



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

**TUESDAY 31 MARCH 2026
VIA HYBRID MEETING FACILITY**

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Committee Members Present:

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

Other Councillors Present:

None

Council Officials Present:

Mr G Marsden, Service Manager – Planning
Mr C Grilli, Service Manager – Governance
Ms E Taylor, Team Manager – Planning Delivery (R)
Mr D Irving, Senior Planner
Ms S McQueen, Planner
Ms A Smith, Planner
Ms S McQueen, Planner
Mr C Kiely, Planner
Ms A Law, Planner
Mr G McLeod, Transportation Planning Officer (R)
Ms P Gray, Communications Adviser (R)
Mr N Morgan, Access Officer (R)
Ms M Haddow, Senior Roads Officer (R)
Ms E Barclay, Democratic Services Assistant

* (R) = remote participant

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 2: Mr J Wheater, Mr S Hindson, and Mr C Bruce
Item 3: Mr R McQueenie, Mr C Edwards, and Mr J Dixon
Items 4 & 5: Mr P Pritchett and Mr K Paterson

Item 6: Mr T Thomas

Item 8: Mr N Lambert and Mr L Branchev

Apologies:

None

Declarations of Interest:

Items 4 & 5: Councillor Findlay made a declaration of interest due to his relationship with the objectors.

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.

As the meeting took place during the pre-election period for the 2026 Scottish Parliamentary Election, Committee members were reminded of the need to act in accordance with the Council's pre-election guidance and the Code of Recommended Practice on Local Authority Publicity.

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

**1. MINUTES FOR APPROVAL
Planning Committee, 3 February 2026**

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

2. PLANNING APPLICATION NO. 25/01386/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITION 2 IN RESPECT OF THE 275KV CABLE WORKS (DEVELOPMENT ZONES 1-3 AND 4A) OF PLANNING PERMISSION 23/00162/PPM, LAND BETWEEN SKATERAW AND BRANXTON

A report had been submitted in relation to planning application no. 25/01386/AMM. Daryth Irving, Senior Planner, presented the report, highlighting the salient points. The report recommendation was to grant consent.

Chris Bruce made representation on behalf of East Lammermuir Community Council (ELCC). He praised the well-written application and the level of engagement from SSE. He raised concern regarding public access and active travel at the well-used public crossing point from Innerwick across the A1, near the Thurston Junction, which could be used to access the coast and National Cycle Network (NCN) Route 76. He explained that there were already concerns about Eastern Green Link 1 works causing intermittent closures of this path, but ELCC sought to keep the path open as long as possible to avoid cyclists travelling along the A1 itself between the Innerwick and Cement Works junctions. He referenced requirements under the Land Reform (Scotland) Act 2003 that land managers must not cause unreasonable interference with access rights. He advised that the Scottish Rights of Way and Access Society (ScotWays) had concluded that the route

was an unrecorded right of way, and the Council's Access Officer had been asked to correct this gap in the record. Mr Bruce sought to make SSE aware of the importance of this right of way, and asked Planning Committee members to seek solutions from the applicant to keep the route from Innerwick to NCN 76 available to the public.

Planning Committee members asked questions on ELCC's preferred solution, and why Road Services had not raised objection on the basis of closure of the right of way.

James Wheeler and Simon Hindson spoke on behalf of SSE. They gave commentary on the solutions being considered and their work with Council officers. They explained that construction traffic to the north of the A1 would be managed with banksmen, with requirements for closure being very temporary, and gave assurance that they would inform the community of closures. Regarding the section to the south of the A1, Mr Wheeler discussed the high number of vehicle movements at the main construction access to the substation site. He pointed out that the public access was informal in nature and clearly not a recognised crossing point, so SSE was concerned about safety implications. However, it was felt that informal access could be maintained during construction, although further discussion was required with the Council and ELCC. He pointed out that other developers, with whom SSE had an ongoing interface, also used the access. He confirmed that SSE was very happy to work with the Council and ELCC to consider alternatives to provide the safest options.

Committee members asked questions on: whether the cumulative impact of the closure of the public access point could be considered in determining the application; and the potential for a safe route across the A1 to be provided. Mr Irving pointed to the requirement from the permissions in principle for a Public Access Management Plan for both this project and for Eastern Green Link. In addition, Mr Wheeler highlighted the ongoing fund through the lifetime of the windfarm, and said that SSE understood that there was a preference for a junction crossing to be provided.

Committee members commented on: the national significance of the project in energy decarbonisation; feeling encouraged by the constructive dialogue between SSE and ELCC; the importance of getting details right to look after small communities; the importance of continued communication and safe access for local villages; an appreciation of the time of ELCC's volunteers to scrutinise proposals; feeling encouraged by the developer's response to questions; a preference to build a bridge or underpass for safe access over the A1; the welcome investment in renewable energy; the disruption to East Lammermuir communities and the need to ensure long term community benefit, including easier access to the town; and the need for developers to coordinate to improve biodiversity. Councillor McIntosh also made an undertaking to provide suggestions for where best to publicise any closures or changes to the route.

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

Decision

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

- 1 The overrun area at access point 3 as shown on drawing no. BK-JON-000-CVL-TEM-0003-000 Rev R05 shall be hard formed and shall be formed such that it slopes down in a southeast direction to allow water run-off into the adjacent field. Thereafter, the overrun area will be retained as such unless otherwise approved by the Planning Authority.

Reason:

In the interests of road safety.

- 2 The development hereby approved shall be carried out in accordance with the recommendations as set out in Part 3 of the Berwick Bank Dry Burn Crossing Flood Modelling Report February 2026 (ref: BK-JON-000-CST-BOD-0006) that is docketed to this planning permission.

Reason:

In the interests of flood protection.

3. PLANNING APPLICATION NO. 25/01055/P: ERECTION OF TWO HOUSES, BOTH FOR USE AS HOLIDAY LET ACCOMMODATION, AND ASSOCIATED WORKS, LAND AT LIBERTY HALL, GLADSMUIR, HADDINGTON

A report had been submitted in relation to planning application no. 25/01055/P. Amelia Smith, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Officers responded to questions from Committee members in relation to: the planning history of the site, and previous use as worker accommodation; the classification of a Category U tree; whether a minimum term could be set on the properties' use as short-term let (STL) accommodation; the lack of consideration of LDP Policy DC1, and how Planners weighed up evidence in making their recommendation; the lack of public waste infrastructure on site; the reasons the site was not considered to be in active agricultural use; and the differences between a house and a chalet, and why a chalet would be preferred in this instance.

Richard McQueenie, the applicant's agent, spoke to the application. He discussed: the high standard of tourism accommodation his clients wished to develop, which they considered could not be provided by chalets; NPF4 Policy 17A and LDP Policy DC4 only having been raised later, despite having taken advice from the Planning Authority; and the protection from becoming a residential development by a Section 75 agreement which was not time limited, also noting that it would also be possible to use a chalet for residential use. He took issue with the reasons for refusal on a comprehensive application which was not meant for residential use.

Mr McQueenie answered questions on: the differences between previous applications and the current application; the applicant's plan for operation and marketing of the properties; whether consideration had been at this time to the licensing applications; the expected traffic flow; and the demand for such accommodation.

Chris Edwards spoke against the application. He discussed: his support for the refusal recommendation on the basis of Policy DC4; the significant increase to the population of the immediate area brought about by the proposals; the wrong choice of site to encourage tourism; whether there was demonstrable direct impact on full time, sustainable, and local jobs, and whether any economic benefit could be said to override the precedent the development would set; his consideration that assumptions about the economic benefits of each tourist bed in East Lothian to be deeply flawed in its use to assess individual applications; and the lack of established tourist infrastructure and public transport network in the surrounding area. He summarised his points, and, as he did not believe that the application justified departure from LDP policies, asked the Planning Committee to support the Planning Officer's recommendation to refuse consent.

In response to questions, Mr Edwards discussed: the number and community of residents in a half-mile radius; the use of the area by cyclists and walkers; and confirmed that he would not be supportive of an application for chalets on the site.

Responding to a question, Graeme Marsden, Service Manager – Planning, discussed the issue of precedent, and confirmed that no distinction was made in planning policy between residential and STL units.

John Dixon spoke against the application. He discussed: the minimal differences between this application when compared to the previously-refused applications; his feeling that the previous reasons for refusal should be even more valid when the proposal was for two properties for STL use; the development's potential to set a dangerous precedent for newbuild holiday lets; the inappropriate location for STLs; the additional car journeys created and the lack of access to public transport; and the circumstances around the applicant's purchase of a site which lacked planning permission.

Councillor McMillan, local member, made comment on: the planning history and difficulty of developing the site; the current rural use of the site; the popularity of self-catering stays; the good points made by the objectors, and weighing up the desire to encourage rural tourism, as changes in society meant there was now a demand for these holidays; that there had previously been housing on the brown field site; and the fine balance to be struck. He concluded that he would vote against the officer's recommendation to refuse consent, as it was his opinion that two well-managed STLs on the site would be an advantage and have economic benefit.

Other Planning Committee members made comment on: being unconvinced about approving permanent structures on the site, despite wanting to support the economic benefits of the proposals; the clear breaches of Local Development Plan 2018 (LDP) Policies DC1 and DC4, as well as National Planning Framework 4 (NPF4) Policy 17; the Council's mandate to protect the countryside; the site's potential use for growing food and tree planting; the overstated economic benefits; that the planning system should not set aside important policies only to allow individuals to build additional wealth; the potential disruption to the neighbourhood and horses kept nearby; the increase in car journeys; the potential difficulties in addressing antisocial behaviour given the location of the properties; the need for tourist accommodation; the fact that local people had had residential applications refused on similar grounds; the danger of setting a precedent; protecting the properties' use as STLs; and the poor choice of site for tourism.

The Convener then moved to a roll call vote, and Committee members unanimously voted in support of the officer's recommendation to refuse consent, except for Councillor McMillan, who voted in support of the application.

Decision

Planning Committee refused consent for the following reasons:

- 1 As the two proposed houses do not meet any of the criteria for new build housing within the countryside required by Policy 17A of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018, the principle of the erection of two houses on this site is contrary to Policy 17A of NPF4 and Policy DC4 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed new houses would not be located on land allocated for housing development within the LDP or within a 20-minute neighbourhood and would not therefore contribute to local living within an existing settlement contrary to Policies 15 and 16 of NPF4.

Sederunt: Councillor Findlay left the meeting.

4. PLANNING APPLICATION NO. 24/00811/P: ERECTION OF ONE HOUSE AND ASSOCIATED WORKS, BRIAR COTTAGE, TEMPLAR PLACE, GULLANE

A report had been submitted in relation to planning application no. 24/00811/P. Stephanie McQueen, Planner, presented the report, highlighting the salient points. She also presented the report for Item 5, planning conservation area consent application no. 24/00810/CAC. The recommendation of both reports was to grant consent.

Phil Pritchett, the applicant's agent, spoke to the application 24/00811/P. He discussed: the proposals being the best use of land used to build a replacement house on the site; the reuse of material from the existing dwelling; the design of the new property to fit in with the surrounding houses and to make improvements to the current drainage situation; the improved relationship of the proposed property to its garden ground and proportion of the site taken up by the property; the continual evolution of the Conservation Area to adapt to modern living requirements; the lack of objection from Historic Environment Scotland (HES); the resolution of all design, scale, and massing issues, and consideration of residential amenity of neighbours; and the Planning Officer's report's conclusion that the proposed house would harmonise and sit comfortably alongside the existing buildings.

Committee members asked questions on the energy requirements of the house, and the 2025 update to air source heat pump regulations, which related to improved noise efficiency.

Kevin Paterson spoke against the application on behalf of all objectors, and particularly the main objector, Ian Butcher. Mr Paterson discussed: the proposals being an overdevelopment, with only 12 feet of garden ground left at the end of the property; his consideration that the proposals were a single application for two houses, and a contingency plan for years to come; the layouts of the 'first' and 'second' house, which he described as only being connected by a corridor; the new development's size, being 60% larger than the current cottage; and the potential to instead develop something more sympathetic to the rear of the current cottage.

Responding to a question about the potential of the new house being split in two, Mr Marsden pointed out that, a further application for planning permission would be required if the house was split into two houses, and while each case was considered on its own merits, the Council did not support backland development.

Committee members made comment on application 24/00811/P, and discussed: the design of the proposed property being out of proportion for the site and the surrounding area; the deterioration of Briar Cottage; the different architectural styles represented in the Conservation Area, and the need to meet the needs of modern living; the evolution of a Conservation Area over time, and the quality design of the property being an enhancement of place; and the current building being unsafe.

Discussion then turned to application 24/00810/CAC.

Mr Pritchett confirmed that the application was for one family home, and there was no intention to develop two houses. He then spoke to application 24/00810/CAC. He commented that the current cottage was by far the smallest in the vicinity, did not respect the spacing between houses, and sat uncomfortably on a very large plot with garden ground which was underutilised and disconnected from the property. He also commented: that the existing cottage was not fit for purpose, with the costs of upgrade outweighing the costs of the final building; that the building's removal passed policy tests and had not attracted objection from HES; on the effects of poor construction over the years, and that

the resultant defects had been in place before the applicant had purchased the property; that the newbuild would become a positive feature of the Conservation Area; on the various grounds on which the demolition could be justified, and he referenced the reports produced as evidence; and on aspects of the cottage's design, which meant that it did not make any special or significant contribution to the character and appearance of the Conservation Area.

Mr Pritchett answered questions from Committee members on the takedown, rather than demolition, of the building to maximise reuse of existing slate and stone. In response to comment about HES' openness to the current structure being unsafe despite the lack of structural report, Ms McQueen advised that the Council had no officer qualified to assess such a report, and had accepted that the existing survey was sufficient to proceed to approval.

Mr Paterson also spoke against application 24/00810/CAC. He commented that ~~that~~ any property left empty for long enough would deteriorate, and discussed the historical significance of Briar Cottage. He questioned what a Conservation Area was trying to conserve, and questioned where materials from the current cottage would be reused. He discussed the unsuitability of Templar Place for construction vehicle movements. He commented that a Conservation Area was not designated lightly, and felt that the cottage could be sympathetically developed.

Committee members commented on: the historical value of what was left of Briar Cottage not being significant; a newbuild on the site being the better option; the proposed newbuild being too large for the site, and having a large garden ground being an asset; a desire for a structural survey to be undertaken on the existing property; NPF4 Policy 9 encouraging reuse of properties, with demolition being the last option; development of a more modest house being more feasible; a desire to avoid demolition of the cottage; that a large garden was not desired by everyone; reuse of some of the cottage's materials being a start in preserving its history, and a suggestion that the work of Robert Fisher may best be remembered in a local museum.

Mr Marsden responded to a question regarding the order in which the applications had been heard, and made clear that if application 24/00811/P were not approved, then the demolition could not be approved.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent for application 24/00811/P, and votes were cast as follows:

For:	7	(Councillors Hampshire, Forrest, Gilbert, McGinn, McLeod, McMillan, and Yorkston)
Against:	4	(Councillors Allan, Collins, Cassini, and McIntosh)
Abstain:	0	

Decision

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

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

Reason:

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

- 2 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin, or shall cease to continue, until a scheme to deal with contamination on the site has been submitted to and approved in writing in advance by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. A Remediation Strategy may also be required.

Before the house is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority and if required, a Verification Report shall be submitted confirming the satisfactory completion of the required remedial works.

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

Reason:

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

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

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

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

Reason:

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

- 4 Prior to the commencement of development hereby approved, a Construction Method Statement to minimise the impact of demolition and construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Demolition and Construction Method Statement shall recommend mitigation measures to control noise, dust, demolition and construction traffic (including parking, routes to/from site and delivery times) and shall include hours of demolition and construction work.

The Demolition and 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 Demolition and Construction Method Statement shall be implemented and complied with in accordance with the details so approved for the period of demolition and construction of the development hereby approved

Reason:

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

- 5 No use shall be made of the vehicular access hereby approved unless and until a pedestrian visibility splay measuring 2.0 metres by 2.0 metres from the driver's eye height of 1.05 metres to an object height of 0.6 of a metre above the rear of the footway, as detailed in ELC standards, is formed to the eastern side of the access driveway hereby approved. Thereafter, the pedestrian visibility splay shall be retained and maintained in perpetuity unless otherwise approved by the Planning Authority.

Reason:

To ensure provision of an adequate pedestrian visibility splay in the interests of road and pedestrian safety.

- 6 Prior to the occupation of the house hereby approved the vehicular access, turning and parking arrangements shall be laid out as shown in docketed drawing nos. 24.02/L(PL)110 B and 24.02/L(PL)002 C, and thereafter the vehicular access, turning and parking areas shall be retained and maintained for such uses.

No use shall be made of the vehicular access hereby approved if any gates erected across it are installed so as to open outwards towards the adjacent public road.

Reason:

To ensure provision of adequate vehicular access, turning and on-site parking in the interests of road safety and in the interests of safeguarding the character and appearance of the Conservation area.

- 7 Prior to the commencement of development hereby approved, details of the provision of a new electric vehicle charging point(s) and infrastructure for it/them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Thereafter, and prior to the occupation of the house hereby approved, the electric vehicle charging point(s) and infrastructure for it/them shall be carried out in accordance with the details so approved.

Reason:

To minimise the environmental impact of the development.

- 8 Prior to the commencement of site clearance works or construction of the development hereby approved, a Precautionary Construction Working Method Statement for bats incorporating the latest good practice guidelines and statutory advice to protect bats shall be submitted to and approved in writing in advance by the Planning Authority. The Precautionary Construction Working Method Statement for bats shall include, but not exclusively, the considerations of lighting, noise, timing of works and pre-construction checks by a suitably qualified ecologist. Thereafter, the site clearance works and construction of the development shall be carried out strictly in accordance with the details so approved.

Reason:

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

- 9 No site clearance or other works, including the removal of hedgerows, trees or shrubs, in connection with the development hereby approved shall take place on the site between 1st March and 31st August inclusive in any calendar year, unless a detailed check of the site for active bird nests has been undertaken and the details of that check have been submitted to and approved in advance in writing by the Planning Authority. The site check shall be undertaken no later than 48 hours before the commencement of the development and shall confirm that no birds will be harmed and that appropriate measures are in place to protect nesting bird interest on the site. Thereafter, the development on the site shall be carried out in strict accordance with the approved protection measures for breeding birds.

Reason:

To ensure the protection of wildlife and biodiversity from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 10 Prior to commencement of development hereby approved, and notwithstanding the content of the Biodiversity Enhancement drawing no. 24.02/L(PL)007, details of the measures to be implemented to conserve, protect, restore and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The biodiversity enhancement measures shall be based on the details shown on drawing no. 24.02/L(PL)007 and shall include, but not exclusively, an alternative wildflower meadow seed mix to that shown on that drawing and landscaping proposals as required by Condition 11 of this grant of planning permission. The Biodiversity Enhancement Plan will include timescales for implementation and the measures as so approved shall be implemented, where relevant, in the first planting and seeding season following the occupation of the house or the completion of the development whichever is the sooner, and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.

- 11 Prior to the commencement of development hereby approved, a detailed scheme of landscaping for the site to include but not exclusively the tree planting detailed on Biodiversity Proposal drawing no. 24.02/L(PL)007 docketed to this grant of planning permission shall be submitted to and approved in advance in writing by the Planning Authority. Thereafter, the landscape planting scheme implemented on the site shall accord with the planting scheme so approved.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of the house, whichever is the sooner. All planting shall be established and maintained in accordance with the details on the approved drawings. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of the development shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

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.

- 12 In accordance with condition 3 of conservation area consent 24/00810/CAC, the reclaimed natural slates salvaged from the down-taking of the existing Briar Cottage on the site shall be used in the finish of the pitched roofs of the house hereby approved, unless otherwise approved in writing by the Planning Authority and the details of such use of the reclaimed natural slates shall be submitted to and approved in advance in writing by the Planning Authority.

Otherwise, the pitched roofs of the house hereby approved shall be clad with natural slate in accordance with the details and a sample of such natural slates to be submitted to and approved in advance in writing by the Planning Authority.

Thereafter, the natural reclaim and new slate finish of the pitched roofs of the house hereby approved shall accord with the details and sample so approved.

Reason:

To re-use salvaged and reclaimed materials of the existing Briar Cottage and to ensure the satisfactory appearance of the development hereby approved in the interest of safeguarding the character and appearance of the Conservation Area.

- 13 The south elevation wall of the two storey front part of the house hereby approved including the elevation walls of its projecting front gable component shall be finished externally with reclaimed natural rubble stone salvaged from the down-taking of the existing Briar Cottage and its boundary walls, unless otherwise approved in writing by the Planning Authority.

If additional natural rubble stone is needed, such natural rubble stone, whether new or reclaimed, shall match as closely as possible the colour, texture, facing and sizes of the existing reclaimed natural rubble stone and details of and a sample of any such new or additional reclaimed natural rubble stone shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved.

A sample panel of the natural stone finish of the south elevation wall of the two storey front part of the house hereby approved including the elevation walls of its projecting front gable component shall be provided prior to the construction of that part of the development hereby approved and the sample panel shall detail the size, coursing, colour, texture, and facing of the natural stone and the pointing of the wall and shall match as closely as possible the size, coursing, colour, texture, and facing of the natural stone of neighbouring buildings to the west and their pointing. The details of the sample panel shall be approved in advance in writing by the Planning Authority.

Thereafter, the natural rubble stone finish of the south elevation wall of the two storey front part of the house hereby approved including the elevation walls of its projecting front gable component shall accord with the natural rubble stone details and sample panel so approved.

Reason:

To re-use salvaged and reclaimed materials of the existing Briar Cottage and to ensure the satisfactory appearance of the development hereby approved in the interest of safeguarding the character and appearance of the Conservation Area.

- 14 Prior to their use in the development hereby approved, details and a schedule of the materials and external finishes and samples of such finishes, including where relevant colours, shall be submitted to and approved in advance in writing by the Planning Authority for the following:

- i. the rendered finish of parts of the external walls of the house shall be a wet dash or stippled/textured render;
- ii. the flat roof finishing material of two storey flat roofed rear element of the two storey front component of the proposed house;
- ii. the corrugated profile roof sheeting of outbuilding;
- iii. the zinc roof finish;
- iv. paint, stain or timber preservative finish of the vertical board timber cladding, if relevant;
- v. the paint, stain or timber preservative finish of the vehicular gates.

Thereafter, the materials used shall accord with the samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 15 The frames of the windows and external sliding doors shall be of painted timber construction and the external doors and their frames shall be of timber construction.

The frames of the windows and external sliding doors shall be painted pebble grey RAL7032 or another colour to be agreed in advance in writing by the Planning Authority prior to its use in the development hereby approved, unless otherwise approved by the Planning Authority.

If the timber parts of the external doors are to have a paint, stain or timber preservative finish, details of the colour of that paint, stain or timber preservative finish shall be submitted to and approved in advance in writing by the Planning Authority, prior to its use in the development hereby approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 16 The roof windows hereby approved shall be fitted as flush as possible with the upper surface of the roof slope of the house into which they are to be fitted and their frames and any flashings of them shall be black or dark grey in colour, unless otherwise approved by the Planning Authority.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 17 The solar photovoltaic panels hereby approved to be installed on the roof of the house hereby approved shall be integrated into the surface finish of the roof and shall not sit proud of the upper surface of the roofing material of the roof and shall be installed so as to be as flush fitting as possible with the upper surface of the roof into which they would be installed and with minimal flashing, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the visual amenity of the area and the character and appearance of the Conservation Area.

- 18 Any roof and wall mounted vents to be installed on the house hereby approved shall be concealed as much as possible, shall be as small as possible and any visible parts of them shall match as closely as possible the colour and materials for the part of the roof or wall of the building to which they would adjoin.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 19 Details and a sample of the materials to be used to surface the hardstanding areas to be used as driveway, vehicle parking and turning areas, patios and footpaths shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used shall accord with the details and samples so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 20 If the vertical timber cladding of the external walls of the bin store hereby approved are to be painted, stained or treated, details of the colour of any such paint, stain or treatment shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter the colour of the paint, stain or timber preservative applied to the bin store shall accord with the details so approved.

Reason:

To ensure the satisfactory appearance of the development in the interest of safeguarding the character and appearance of the Conservation Area.

- 21 The natural rubble stone to be used in the construction and external finish of the new length of roadside (south) boundary wall hereby approved shall be reclaimed natural rubble stone salvaged from the down-taking of the existing Briar Cottage and associated roadside boundary walls unless otherwise approved by the Planning Authority.

If additional natural rubble stone is needed, such natural rubble stone, whether new or reclaimed, shall match as closely as possible the colour, texture, facing and sizes of the existing reclaimed natural rubble stone and details of and a sample of any such new or additional reclaimed natural rubble stone shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved.

A sample panel of the natural stone finish of the new length of roadside (south) boundary wall shall be provided prior to the construction of that part of the development hereby approved and the sample panel shall detail the size, coursing, colour, texture, and facing of the natural stone and the pointing of the wall and shall match as closely as possible the size, coursing, colour, texture, and facing of the natural stone of neighbouring roadside boundary walls and their pointing. The details of the sample panel shall be approved in advance in writing by the Planning Authority.

The metal railings to be installed on the top of the new length of roadside (south) boundary wall shall have a black painted finish, unless otherwise approved by the Planning Authority.

Thereafter, the natural rubble stone finish of the new length of roadside (south) boundary wall shall accord with the natural rubble stone details and sample panel so approved.

Reason:

To re-use salvaged and reclaimed materials of the existing Briar Cottage and roadside boundary walls and to ensure the satisfactory appearance of the development hereby approved in the interest of safeguarding the character and appearance of the Conservation Area.

- 22 Prior to the occupation of the house hereby approved the first floor window on the west elevation of the projecting front gable of the house shall be obscurely glazed in accordance with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house. The obscure glazing of the window shall accord with the sample so approved. Thereafter the first floor window on the west elevation of the projecting front gable of the house shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential property to the west.

- 23 Prior to the occupation of the house hereby approved a length of the west boundary enclosure of the site commensurate with the length of the west elevation of the one and a half storey rear component of the house hereby approved, shall be increase in height to a minimum of 1.8 metres high above ground level in accordance with details of the position and design of such means of increasing the height of the boundary enclosure to be submitted to and approved in writing in advance by the Planning Authority prior to its use in the development hereby approved. Thereafter, the increased height of boundary enclosure of this part of the west boundary of the site shall accord with the details so approved, and shall thereafter be retained in situ at that height in perpetuity, unless replaced with an alternative means of boundary enclosure (i.e. fence, wall, hedge) that would be of equal height, length and as solid or dense in form as the means of enclosures it has replaced. Such alternative boundary enclosure shall be erected or maintained in place in accordance with details of it to be submitted for the prior inspection and approval in writing of the Planning Authority. That alternative means of enclosure shall thereafter remain in place in accordance with such details approved unless otherwise approved in writing by the Planning Authority. If the alternative means of enclosure is hedging, then in the event that such hedging dies, is removed, or becomes seriously damaged or diseased within a period of 10 years following its approval it shall be replaced in the next planting season with new hedging of similar size and species unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring garden to the west.

- 24 Notwithstanding the detail shown for the privacy screen of the east side of the first floor balcony/roof terrace on docketed drawing nos. 24.02/L(PL)004 and 24.02/L(PL)120C, prior to the occupation of the house hereby approved, the east side of the balcony/roof terrace shall be fully enclosed by a 1.7 metres high privacy screen, the details of which shall be submitted to and approved in advance in writing by the Planning Authority prior to its installation. The privacy screen shall be of a minimum height of 1.7 metres above the level of the balcony/roof terrace and shall be of a sufficient solidity to prevent overlooking.

Thereafter, the privacy screen as approved shall be installed and retained in place in perpetuity unless otherwise approved by the Planning Authority.

Reason:

To prevent harmful overlooking of the neighbouring residential property to the east in the interests of safeguarding the privacy and amenity of that property.

- 25 The air source heat pump (ASHP) hereby approved shall comply with 'MCS 020 Planning Standards for air source heat pumps (updated 2025).

Reason:

To safeguard the amenity of the neighbouring residential properties.

5. PLANNING APPLICATION NO. 24/00810/CAC: DEMOLITION OF HOUSE, OUTBUILDINGS, AND WALLS, BRIAR COTTAGE, TEMPLAR PLACE, GULLANE

As all relevant matters had been covered under Item 4, the Convener moved directly to a roll call vote on the officer's recommendation to grant consent for application 24/00810/CAC. Votes were cast as follows:

For:	9	(Councillors Hampshire, Allan, Cassini, Forrest, Gilbert, McGinn McLeod, McMillan, and Yorkston)
Against:	2	(Councillors Collins and McIntosh)
Abstain:	0	

Decision

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

- 1 The works to implement this conservation area consent shall begin before the expiration of 3 years from the date of this grant of conservation area consent.

Reason:

Pursuant to Section 16 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

- 2 No works for the demolition of the existing building, the outbuilding and the lengths of stone walls located along the south roadside boundary and the length of stone wall to the west side of the existing house and parallel to the south road side boundary in front shall be carried out unless written evidence that a contract has been entered into for the carrying out of the works authorised by planning permission 24/00811/P or by some other detailed planning permission for the development of the site granted by the Planning Authority, has been submitted to and agreed by the Planning Authority.

Reason:

In order to preserve the character and appearance of the Gullane Conservation Area.

- 3 The natural rubble stone of the external walls of the house and of the roadside boundary walls and the wall between the west boundary and the west side of the driveway, and the natural slates of the roof of the house, all hereby approved to be demolished from the site, shall be taken down and set aside and safely stored for future re-use on the site or elsewhere, where possible, in accordance with a statement to be submitted to and approved in advance in writing by the Planning Authority.

Reason:

To salvage and re-use existing materials of the existing house and boundary walls.

- 4 Prior to the commencement of the demolition hereby approved, a Demolition Method Statement to minimise the impact of demolition activity on the safety and amenity of the area shall be submitted to and approved in writing in advance by the Planning Authority. The Demolition Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site) and shall include hours of demolition work. The Demolition Method Statement shall also make recommendations in respect of how materials and waste will be safely stored and managed on site.

The recommendations of the Demolition Method Statement shall be implemented prior to the commencement of demolition on the site and shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

Sederunt: Councillor Findlay re-joined the meeting.

6. PLANNING APPLICATION NO. 25/00388/P: ERECTION OF ONE HOUSE AND ASSOCIATED WORKS, LAND NORTH OF SPEEDWELL HOUSE, MAIN ROAD, DIRLETON

A report had been submitted in relation to planning application no. 25/00388/P. Ciarán Kiely, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Tony Thomas, the applicant's agent, spoke to the application. He challenged various statements from the Planning Officer's report. He discussed aspects of the development to challenge the assertion that it would be conspicuous, or harmful to the form, character and appearance of the village and of the Conservation Area. He pointed out that the proposal would leave undeveloped land between fingers of developed land, as was referenced in the Conservation Area Statement. He discussed the considered response to the site's characteristics and planning history, with a house of modest scale and thoughtful positioning. He highlighted aspects of the home and its location, which was within the settlement boundary, and the positive use of the site during a housing crisis. He also highlighted the lack of opposition to the development, discussed the evolution of conversation areas, and described granting permission as being a decision aligned with the Council's own policies.

Mr Thomas responded to questions on: the differences between the 2022 proposal and the current proposal; local wildlife on site; and the applicant's willingness to work with Landscape and Biodiversity Officers and possibly replace or reduce the existing hedge. Officers also responded to questions on the process for approval of conditions in the event of the officer's recommendation for refusal being overturned.

Councillor Findlay, local member, referred to the 'conspicuous and incongruous' reasons for refusal, and made comparison to developments he considered to be more conspicuous; he thought that the proposed design was similar to that of other newer houses. He felt that the development, within one of the four fingers of modern development, would not damage the special architectural area, and discussed the lack of opposition from the Gullane Area Community Council. He also pointed out that the site had not been used for agricultural purposes for some time, so did not represent a loss of grazing or planting. He would vote against the officer's recommendation for refusal. Later

in the discussion, Councillor Allan, also a local member, agreed with Councillor Findlay's points. She pointed out that previous concerns had been addressed, and felt that developments of family homes for local people should be supported.

Other Planning Committee members discussed: the potential for setting a precedent; the need to take the application on its own merits; the changes to Dirleton following new housebuilding; the location of the development within the settlement boundary; the importance of managing the trees; their contentment for officers to work with the applicant to determine matters relating to trees; the difficulties in growing anything on such a site; the proposal being a beneficial use of the land; the expansion of the village having been through the LDP; this proposal being acceptable when previous proposals had not been; and the need for conditions to address hedge maintenance.

The Convener then moved to a roll call vote, and Committee members voted against the officer's recommendation to refuse consent, except for Councillor Forrest, who voted in support of the officer's recommendation.

Decision

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

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

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

Reason:

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

- 3 Prior to the commencement of development on the site, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for the new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, 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 hereby approved.

- 4 Prior to the commencement of development, details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the house hereby approved, and shall thereafter be retained unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity within the site.

- 5 Samples of the materials to be used as external finishes of the house hereby approved shall be submitted to the Planning Authority for their prior approval, prior to their use in the development. Only those materials approved by the Planning Authority shall be used as the external finishes of the house.

Reason:

To ensure that the external finishes are appropriate in the interest of safeguarding the character and appearance of the area.

- 6 No development shall be undertaken until a scheme of landscaping for the site has been submitted to and approved in writing by the Planning Authority.

The scheme shall include:

- Indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection during development.
- The height and slopes of any mounding or re-contouring of the site, including SUDS basins/ponds where relevant.
- Details of the full removal of the leylandii hedge forming the northern, eastern and western boundaries of the site, including removal methods (to include stump grinding), and protection measures for adjacent land and trees.
- A planting plan showing the location, species, sizes, and planting densities, to include:
 - A native mixed-species hedge to replace the removed leylandii, appropriate to the landscape character of Dirlerton and East Lothian.
 - Native standard trees integrated into or behind the hedge at intervals of no greater than 10m.
 - Standard trees within the site to accord with the positions of those shown on the 'Site Plan' drawing numbered L(--)/03 rev A.
- A Programme of Implementation, Establishment and Management covering a minimum period of ten years, which shall include:
 - Timing of leylandii removal;
 - Timing of all planting;
 - Weed control, mulching, watering, formative pruning and replacement of failures;
 - Provision of effective herbivore protection (including rabbits, hares and deer) through appropriate guards, shelters or fencing, to be maintained in effective condition throughout the establishment period;
 - Formal hedge-laying of the native hedge in Year 7 following planting;
 - Ongoing maintenance of the new hedgerow at a height no greater than 2 metres.

The leylandii hedge shall be fully removed prior to the occupation of the dwelling hereby approved, unless an alternative timing is agreed in writing by the Planning Authority.

All planting, seeding or turfing comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following either the completion of the development or the occupation of the dwelling, whichever is the sooner.

The approved landscaping shall thereafter be retained and maintained in full accordance with the approved programme of implementation, establishment and management. Any trees, hedges or plants which die, are removed or become seriously damaged or diseased within a period of ten years from the completion of planting shall be replaced in the next

planting season with others of similar species and size, unless otherwise agreed in writing by the Planning Authority. No trees or hedgerows shown to be retained shall be damaged, felled, topped, lopped or interfered with without the prior 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.

- 7 No development shall take place on site until temporary protective fencing in accordance with Figure 2 of British Standard 5837_2012 "Trees in relation to design, demolition and construction" and temporary ground protection has been installed, approved and confirmed in writing by the Planning Authority. The position of this fencing and ground protection must be as indicated on a 'Tree Protection Plan' to be submitted to and approved in writing by the Planning Authority. Details of the make up of the ground protection to be laid across the existing driveway from Main Road, Dirleton at the south end of the site for 60 linear metres up to the property of Dunearn, where this is adjacent to the TPO trees, must be submitted to and approved in writing by the Planning Authority. The fencing must be fixed into the ground to withstand accidental impact from machinery. The fencing and ground protection shall be installed prior to site start and retained on site and intact through to completion of development.

All weather notices should be erected on said fencing with words such as "Construction exclusion zone - Keep out". Within the fenced Construction Exclusion Zones and areas protected by ground protection, the following prohibitions shall apply:

- _ No excavation of underground service trenches
- _ No vehicular or plant access
- _ No raising or lowering of the existing ground level
- _ No mechanical digging or scraping
- _ No storage of temporary buildings, plant, equipment, materials or soil
- _ No hand digging
- _ No lighting of fires
- _ No handling discharge or spillage of any chemical substance, including cement washings

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Reason

To protect trees important to the amenity of the area from damage.

Sederunt: Councillor McMillan left the meeting.

7. PLANNING APPLICATION NO. 25/01358/LBC: ALTERATIONS TO BUILDING, 17 HUNTER STEADING, INNERWICK, DUNBAR

A report had been submitted in relation to planning application no. 25/01358/LBC, Amy Law, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Officers responded to questions from Committee members in relation to: the differences between the current proposals and previous applications; wheelchair access requirements and the current dimensions; alternative options for internal alterations; the requirement to gain listed building consent for internal and external alterations to a Category A Listed Building; and types of structures which may be more likely be recommended for consent.

The applicant, Mr Pal, had had to leave the meeting, but an email with his short statement had been sent to Committee members.

Councillor Collins, local member, discussed her reasons for calling in the application. She felt that it was prudent to futureproof buildings for accessible use, but was aware of historical and architectural significance of this building. She acknowledged that the proposals could look out of character, and thought that installation of a ramp might be more suitable, possibly following assessment by Occupational Therapy. She also thought there may be scope for internal modifications, but she would not support the current application.

The Convener made comments on the high quality of the steading conversion, and expressed that there were some modifications that could not be made to historic buildings. He pointed out that the current dimensions would not restrict wheelchair access, and suggested alternative proposals which may be more likely to gain support. He would not support an application which would destroy the gable end of a Category A Listed Building and which could set a precedent.

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

Decision

Planning Committee refused consent for the following reason:

- 1 The proposed enlargement of the door opening and installation of a set of patio doors in this space would harmfully disrupt and unbalance this elevation of the east range of the listed building. It would result in the introduction of large, modern patio doors within the centre of this elevation wall would be an alien and incongruous addition which would not be in keeping with this part of the listed building. Consequently, the proposed alteration would not serve to preserve or enhance, but instead, would harm the special architectural and historic character, integrity and appearance of the listed building, contrary to Policy 7 of NPF4, Policy CH1 of the adopted East Lothian Local Development Plan 2018 and with the Historic Environment Policy Statement: April 2019.

8. **PLANNING APPLICATION NO. 25/01302/P: SITING OF MOBILE SNACK BAR, WITHIN CAR PARK OF THE ORIGINAL FACTORY SHOP, MUIRPARK, TRANENT**

A report had been submitted in relation to planning application no. 25/01302/P. Mr Kiely presented the report, highlighting the salient points. He also pointed out an amendment to the trading hours, which would be 11am-8pm. The report recommendation was to grant consent.

Officers responded to questions from Committee members in relation to: whether the closure of the Original Factory Shop would have a bearing on the application, including whether the intended market no longer being from the retail unit would alter the grounds for supporting the application; whether the site's proximity to an area of multiple deprivation had been a factor in the officer's recommendation; rules about from which side of the van sales would be made; the possibility of granting consent for a period of one year rather than three years, due to the potential for antisocial behaviour; whether analysis had been undertaken of the proliferation of takeaways in the community and its impact on health and amenity; and the reasons for the change to operating hours and potential issues caused by this.

Neil Lambert spoke to the application, and was accompanied by his client, Lachezar Branchev. Mr Lambert responded to points raised by Committee members, and suggested a reduction in operating hours to 12pm-6pm. He pointed out that limiting planning permission to one year would limit Mr Branchev's ability to recoup his significant personal investment in the project.

Mr Lambert responded to questions from Committee members on: the impact on the business model following the closure of the retail unit, and the potential closure of the car park's gates; whether Mr Branchev had considered the offer already available around the high street; the number of car journeys anticipated; and whether the unit would move away from the site at night. Mr Lambert pointed to the heavy footfall at Aldi, and advised that the van would not be present on the site overnight.

Councillor McGinn, local member, reported that a number of residents had raised concerns with him over the application. He highlighted that the van previously in place had been sited further back. He raised concerns about the van's effect on the view when entering Tranent, when such good work had been done to develop attractive entrances to the town. He raised concerns about the potential for parking no longer being allowed in the Original Factory Shop car park, and the safety implications should customers have to park on the main road. He reiterated his concern that fast food outlets on the outskirts of town were not a good look for communities.

Other Committee members made comment on: concerns over the way the snack van was oriented; parking concerns; the wrong choice of site; and the potential for the van to make the site less attractive to potential operators of the retail unit.

The Convener then moved to a roll call vote on the officer's recommendation to grant consent, and votes were cast as follows:

For:	4	(Councillors Allan, Findlay, Gilbert, and McLeod)
Against:	7	(Councillors Hampshire, Collins, Cassini, Forrest, McGinn, McIntosh, and Yorkston)
Abstain:	0	

Committee members confirmed the reasons for refusal had been relating the impact on the amenity of the area, including litter, and road safety.

Decision

Planning Committee refused consent for the following reasons:

- 1 The snack van would be of a design, siting and appearance which would harm the visual amenity of the area contrary to Policy 14 of NPF4 and Policy DP2 of the East Lothian Local Development Plan 2018.
- 2 The siting of the van in this roadside location would encourage its customers to stop their vehicles on the main road which would be a road safety hazard contrary to Policy T2 of the East Lothian Local Development Plan 2018.

Signed

Councillor N Hampshire
Convener of the Planning Committee

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

https://eastlothian.public-i.tv/core/portal/webcast_interactive/1084812

DRAFT

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

**THURSDAY 22 JANUARY 2026
COUNCIL CHAMBER, TOWNHOUSE, HADDINGTON
AND DIGITAL HYBRID SYSTEM**

2

Committee Members Present:

Councillor A Forrest
Councillor N Hampshire (Chair)
Councillor J McMillan

Advisers to the Local Review Body:

Mr C Grilli, Legal Adviser to the LRB
Mr L Taylor, Planning Adviser to the LRB

Clerk:

Ms M Scott, Committees Officer

Other Officers Present:

Ms E Barclay, Committees Assistant (meeting administrator)

Apologies:

Councillor C Cassini
Councillor D Collins

Declarations of Interest

N/A

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

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

Introductory Statement by the Legal Adviser

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

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

1. PLANNING APPLICATION NO. 25/00768/P: SECTION 42 APPLICATION TO REMOVE CONDITION 2 OF PLANNING PERMISSION 18/00104/P, SETON MAINS, LONGNIDDRY, EH32 0PG – Review of Decision (Refusal)

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

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

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

The Planning Adviser answered questions from Members, confirming the applicant had not yet provided land ownership documentation to the Planning Officer and that the red line of the plot was very clear on the 2007 planning application. He also confirmed the work within the condition should have been completed prior to the development starting, as it was originally a pre-commencement condition and that as far as he understood, the stabilisation works had not been completed.

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

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

Councillor McMillan stated that if structure and flooding officers were not going to insist on the permeable covering then he would be happy to consider the removal of that part of the condition, however, he had real concerns over the handrail not being fitted and was in support of the other conditions.

Councillor Forrest shared his colleagues' concern regarding the lack of handrail on the stairs and noted the damage to the side of the bank as well as visible debris that has gone through the pipe, making it clear the guard was required. He felt the conditions were required, not just for flood risk, but also from a health and safety perspective.

The Chair shared the view of other Members and was surprised the applicant wished to remove the conditions as it was in their interest to protect their property and the burn.

The LRB members confirmed their decision via roll call vote. They agreed, unanimously, to uphold the original decision of the planning officer. Councillor McMillan proposed to omit the permeable block surfacing to the culvert bridge crossing from the conditions, which was seconded by Councillor Forrest. All Members agreed with this decision.

Decision

The ELLRB agreed, unanimously, to uphold the decision of the Planning Officer, but to omit the permeable block surfacing to the culvert bridge from the condition.

2. PLANNING APPLICATION NO. 25/00745/P: CHANGE OF USE OF FLAT TO SHORT TERM HOLIDAY LET, 12D BUSH TERRACE, MUSSELBURGH, EH21 6DF – Review of Decision (Refusal)

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

The Planning Adviser provided details of the application, property and location. He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees and interested parties. He then summarised the reasons for review provided by the applicant's agent, drawing attention to some of the key arguments. He also confirmed that no representations had been received in relation to the appeal.

He summarised the planning case officer's assessment of the application against relevant planning policies and highlighted the responses from internal and external consultees.

The Planning Adviser then summarised the reasons for review provided by the applicant, drawing attention to some of the key arguments.

The Planning Adviser answered questions from Members, confirming that due to an administrative error, an incorrect decision letter had been sent to the applicant.

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

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

Councillor Forrest noted that if people were only staying within the property, it was unlikely neighbours would report any antisocial behaviour, so he did not think no reports on this behaviour could be taken into consideration.

Councillor McMillan noted the security of the property as the stair door was open. He also commented that there were no objections received, this was for a limited time of the year and the use of the flat was limited to one bedroom therefore reducing the amount of people who could stay within the property. Councillor McMillan stated the special circumstances of the applicant living in Australia and wanting to keep the flat for when he returned, meaning it would be let out as housing stock and the owner would be responsible for the costs of maintaining the flat. He also noted that the property would only be let out over the holiday period, where some residents may be on holiday and due to the comments from economic development about the need for short-term lets, particularly around the suggested time of year, he was minded to uphold the appeal.

The Chair stated this accommodation would be used for people who wished to stay for a longer period of time therefore could be here for employment opportunities, so he did not view it the same as other holiday lets and was something that was required within the area. He noted he would be going against the officers recommendation due to the way the business would be operated.

The LRB members confirmed their decision via roll call vote. They agreed, by majority, to uphold the applicant's appeal.

Decision

The ELLRB agreed, by majority, to uphold the applicant's appeal.

Signed

Councillor Norman Hampshire
Chair of Local Review Body (Planning)

COMMITTEE: Planning Committee
MEETING DATE: 5 May 2026
BY: Depute Chief Executive – Resources and Economy
REPORT TITLE: Energy Consents Unit Consultation Response for Consideration

3

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 22 April 2026

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
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Date 22 April 2026

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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 25 turbines and benefits from an existing grid connection with an export capacity of up to 62.5 MW. All 25 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. The EIAR includes the assessment of 10 turbines of which 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 EIAR 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 EIAR.

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
- 23 – Health and safety

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.

INFORMATION NOTE FROM FRED OLSEN RENEWABLES, MARCH 2026

Following initial comments and discussions with Fred Olsen Renewables Ltd ('FORL'), the Council raised concerns regarding landscape and visual impacts, the effect on the setting of Traprain Law, and the lack of sufficient assessment of the proposed access route.

An Information Note was submitted by FORL in March 2026, comprising input from each of the respective EIAR topic specialists in response to discussions and comments received from ELC. The Information Note included proposals to reduce the maximum turbine tip height to 200 metres, a response to ELC comments regarding the proposed access route, a Carbon Balance Assessment, and a Peat Landslide Hazard Risk Assessment.

Accordingly, ELC's response is based on a proposal comprising 10 wind turbines, each with a maximum tip height of 200 metres, as presented within the Information Note.

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 help 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 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on 3 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 EIA.

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.

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 – prior to CR4 works starting. 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.

Further to the Information Note provided, the document states that *“the surveys were carried out in 2024 and the Section 36 application and supporting EIAR were submitted in September 2025; this is well within NatureScot guidance for pre-application survey timing, which recommends that such surveys be completed within 18–24 months prior.”*

The Council’s Biodiversity Officer does not agree with this conclusion. While such timescales may be considered appropriate in principle, they are only acceptable where the environmental conditions at the time of consultation are broadly comparable to those which existed when the surveys were undertaken.

In this instance, significant changes have been made by the applicant to the access road within East Lothian since the 2024 surveys were completed. As a result, it cannot be concluded that the ecological data presented in the EIAR remains valid.

Regarding NatureScot’s consultation response, the Council wishes to highlight that the Planning Authority and NatureScot have distinct statutory roles. The Council’s Biodiversity

Officer must consider matters that complement, but are not identical to, NatureScot's remit. The Chief Planner's Letter (2006) relating to European Protected Species legislation emphasises the Planning Authority's duty in this regard. Paragraph 29 states:

"it is clearly essential that planning permission is not granted without the planning authority having satisfied itself that the proposed development either will not impact adversely on any European protected species on the site or that, in its opinion, all three tests necessary for the eventual grant of a Regulation 44 (the 1994 Regulations) licence are likely to be satisfied. To do otherwise would be to risk breaching the requirements of the (Habitats) Directive and Regulation 3(4). It would also present the very real danger that the developer of the site would be unable to make practical use of the planning permission which had been granted, because no Regulation 44 licence would be forthcoming. Such a situation is in the interests of no-one."

In light of this, the Council's Biodiversity Officer remains concerned about the absence of up-to-date EPS surveys prior to determination, as it cannot be demonstrated, on the basis of the information currently provided within the EIAR, that the legislative tests have been satisfactorily met in this case.

LANDSCAPE AND VISUAL IMPACT

The **Council's Senior Landscape Project Officer** provided comments on the EIAR, highlighting concerns regarding their excessive scale and height, the proposed aviation lighting impact and lack of access route assessment.

Subsequent to the submission of the Information Note, the Council's Senior Landscape Project Officer advised that the reductions result in a material, though not fundamental, decrease in landscape and visual impacts when compared with the original mixed 230 m / 200 m proposed development in the EIAR. The submitted wirelines confirm that lowering the turbines reduces the extent to which hubs and blades project above the skyline, helping to reinforce the impression that the turbines sit within the Lammermuir Hills rather than on top of them when viewed from the north. The reduction also improves the legibility of Spartleton as a distinctive landscape feature.

Although the horizontal spread and overall presence of the wind farm remains substantial, the uniform 200 m height results in a more coherent and less visually discordant relationship with the existing CRII, CRIII, and CRIV turbines.

The applicant has responded positively to concerns regarding scale and height, and the revised wirelines demonstrate meaningful improvement. While significant effects remain, the scheme is now better balanced, more visually contained by the hills, and integrates more effectively with the established wind farm context.

In relation to aviation lighting impacts, the Information Note refers to the proposed visible aviation lighting scheme, for which no changes are proposed from that assessed within the EIAR. While the Council continues to have concerns regarding the landscape and visual effects of aviation lighting, it is acknowledged that these may be capable of being addressed by planning condition.

In particular, there may be scope to reduce cumulative landscape and visual impacts through the coordination of aviation lighting requirements for Crystal Rig IV and the Crystal Rig I repowering scheme. The Council would therefore welcome further discussion on this matter, with a view to agreeing appropriate and robust condition wording in relation to aviation lighting.

The Council's Senior Landscape Project Officer's concerns in relation to the proposed access route remain, notwithstanding the submission of the Information Note. Further detail on these concerns is set out in Annex A of this response.

HISTORIC ENVIRONMENT

The **Council's Archaeology/Heritage Officer** was consulted on the proposal and, following review of the EIAR, identified two principal areas of concern: firstly, the omission of any assessment of the potential impacts of the proposed construction access route on the historic environment; and secondly, the inadequate assessment of effects on the setting of Traprain Law.

Subsequent to the submission of the Information Note, the Council's Archaeology/Heritage Officer advised that the proposed reduction in turbine height would lessen the impacts on the setting of Traprain Law. However, the Council does not agree with the conclusion within the EIAR that the resulting impacts would be negligible. Notwithstanding this, while the Council considers that the setting impacts on Traprain Law have been under-assessed, it is acknowledged that the reduced turbine height would, on balance, result in impacts that are considered acceptable.

With regards to the access route, 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.'

Following review of the Information Note, additional comments were received in relation to the proposed access route. The Council's Archaeology/Heritage Officer advises that there is potential for impacts on extant elements that contribute to historic landscape character, including historic road layouts, hedgerows, boundary walls and related features. At present, the nature and extent of any such impacts remain unknown and have therefore not been assessed within the EIAR.

Should any of these features be removed or adversely affected, there would be limited scope for effective mitigation, given their contribution to the historic environment. Of particular concern is paragraph 6.5.2 of the EIAR, which states that "details on any upgrading works that

may be required along the access track from the A1 to Crystal Rig are currently unknown and are not assessed.” Any impacts on historic infrastructure would not be temporary in nature, and it would normally be expected that such matters are identified and assessed at this stage of the application process.

While it is acknowledged that the precise details of the works may still be subject to refinement, the likely envelope of works, including potential constraints and pinch points along the route, should nonetheless be sufficiently understood and assessed to enable proper consideration of the impacts on the historic environment.

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.

TRANSPORTATION

The **Council’s Road Services** were also consulted on the proposal and have raised significant concerns regarding the proposed access route. In particular, they note that the Developer has failed to demonstrate that the public road access arrangements are either practical or achievable to accommodate the delivery of 81m turbine blades.

Road Services advise that it is not currently possible to transport turbine blades of this length along the public road without additional construction works, which would result in impacts on the public road network, including the removal of trees, hedges, and other vegetation, as well as the relocation of existing boundary fences and walls. None of these works are referenced or described within the published ECU documentation. As a result, there is insufficient information available to allow a fair and reasonable assessment of the proposal.

Road Services confirm that, without the submission of further detailed information from both the ECU and the Developer, they are unable to accept the proposals. The principal concern remains that the Developer has not demonstrated that the public road access arrangements are practical or achievable without considerable construction works, which would have significant impacts on local roads, verges, hedgerows, trees, and the wider landscape.

The absence of supporting documentation suggests that either the scope of the required works has not been fully assessed, or that the documentation is incomplete. Consequently, the Council is unable to properly consider the impacts of the development on the local road network or to complete its assessment.

Subsequent to the submission of the Information Note, the Council’s Road Services reiterated these concerns, advising that insufficient detail has been provided to allow completion of their assessment and noting that it would be expected that the following information be submitted:

1. A location drawing referencing and clearly indicating the extent of each of the pinch points. (CR1D+R PP#1-11, 4B and the 5km public access road).
2. The location drawing is to show the planning red line boundary for the application.
3. Drone survey of the public road providing a record of progress of development work undertaken for CR4 ECU00000607 as April-2026
4. Route Access Survey Report for the Strategic Trunk Road Network PP#1 and local public roads PP#2-12 and 4B
5. Drawings of each pinch point indicating (CR1D+R PP#1-11, 4B and the 5km public access road):
 - planning red line boundary
 - reference and describe the extent of the pinch point identified in the application
 - swept-path analysis for the notified 84m long Special and abnormal loads

- long and cross sections indicating gradients, crests re: above the swept path assessment should take account of 3 dimensions assessments related to the long and cross sections too.
- landownership boundaries / ownership details and neighbour notifications
- identify the extent of the Local Roads Authority public road, verges, drainage etc.
- indicate statutory services underground and overground
- physical obstructions and features i.e. Trees, hedges, walls, drains, ditches, over and underground services, signs etc.
- cross section and specification of the vehicles & load, indicating the extent of blade over-sail from the vehicle

In summary, based on the Information Note submitted, a worst-case scenario must be assumed (Option 1: 81 m blades / 84 m load). If existing physical constraints prevent this load from transiting the public road network, the Local Authority must be able to assess the associated environmental and financial impacts on East Lothian. This is why the Route Access Survey Report, swept-path analyses for PP#1–11, and full technical specifications are required.

CUMULATIVE EFFECTS

Under the Electricity Works (Environmental Impact Assessment) (Scotland) Regulations 2017, the assessment of cumulative effects is a key requirement of the EIA process.

The Council highlights concerns regarding the lack of assessment of the proposed access area, as identified by the relevant technical disciplines within this response. As a result, the potential cumulative impacts along this route cannot be adequately quantified.

In the context of substantial existing, consented, and future energy developments, including construction, operational and decommissioning activities, the Council remains concerned that the absence of a robust assessment of the access route means that cumulative impacts have not been satisfactorily identified or assessed.

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, leaving the extent of potential significant impacts unknown. This omission represents an 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.

Overall, it is important 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. This assessment is critical to ensure that significant impacts are identified, quantified, and appropriately mitigated in accordance with statutory requirements and best practice.

CONCLUSION

The proposed development would contribute to Scotland's decarbonisation objectives and aligns with national planning policy. The proposal seeks to repower the existing wind farm at Crystal Rig 1, and both Policy WD5 of the East Lothian Local Development Plan and Policy 11 of National Planning Framework 4 support the use of existing infrastructure, where possible, in the delivery of renewable energy developments. This approach is acknowledged as being applied to the proposed development.

The principle of repowering the site is therefore accepted, and the Council supports the proposal in principle. However, the Council remains concerned that there is an omission of sufficient information to allow an assessment in respect of the proposed construction access route and the potential for significant impacts arising during the construction and decommissioning phases, particularly along the public road network.

In the absence of adequate information to fully understand and assess these impacts, the Council is unable to conclude that they can be satisfactorily mitigated. On this basis, while the Council supports the repowering of Crystal Rig 1 in the manner proposed, due to lack of information it reluctantly cannot at present support the proposal. Therefore, the Council objects to the application on the following grounds:

- 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;
- insufficient biodiversity evidence supplied to make an informed consideration against Policy NH5;
- 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; and
- it has not demonstrated that the public access road arrangements are either practical or achievable to accommodate the delivery of 81m blades.

The Council would welcome the submission of the additional information identified above, which would assist in addressing the outstanding concerns and allow the objection to be potentially removed. We request that the applicant is given time to undertake and submit these for assessment and at this stage a formal hearing session on the Council's holding objection is not commenced at this stage.

Were the ECU to decide to grant consent, then the Council recommends that this should be subject to conditions, and that these conditions are discussed and agreed in advance with 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 objection 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 ⁻¹)									
	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 ⁻¹)									
	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 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 22 April 2026

Sent via email to econsents_Admin@gov.scot
Cc Kevin Ainslie Kevin.Ainslie@gov.scot

ANNEX A – LANDSCAPE COMMENTS

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.

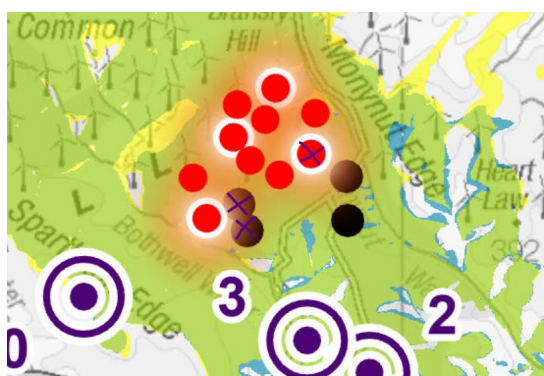
There is established landscape pattern of wind farm within this area such that the landscape area immediately adjacent to the site in East Lothian has been characterised as Upland with Wind Farm.

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.*

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.

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.