertaken.

Page 10 – *“A detailed condition survey of the public roads will be undertaken prior to construction to identify any existing defects and ensure any damage caused during the works can be rectified post-construction. Works are currently being undertaken along the route between the A1 and the Crystal Rig complex to accommodate abnormal indivisible load vehicles (AILVs) delivering turbine blades to Crystal Rig IV”*

This clause needs to be strengthened to include pre-commencement works, ongoing road maintenance during the construction period, and ensure all damages are made good, and if not a damages and compensation payment is made within an agreed time period. This should be tied into a Minute of Undertaking (MoU), Minute of Agreement (MoA), Bond for all activities within East Lothian.

### Pre commencement Activities

I strongly recommend we add pre-commencement conditions, i.e. no work shall commence on main site until:

1. the road dilapidation remedial works shall be completed on the public road from Crystal Rig 4
2. Design, approval and construction works for pp#1-10 on the public road have been completed to the satisfaction of ELC
3. Specifically, pp#9 the Design, approval and construction works for the realignment of the Woodhall junction
4. Also, pp#10 the permanent design approval and construction of the embankment
5. Implementation of the CR4 landscaping and biodiversity works at pp#1-10 & 4a
6. All CR4 snagging works to be completed at pp#1-10 & 4a

### Conclusion

Based on the above, there are significant areas of the developer's proposal that lack critical details, these include during the planning, pre-commencement, design, pre-construction, operational and de-mobilisation phases of the development. These require to be resolved before we can support the proposal. FOR are currently completing Crystal Rig 4, they indicate works will be complete in spring 2026, their activities have impacted on our services and resulted in considerable and unforeseen costs to the Council, these matters should be resolved before consent is considered. Paragraph 4.1.15 is unacceptable, this CTMP document and supporting appendices should be available for review before we conclude our ECU report.

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



<b>COMMITTEE:</b>	Planning Committee
<b>MEETING DATE:</b>	13 January 2026
<b>BY:</b>	Depute Chief Executive – Resources and Economy
<b>REPORT TITLE:</b>	Application for Planning Permission for Consideration – Further Report

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3

*Note: This application has been called off the Scheme of Delegation List by Councillor McGuire for the following reason: Given the large number of objections and concerns raised against these proposals, I feel it is worthy of further consideration by the full Planning Committee.*

Application No.	<b>24/01122/P</b>
Proposal	Change of use of land for the keeping of horses to the siting of four glamping pods for holiday let and associated works (as amended)
Location	<b>Land East of 23A Boggs Holdings The Boggs Pencaitland East Lothian</b>
Applicant	S A Fairgrieve Ltd
Per	Glampitect
Recommendation	Consent Granted

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## **REPORT OF HANDLING**

Further Report of Handling on Planning Application No. 24/01122/P – Change of use of land for the keeping of horses to the siting of 4 glamping pods for holiday let and associated works (as amended) at Land East Of 23A Boggs Holdings.

## **PURPOSE**

Planning application reference 24/01122/P was reported to the Planning Committee on 19 August 2025. The application was continued to allow the applicant the opportunity to address some of the points raised during the debate. The proposal has subsequently been revised. This report sets out the background, actions taken by the applicant, further representations, a further assessment and recommendation.

## **BACKGROUND**

The Planning Committee indicated at the meeting of 19 August 2025 that they would like the applicant to consider revising the proposal. The committee discussed a number of issues during the debate including the size of the development, the location of the parking, the management arrangements, impact on neighbouring properties and road, relationship to animals in adjoining fields and fire risk.

## **REPORT ON REVISED PROPOSAL**

On 12 November 2025, the applicant submitted revised proposals.

Permission is sought for a change of use of land for the keeping of horses to the siting of 4 glamping pods for holiday let and associated works.

The proposal has been amended following feedback from members and representators at the planning committee meeting 19 August 2025, the main amendments are:

1. Number of glamping pods reduced from 6 to 4.
3. Units have also been moved 8m further away from the closest neighbouring property to the north-west.
4. Remote parking proposed. A parking area is now proposed close to the new access from the public road.
5. Proposed planting and landscaping has increased in scope and quantity.
6. Additional new fencing has been included in the site design to create a separation buffer to adjacent agricultural land.
7. Fire beater stations are proposed close to each set of units.
8. The management plan has been updated and expands on the operation of the audio monitoring system.

The applicant has clarified two additional points:

1. The track shown on the proposed plan is existing and will not be altered;
2. A Short-Term Letting License will be required to be obtained from the Council's Licensing Service prior to guest occupation. This will control fire safety measures in particular.

## REPRESENTATIONS

Following a review of revisions to the application, the decision was taken to notify the neighbours and representors and provide a further period for comment. All previous material objection remains valid (as set out in the Report of Handling in Appendix A).

Re-notification was carried out on 13 November 2025 and 15 objections were received, the main grounds of objection are:

- o Maintain original objections to the proposal;
- o Revisions fail to address points of objection;
- o Proposal is unchanged following a public meeting 28/10/25.
- o The applicant's statement that this proposal reuses a historic entrance is wrong;
- o New parking location is unworkable;
- o Revised parking will create a nuisance.
- o Inadequate parking provision and no visitor parking;
- o People using the track can look into the neighbouring property;
- o Inadequate Management arrangements;
- o Site could be sold;
- o Recent RTA on this road;
- o Request for Freedom of Information request comments to be considered;
- o Why was a new application not required;
- o Site boundary has been changed;
- o Environmental Health Officer comments ignored;
- o People will drive down the track;
- o Additional lighting required on the track;
- o E.V. charging will create a noise nuisance;
- o No ecology report prepared;
- o Information is inaccurate;
- o Will inflate land prices.

In response to points raised:

There is no statutory requirement for a public meeting and the proposal is assessed as revised.

The correspondence relating to points raised in a Freedom of Information request have been responded to separately by the Chief Planner.

As this application was continued from Planning Committee in August and as the essence of the proposed development is unchanged there was no requirement to withdraw the application and re-submit a new application. Revisions to proposals during the processing of a planning application are normal practice.

The site boundary is unchanged.

All consultee comments were considered in full during the consideration of the planning application.

Additional lighting on the existing track does not form part of the application.

The information submitted with the application is adequate to determine this planning application, and

The impact of development on land prices is not a material planning consideration.

Other matters are addressed in the report below.

## **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 NFP4 and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 1 Tackling the climate and nature crises, 2 Climate mitigation and adaptation, 3 Biodiversity, 5 Soils, 13 Sustainable transport, 22 Flood Risk and water management, 29 Rural Development and 30 Tourism of NPF4 are relevant to the determination of this planning application.

Policies DC1 Rural Diversification, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH10: Sustainable Drainage Systems, DP1 Landscape Character, T1: Development Location and Accessibility and T2 General Transport Impact of the ELLDP are relevant to the determination of this application.

## **ASSESSMENT OF REVISED PROPOSAL**

This report should be read in conjunction with the original Report of Handling in appendix A.

On the matter of the principle of the proposed use as holiday letting accommodation the proposals are unchanged and do not conflict with Policies 5, 29 or 30 of NPF4 or with Policies Policy NH7 or DC1 of the ELLDP 2018 for the reasons set out in the Report of Handling in Appendix A.

Policy DP1 of ELLDP, amongst other matters, requires that new development be well-integrated into its surroundings by responding to and respecting landform and retaining, where appropriate, existing natural and physical landscape features. Policy DP2 of ELLDP requires that, amongst other matters, all new development is appropriate to its location, respects and complements the site and the surrounding area, is not harmful to amenity, retains physical and natural features important to the amenity of the area, and can be suitably serviced and accessed with no significant traffic or other environmental impacts.

The revised proposal reduces the number of glamping pods from six to four. The pods are in a similar location and configuration but as a result of the reduced numbers the closest pod would be some 49m from the boundary of the residential unit to the north west, an increase of approximately 8m from the original proposal.

Each of the proposed glamping units would be relatively small in size, scale and height. From the south they will primarily be seen against the backdrop of mature woodland, hedgerow and buildings. From the north they will be partially screened by the existing hedgerow along the existing road. From the east and west the buildings will be more prominent as they extend into land which has an open aspect due to the relatively flat terrain and lack of immediate boundary planting.

The revised proposal incorporates extensive areas of hedgerow planting to the boundaries and adjoining the pods tree planting is also proposed. As a result of the reduction in number from six pods to four and the revised landscape planting the visual impact of the proposal on the landscape will be softened further. The revised entrance and parking area will be surrounded by hedgerow and this will visually separate the buildings from the main public viewpoint. This will also screen the car parking. Therefore, due to their distance from the road and by virtue of their relatively small size, scale, massing and height, and external finishes, and revised landscape proposals the proposed four glamping pod development, would not appear harmfully intrusive, incongruous or exposed within their landscape setting and would not harm the landscape character of the area.

Amongst other matters, Local Development Plan Policy DP2 requires that new development should ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties.

The closest pod would be 49m from the boundary of the residential unit to the north west, an increase of approximately 8m from the original proposal. By virtue of their size, height, positioning, orientation and distance way from neighbouring properties, the proposed four glamping pods and associated development would not result in harmful overlooking or the loss of sunlight or daylight to any existing neighbouring residential property and therefore would not have a harmful effect on the residential amenity of them. Moreover, given their distance from the neighbouring residential properties and of their size and scale the proposed accommodation would not be overly dominating or imposing in views from those neighbouring houses.

The proposal locates two pods in the north and two pods in the south of the site. Both areas are contained with fences with the fence located 7m from the east boundary and 17m from the south boundary. Each area contains bin storage and fire beater stations. There will be one low level motion sensitive light for each pod. The existing track will be unaltered and there will be a gated access at the north of the track for pedestrian and maintenance access. A

condition is recommended to prohibit guests from taking vehicles down this track. The existing track is some 50m from the boundary of the property to the west. The remote car park location is also well separated from neighbouring property. These areas will not result in unacceptable overlooking of any neighbouring property.

The proposed glamping accommodation pods would have capacity to reasonably accommodate 8-12 people in total within the four proposed units. The Council's Environmental Health Officer notes that there is potential for antisocial behaviour but states that it is not reasonable to assume any antisocial behaviour will arise from the guests staying in the holiday cabins.

The applicant has submitted a Revised Site Management Plan which sets out the operational aspect of the accommodation, including monitoring, noise, waste and light management. This plan illustrates that the business will be operated by four people, who will all be co-owners of the development. The Plan further states that all members of the management team are local residents, meaning that should any issue arise on the proposed site, a member of the management team can be on-site within in a matter of minutes. The furthest management team member's residence is located approx. 2.5km to the northwest of the proposed glamping site. The plan also proposes the installation of a site monitoring system to alert site management to any noise disturbance. The level and range of activities anticipated from this type of development is similar to that of a residential use. It is also noted that the proposed pods are a significant distance from the closest residential property. The reduction in the number of pods reduces the potential for adverse impact. The introduction of fencing to create a buffer to the east and south boundaries reduces the potential for conflict with neighbouring land use. The relocation of vehicle parking adjacent to the existing road, and reduction in vehicle numbers, lessens the potential impact from vehicle movement within the site. The provision of E.V. charging within the remote parking area does not generate an unacceptable noise nuisance. Given the relatively modest scale and nature of this development the proposal is compatible with neighbouring residential properties. The proposed use is not incompatible with any of the neighbouring uses, including the keeping of animals. Subject to the imposition of a condition that the glamping pods are operated in accordance with the Management Plan the Council's Senior Environmental Health Officer raises no objection to the proposal. Subject to the imposition of that planning control the proposal would not unacceptably impact on neighbouring amenity and does not conflict with Policy DP2 of ELLDP.

It is recommended that Condition 8 is amended to specifically require compliance with the Site Management Plan including the provision of noise monitoring equipment linked to site management staff accommodation. Should this site be sold the planning permission would remain with the land and the requirement to comply with any conditions, including the Site Management Plan would remain.

Policy 3 (a) of NPF4 sets out a requirement for development proposals to contribute to biodiversity enhancement. This issue is assessed in detail in the

Report of Handling in Appendix A. The revised landscape proposal includes additional tree and hedgerow planting which will further enhance the biodiversity of the area. An ecology report was not requested in this case as the planning authority has satisfied itself that the proposed development will not impact adversely on any European protected species. The proposal is considered to represent a significant biodiversity enhancement and is acceptable subject to a condition seeking a suitable planting specification. Therefore, subject to appropriate landscape and biodiversity related conditions the proposals do not conflict with Policy 3 of NPF4.

**Road Services** have reviewed the information submitted and other relevant data and are satisfied that the proposed access would provide a safe means of access and egress to the site.

The existing track width from fence line to fence line is around and this is adequate to allow for the passage of emergency vehicles and is considered acceptable. Waste collection vehicles will only need to enter / egress the turning head at the site entrance and swept path assessments demonstrate that the required manoeuvre can be made without conflict to the proposed remote car parking. The provision one space per pod is an acceptable level of parking provision.

Road Services have updated their calculation of peak daily vehicle movements which assumes provision of 4 pods, that on full occupancy residents of every pod would travel to local attractions, something they can realistically only do by car. Therefore, each pod would generate one trip to and one trip from the site each day. Management and refuse collections would generate 2 movements each on two days a week. These could potentially fall on the same day:

- Residents - 4 pods x 2 movements = 8 daily movements.
- Management and refuse - 2 movements each = 4 daily movements.
- Estimated peak daily trips = 12 daily movements (noting that this reflects full occupancy).

Holdings is a relatively lightly trafficked road and the above may represent a noticeable increase in traffic flows. The road has no capacity issues and, based on published statistics, does not have an existing problematic personal injury accident record. It is considered that the access will provide safely for the estimated daily vehicle movements and do not anticipate the proposed development would have an adverse impact on future road safety.

Road Services do not have any objection to the proposals subject to conditions relating to entrance visibility splay, first 10m of the access being hardformed, first two metres of the access remaining adopted road and the provision of EV charging.

## **CONCLUSION**

This Further Report, which should be read in conjunction with the Report of Handling contained in Appendix A, and sets out the assessment against the

Development Plan and other material planning considerations. The principle of the proposed land use is considered to be acceptable in this location, and the revised design of the proposal has no unacceptable impact on the landscape character and natural environment. The proposed use and reduced scale of development is compatible with the adjoining land uses. Given the accepted need for a rural or semi-rural site location of this type of accommodation the benefits of rural diversity and economic growth outweigh the restricted opportunities for the use of sustainable travel options in this case. On this count the proposal is broadly supported by Policy 30 of NPF4 but not fully compliant in respect of accessibility. Subject to the recommended conditions, the proposals are 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.

## RECOMMENDATIONS

In relation to planning application 24/01122/P that Planning Committee grant planning permission 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 The occupation of the accommodation units hereby approved shall be restricted solely to short term lets of not more than 28 days, and each of the holiday cabin holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday lets, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

The holiday cabin accommodation units hereby approved shall at no time be occupied as permanent residential dwellings.

Reason:

To restrict the holiday letting use of the glamping pods to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the countryside.

- 3 In the event that all accommodation on the site is not occupied for a continuous period of 12 months, then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required the accommodation and all ancillary equipment, infrastructure and hard surfacing shall be removed from the site by the operator by no later than the date occurring 6 months after the end of the said continuous 12 months period, and the ground fully reinstated to the specification and satisfaction of the Planning Authority and the use shall revert to its former use for the keeping of horses.

Reason:

To prevent redundant accommodation remaining on the application site, in the interests of the reinstatement of the landscape.

- 4 Notwithstanding the approved landscape plan no above ground development shall take place until there has been submitted to and approved in writing by the Planning Authority a detailed planting specification and maintenance details. Thereafter that detailed planting specification shall be implemented in accordance with the details so approved and shall thereafter be retained and maintained in accordance with the implementation and management schedules, unless otherwise approved in writing by the Planning Authority.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the opening of the accommodation. Any trees or 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.

Reason:

In order to ensure the implementation of a landscaping and biodiversity enhancement scheme to mitigate the visual impact on longer views and ensure the appearance of the development is appropriate to the landscape and amenity of the area.

- 5 Prior to the first occupation of any part of the accommodation hereby approved, the visibility splay shown on Drawing 231035-01-13 (2.4m x 160m in both directions developed to the centreline of the carriageway) to be created. The visibility splay must then be maintained for the lifetime of the development.

Reason:

In the interest of road safety.

- 6 The first 10m of the proposed access should be hard formed to ensure mud and debris is not carried onto the public road and any water runoff should be directed away from the road.

Reason:

In the interest of road safety.

- 7 The applicant shall submit details of EV charging provision, at the rate of one charger per accommodation pod or shared charging provision where practical, for the written approval of the Planning Authority. The approved EV provision shall be implemented in full prior to the first occupation of the approved accommodation, unless otherwise agreed by the Planning Authority.

Reason:

To ensure the development makes an appropriate contribution to the declared climate emergency.

- 8 The development shall be operated in accordance with the approved Site Management Plan including the provision of noise monitoring equipment linked to site management staff accommodation, as contained in the Noise Management Plan, docketed to this decision notice.

Reason:

To minimise the potential disturbance of neighbouring residents.

**COMMITTEE:** Planning Committee

**MEETING DATE:** 19 August 2025

**BY:** Executive Director for Place

**REPORT TITLE:** Application for Planning Permission for Consideration

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*Note: This application has been called off the Scheme of Delegation List by Councillor McGuire for the following reason: Given the large number of objections and concerns raised against these proposals, I feel it is worthy of further consideration by the full Planning Committee.*

Application No. **24/01122/P**

Proposal Change of use of land for the keeping of horses to the siting of six glamping pods for holiday let and associated works

Location **Land East of 23A Boggs Holdings  
The Boggs  
Pencaitland  
East Lothian**

Applicant S A Fairgrieve Ltd

Per Glampitect

Recommendation Consent Granted

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## **REPORT OF HANDLING**

This application relates to a field in Boggs Holdings which is located in the countryside to the south of north of Pencaitland. By being in the countryside, the site is within an area defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018 (ELLDP).

The application site is some 8171m<sup>2</sup> in area and is roughly rectangular in shape. The field is identified as being grade 3.1 prime agricultural land. The application site is bounded to the north, south, east and west by agricultural

fields. To the northwest is a residential property. The south east corner of the boundary of the property at 23a Boggs Holding abuts the site and the building is approximately 31m from its south boundary and 17.5m from its east boundary. The site has an existing vehicular access from the unclassified road to the north. At the time visiting the site the fields were in use for the keeping of horses.

Planning permission is sought the change of use of land for the keeping of horses to the siting of 6 glamping pods for holiday let and associated works. The associated works includes the formation of a new vehicular access and parking for each unit, decking, vehicle turning area, bin storage and timber fencing.

The glamping units would be located in two lines of three placed on a diagonal across the site with 50m separation between units. The parking area would be immediately adjacent to each unit at a ratio of 1 car space and 1 cycle rack per unit.

The site will be accessed from a new 5.5m wide vehicular access that would be formed through the widening of an existing gap in the hedgerow. To create the new access approximately 7m of hedgerow would need to be removed. The new access would link the existing lane at Boggs Holding to the first row of glamping pods via a 73m long driveway. The driveway would then extend further south to serve the other three glamping pods and also retain access to the adjacent field to the west.

Each of the glamping pods would be formed from the timber cladding, grey felt sloping elements and Upvc windows and doors and would have associated decking. Each glamping pod would provide 1 open plan bed/living area with kitchen and a small W.C./shower room measuring 6m x 6m at its largest (internal floor area = 24m<sup>2</sup>). The decking will extend 3.3m beyond the pod and be 6m in width.

Subsequent to the registration of the application the proposal additional information has been provided. The additional information comprises:

- Updated Management Plan.
- Revised Drainage Plan.
- Revised Visibility and HGV manoeuvring details.
- Revised Landscape Plan.

## **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 NFP4 and the adopted East Lothian Local Development Plan 2018 (ELLDP).

Policies 1 Tackling the climate and nature crises, 2 Climate mitigation and adaptation, 3 Biodiversity, 5 Soils, 13 Sustainable transport, 22 Flood Risk and

water management, 29 Rural Development and 30 Tourism of NPF4 are relevant to the determination of this planning application.

Policies DC1 Rural Diversification, NH5: Biodiversity and Geodiversity Interests, including Nationally Protected Species, NH7: Protecting Soils, NH10: Sustainable Drainage Systems, DP1 Landscape Character, T1: Development Location and Accessibility and T2 General Transport Impact of the ELLDP are relevant to the determination of this application.

## **REPRESENTATIONS**

The application has received 35 objections and one neutral comment. The objection from the Boggs Community Association was signed by 62 people. The main grounds of objection are:

- \* Landscape character would be wholly altered and an unacceptable change to the distinctive character and landscape of Boggs Holdings;
- \* The glamping pods would appear incongruous in the rural setting resulting in unacceptable change in the landscape, contrary to Policy DP1-Landscape Character;
- \* the site is not accessible by public transport, reliance on cars, fails to meet sustainable transport aims;
- \* Access road not suitable for walking, no access to off road routes;
- \* New access would result in the loss of the hedge and habitat;
- \* Insufficient parking;
- \* Inadequate emergency vehicle access;
- \* Increase in vehicles on road with adverse impact on road safety;
- \* Inadequate visibility at proposed access due to hedgerow part of which is out with applicant control;
- \* Lack of information on drainage;
- \* Drainage will impact on residents to the south;
- \* Danger to public health as it would contaminate local water;
- \* Field already saturated and soil does not allow water to permeate. Water from soakaway will run off into adjoining field;
- \* There is no drainage assessment taking account of the existing drainage infrastructure crossing the development site which serves many existing properties;
- \* Adverse impact on residents from additional noise, fumes and smells.;
- \* Detrimental impact on neighbours health including those with protected characteristics (see DCP note below);
- \* Loss of amenity from potential anti-social behaviour;
- \* Harmful to visual amenity;
- \* Loss of privacy to neighbouring house;
- \* Impact on views including from the road and neighbouring properties;
- \* Safety and security for neighbouring animals;
- \* Any future on site management accommodation should be resisted and it is noted that it does not form part of the management proposal;
- \* No on-site management and management proposals will be ineffective/inadequate;
- \* Waste arrangements not adequate;

- \* Illumination will be detrimental to the amenity of the area NPF4 item 2 "protection from...light pollution;
- \* Not a sustainable location as there are no local amenities;
- \* People entering private land, concerns over trespassing;
- \* Additional humans will have a negative impact on local wildlife;
- \* No economic benefit or positive contribution to the local community;
- \* This development does not constitute acceptable diversification of an existing rural business;
- \* The proposed development is inappropriate as it does not meet the criteria for new tourist use in a rural location as set out in NPF 4, Policies 29 and 30;
- \* Would be best sited within an existing farming business where it would generate an additional source of income for an established farming business;
- \* Already glamping provision in area. No clear business need/inadequate demand for use;
- \* Loss of prime quality agricultural land;
- \* Does not accord with LDP Policy DP1, DP2, DC1, DC4, EMP1, T1, T2, NN10, NH13 and para. 3.18;
- \* Does not accord with NPF4 Policy 1,2, 3, 4, 5b, 13, 14, 22, 23, 26, 29, 30;
- \* Does not align with NPF4 Annex 3 section on Sustainable Tourism;
- \* Noise from existing houses will disturb glamping customers;
- \* The information is inadequate and inaccurate - The Planning Authority considers there to be adequate information to assess the application.

A number of non-material objections were raised, these are:

- \* The matters of the proposal restricting access to existing underground drainage within the field is a legal matter between the respective parties and not a matter relevant to the determination of this planning application.
- \* The matters of the fire risk from camp fires, that the site could be sold on and impact on property values are not matters that are relevant to the determination of this planning application.
- \* This proposal if approved will set a precedent - Each planning application is considered on its merits in accordance with the development plan unless material planning considerations indicate otherwise.
- \* Applicant has not engaged with the community - As this is local development type then there is no statutory requirement for an applicant to carry out public consultation and engagement on the planning application.
- \* Other properties in Boggs Holdings have been subject to conditions restricting the use of the property - The Planning Authority will assess each application on its own merits and if required may impose planning conditions relevant to the development proposed.
- \* Not aligned with the approved land use granted in 2001 - This application is to change the use of the land and assessed on its own merits.

## **PLANNING ASSESSMENT**

The application site is located within the countryside of East Lothian and the proposed glamping pods are for use as short stay holiday accommodation which is a tourism type development that would provide accommodation for visitors to East Lothian.

Policy 29 of NPF4 states that development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including for the diversification of existing businesses.

Policy 30(a) of NPF4 provides qualified support for tourism development. It supports development proposals for new or extended tourist facilities or accommodation, including caravan and camping sites, in locations identified in the ELLDP. It states that development proposals for tourism related development will take into account amongst other things the contribution made to the local economy, compatibility with the surrounding area, opportunities for sustainable travel and measures taken to minimise carbon emissions.

Policy DC1 of the adopted East Lothian Local Development Plan 2018 sets out controls for development in the countryside, and states that development in the countryside, including changes of use will be supported in principle for uses including, amongst other things, businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

The use of the application site for the siting of the proposed glamping units for holiday letting accommodation is a tourism and leisure use providing accommodation for tourists wishing to benefit from a stay in the East Lothian countryside. This type of visitor accommodation (glamping) is designed to provide the visitor with the experience of staying within the countryside. Therefore, in principle, based on the nature of the proposed tourism accommodation, there is an operational requirement for the proposed holiday accommodation use in this rural location. While these units would be in a rural location, they would be within reach of popular East Lothian attractions and towns. Furthermore, by its small scale of operation, the proposed holiday accommodation use of the site for 6 glamping units are of a scale and character that would not be inappropriate to this countryside location. It is not unreasonable to assume that such development would be likely, to positively contribute towards the tourist industry of East Lothian. Accordingly, the proposed glamping pods for use as holiday letting accommodation would not conflict with Policy DC1 of the adopted East Lothian Local Development Plan 2018. A condition can be imposed on any grant of planning permission that restricts the occupation of the accommodation to a period no longer than 28 days.

Policy 30 (Tourism) of NPF4 provides in qualified supports for development proposals for new or extended tourist facilities or accommodation. The site is located approximately 1 mile outside Pencaitland and is well located for walking and cycling routes to allow visitors to access the countryside and neighbouring settlements. Whilst there is no dedicated pedestrian footpath on the public road serving the site and there is no direct public transport serving the site the proposed glamping pod development is modest in size and therefore will have a limited negative impact on car based journeys. Given the accepted need for a rural or semi-rural site location of this type of accommodation the benefits of rural diversity and economic growth outweigh the restricted opportunities for the

use of sustainable travel options in this case. On this count the proposal is broadly supported by Policy 30 of NPF4 but not fully compliant in respect of accessibility.

Policy 29 (Rural Development) of NPF4 supports development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy. The provision of tourist accommodation near the village of Pencaitland, and suitably located for access to other East Lothian visitor attractions, will benefit the local economy.

The **Council's Economic Development Service** support the application stating that there are demonstrable local economic benefits delivered by all types of short-term holiday lets in East Lothian and that existing provision of this type of accommodation must be retained, protected, and supported where there is no demonstrable and unacceptable impact on local amenity, the character of the area, or loss of residential accommodation. Therefore the proposal is aligned with Policy 29 of NPF4.

The site is identified as an area of prime agricultural land. Policy 5 of NPF4 supports development on prime agricultural land in limited circumstances, including where the proposal is small scale development directly linked to a rural business. Policy NH7: Protecting Soils of ELLDP 2018 provides qualified support for rural development. This land was granted permission for a change of use from agricultural land to use for the keeping of horses in 2001 and operates under this permission. This land is therefore not in agricultural use and this proposal is not in conflict with Policy 5 of NPF4 or Policy NH7 of ELLDP 2018.

On the matter of the principle of the development the proposals do not conflict with Policies 5, 29 or 30 of NPF4 or with Policies Policy NH7 or DC1 of the ELLDP 2018.

Policy DP1 of ELLDP, amongst other matters, requires that new development be well-integrated into its surroundings by responding to and respecting landform and retaining, where appropriate, existing natural and physical landscape features. Policy DP2 of ELLDP requires that, amongst other matters, all new development is appropriate to its location, respects and complements the site and the surrounding area, is not harmful to amenity, retains physical and natural features important to the amenity of the area, and can be suitable serviced and accessed with no significant traffic or other environmental impacts.

Each of the proposed glamping units would be relatively small in size, scale and height. From the south they will primarily be seen against the backdrop of mature woodland, hedgerow and buildings. From the north they will be partially screened by the existing hedgerow along the existing road. From the east and west the buildings will be more prominent as they extend into land which has an open aspect due to the relatively flat terrain and lack of immediate boundary planting. The proposal incorporates extensive areas of hedgerow planting to the boundaries and adjoining the pods the glamping pod development and tree

planting is also proposed. The proposed landscaping and planting will soften the visual impact of the proposal on the landscape. Therefore, due to their distance from the road and by virtue of their relatively small size, scale, massing and height, and external finishes, and landscape proposals the proposed six glamping pod development, would not appear harmfully intrusive, incongruous or exposed within their landscape setting and would not harm the landscape character of the area.

The applicant has also provided a proposed lighting plan which shows low level motion sensitive LED lighting. There will be one lighting unit adjacent to each of the accommodation pods. The principle of using low-level, PIR-activated lighting, with restricted lighting spread, as shown, is supported. By virtue of the size, height, form, number and positioning of the units, the proposed external lighting of the site would not appear harmfully intrusive, incongruous or exposed within its landscape setting, or be harmful to the landscape character of the area.

Amongst other matters, Local Development Plan Policy DP2 requires that new development should ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties.

By virtue of their size, height, positioning, orientation and distance way from neighbouring properties, the proposed 6 glamping pods and associated development would not result in harmful overlooking or the loss of sunlight or daylight to any existing neighbouring residential property and therefore would not have a harmful effect on the residential amenity of them. Moreover, given their distance from the neighbouring residential properties and of their size and scale the proposed accommodation would not be overly dominating or imposing in views from those neighbouring houses.

The proposed glamping accommodation pods would have capacity to reasonably accommodate 12-18 people in total within the 6 proposed units. The **Council's Environmental Health Officer** states that it is not reasonable to assume any antisocial behaviour will arise from the guests staying in the holiday cabins. The applicant has submitted a Revised Management Plan which sets out the operational aspect of the accommodation, including monitoring, noise, waste and light management. This plan illustrates that the business will be operated by 4 people, who will all be co-owners of the development. The Plan further states that all members of the management team are local residents, meaning that should any issue arise on the proposed site, a member of the management team can be on-site within in a matter of minutes. The furthest management team member's residence is located approx. 2.5km to the northwest of the proposed glamping site. The level and range of activities anticipated from this type of development is similar to that of a residential use. It is also noted that the proposed pods are a significant distance from the closest residential property. Given the relatively modest scale and nature of this development the proposal is compatible with neighbouring residential properties. The proposed use is not incompatible with any of the neighbouring uses, including the keeping of animals. Subject to the imposition of a condition

that the glamping pods are operated in accordance with the Management Plan the Council's Senior Environmental Health Officer raises no objection to the proposal. Subject to the imposition of that planning control the proposal does not conflict with Policy DP2 of ELLDP.

Policy 3 a) of NPF4 sets out a requirement for development proposals to contribute to biodiversity enhancement.

To form the new vehicular access a section of approximately 7m of hedgerow would have to be removed. However, the proposed access would be located within an historic access where the existing boundary planting is of lesser quality than elsewhere on the road frontage. Furthermore, substantial compensatory planting is proposed within the site, including on the north section of the site where the hedgerow will extend along the south boundary and part of the west and north boundaries, measuring 130m in length. On the south section of site the hedgerow will extend along the south, west and east boundaries and measure 190m in length. The proposed planting of extensive hedgerow within this site will represent a significant enhancement to the landscape and biodiversity of the area.

As an existing field used for the keeping of horses the existing site has modest biodiversity at present and therefore there is an opportunity to enhance biodiversity and habitat connectivity for example through the planting of hedgerows around the boundary of the site. The position of the proposed access will minimise the loss of hedgerow and the revised visibility splay information shows that the impact has been minimised in this area. The applicant has provided a revised landscaping plan which shows extensive hedgerow planting, tree planting, wildflower areas and grazing areas. The proposal is considered to represent a biodiversity enhancement and is acceptable subject to a condition seeking a suitable planting specification. Therefore, subject to appropriate landscape and biodiversity related conditions the proposals do not conflict with Policy 3 of NPF4.

The site will be accessed from a new 5.5m wide vehicular access that would be formed through the widening of an existing gap in the hedgerow. In support of the application the applicant has provided a visibility splay diagram for the proposed access. This indicates that a visibility splay of 2.4m x 160m developed to the centreline of the carriageway can be achieved over land that lies within the control of the applicant or the Roads Authority. The **Council's Road Services** are satisfied that subject to the imposition of a condition to ensure that the visibility splay is maintained the proposed access would provide a safe means of access and egress to the site.

The applicant has also provided an estimate of vehicle movements that would be generated by the development which Road Services consider to be an underestimate. Road Services calculation of peak daily vehicle movements assumes that on full occupancy, residents of every pod would travel to local attractions, something they can realistically only do by car. Therefore, each pod would generate one trip to and one trip from the site each day. Management

and refuse collections would generate 2 movements each on two days a week. These could potentially fall on the same day:  
Residents - 6 pod \* 2 movements = 12 daily movements.  
Management and refuse - 2 movements each = 4 daily movements.  
Estimated peak daily trips = 16 daily movements (noting that this reflects full occupancy).

Notwithstanding that the Boggs Holdings road is a relatively lightly trafficked road and the estimated traffic movements may represent a noticeable increase in traffic flows, the road has no capacity issues and, based on published statistics, does not have an existing problematic personal injury accident record. Therefore, and as Road Services consider the access will provide safely for the estimated daily vehicle movements they do not anticipate the proposed development would have an adverse impact on road safety. Therefore the proposals do not conflict with Policy T2 of the adopted East Lothian Local Development Plan 2018.

The application contains information in relation to the handling of foul and surface water drainage. Foul water will enter and underground treatment plant and discharge into reed bed units and then into existing field drains. The border drainage around the pod unit will be of a French drain type design consisting of 100mm diameter perforated plastic pipe in a trench 300mm wide and 300mm deep sited up both sides of the pod to handle surface water. The applicant has advised that two separate field drains were exposed at a depth of 800mm the drains were found to be in very good condition and free from any silt build up. The **Council's Flooding and Structures Team** has considered the details provided and are supportive of the proposed arrangements. The proposals do not conflict with Policy NH10 of the ELLDP.

The principle of the proposed land use is considered to be acceptable in this location, and the design of the proposal has no unacceptable impact on the landscape character and natural environment. The proposed use and scale of development is compatible with the adjoining land uses. Subject to the recommended conditions, the proposals are 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.

## **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 The occupation of the accommodation units hereby approved shall be restricted solely to short term lets of not more than 28 days, and each of the holiday cabin holiday letting accommodation units shall not be re-let to the party/parties who last occupied it anytime within a period of two months following the date on which the previous time of occupancy ends.

A record of occupancy shall be maintained by the operators of the holiday lets, including details of the names and addresses of occupants and the dates of occupation. This record shall be made available for inspection by the Planning Authority at all reasonable times.

The holiday cabin accommodation units hereby approved shall at no time be occupied as permanent residential dwellings.

Reason:

To restrict the holiday letting use of the glamping pods to that applied for and in the interests of safeguarding the purpose and integrity of the Council's policy for the control of housing development in the countryside.

- 3 In the event that all accommodation on the site is not occupied for a continuous period of 12 months, then, unless otherwise approved in writing by the Planning Authority, it shall be deemed to have ceased to be required. If it is deemed to have ceased to be required the accommodation and all ancillary equipment, infrastructure and hard surfacing shall be removed from the site by the operator by no later than the date occurring 6 months after the end of the said continuous 12 months period, and the ground fully reinstated to the specification and satisfaction of the Planning Authority and the use shall revert to its former use for the keeping of horses.

Reason:

To prevent redundant accommodation remaining on the application site, in the interests of the reinstatement of the landscape.

- 4 Notwithstanding the approved landscape plan no above ground development shall take place until there has been submitted to and approved in writing by the Planning Authority a detailed planting specification and maintenance details. Thereafter that detailed planting specification shall be implemented in accordance with the details so approved and shall thereafter be retained and maintained in accordance with the implementation and management schedules, unless otherwise approved in writing by the Planning Authority.

All planting and seeding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the opening of the accommodation. Any trees or 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.

Reason:

In order to ensure the implementation of a landscaping and biodiversity enhancement scheme to mitigate the visual impact on longer views and ensure the appearance of the development is appropriate to the landscape and amenity of the area.

- 5 Prior to the first occupation of any part of the accommodation hereby approved, the visibility splay shown on Drawing 231035-01-13 (2.4m x 160m in both directions developed to the centreline of the carriageway) to be created. The visibility splay must then be maintained for the lifetime of the development.

Reason:

In the interest of road safety.

- 6 The first 10m of the proposed access should be hardformed to ensure mud and debris is not carried onto the public road and any water runoff should be directed away from the road.

Reason:

In the interest of road safety.

- 7 The applicant shall submit details of EV charging provision, at the rate of one charger per accommodation pod, for the written approval of the Planning Authority. The approved EV provision shall be implemented in full prior to the first occupation of the approved accommodation, unless otherwise agreed by the Planning Authority.

Reason:

To ensure the development makes an appropriate contribution to the declared climate emergency.

- 8 The development shall be operated in accordance with the approved Noise Management Plan docketed to this decision notice.

Reason:

To minimise the potential disturbance of neighbouring residents.