



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

1

**TUESDAY 5 MAY 2026
VIA HYBRID MEETING FACILITY**

Committee Members Present:

Councillor N Hampshire (Convener)
Councillor L Allan (R)
Councillor C Cassini (R)
Councillor D Collins (R)
Councillor J Findlay
Councillor A Forrest (R)
Councillor N Gilbert (R)
Councillor C McGinn
Councillor S McIntosh (R)
Councillor K McLeod (R)
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)
Ms A Law, Assistant Planner
Ms J Newcombe, Biodiversity Officer (R)
Mr A Robertson, Archaeology and Heritage Officer (R)
Mr R Miller, Transportation Planning Officer (R)
Ms M Haddow, Senior Roads Officer (R)
Ms S Cheyne, Senior Projects Officer – Landscape (R)
Ms P Gray, Communications Adviser (R)
Ms E Barclay, Democratic Services Assistant
* (R) = remote participant

Clerk:

Ms B Crichton

Visitors Present/Addressing the Committee:

Item 3: Mr E Hutchison, Mr C Thacker, Mr C Bruce, and Ms J Bell

Apologies:

Councillor J McMillan

Declarations of Interest:

None

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

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

Graeme Marsden, Service Manager – Planning and Chief Planning Officer, asked that discussions under Item 3 relate specifically to the Council's response to the proposal for the repower of Crystal Rig 1 Wind Farm, and not to ongoing construction matters relating to Crystal Rig 4 Wind Farm.

**1a. MINUTES FOR APPROVAL
Planning Committee, 31 March 2026**

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

1b. CONTINUED PLANNING APPLICATION NO. 25/00388/P (FOR APPROVAL OF CONDITIONS): ERECTION OF ONE HOUSE AND ASSOCIATED WORKS, LAND NORTH OF SPEEDWELL HOUSE, MAIN ROAD, DIRLETON

Planning Committee members unanimously approved the proposed conditions by roll call vote.

**2. MINUTES FOR NOTING
Local Review Body (Planning), 22 January 2026**

The minutes were noted.

3. ENERGY CONSENTS UNIT (ECU) CONSULTATION 25/00005/SGC: 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 230M AND THE REMAINING FOUR TURBINES WITH A MAXIMUM OVERALL HEIGHT (TO BLADE TIP) OF UP TO 200M – ECU00005089, CRYSTAL RIG 1 WIND FARM, APPROXIMATELY 10KM SOUTH OF DUNBAR AND 40KM EAST OF EDINBURGH, WITHIN THE LAMMERMUIR HILLS

A report had been submitted in relation to Energy Consents Unit (ECU) consultation 25/00005/SGC. Amy Law, Assistant Planner, presented the report, highlighting the salient points. The report's recommendation was to approve the content of Appendix 1 as the Council's consultation response to the ECU.

Officers responded to questions from Committee members. Ms Law clarified the process should the applicant, Fred Olsen Renewables (FOR), submit further information in response to the Council's objection to the ECU. Mr Marsden confirmed that the Council did not wish for its objection to trigger a public inquiry if the applicant sought further time to submit additional information, but this position could be reviewed if the information was not forthcoming. Ms Law gave commentary on the process whereby the Council's concerns on landscape and visual impact had been resolved, but said concerns about the construction route remained outstanding.

In response to questions about the policy basis for the Council's concerns over landscape capability, Sarah Cheyne, Senior Projects Officer – Landscape, confirmed that site-specific assessments were carried out to determine the suitability of the landscape to accommodate proposals; she considered that blade heights of 220m would have a significant visual impact, whereas the reduction to 200m would be contained by the landscape.

Euan Hutchison spoke to the application on behalf of FOR. He gave background information on the company, and on local economic benefits associated with the proposals. He discussed FOR's positive relationships with the various host communities and welcomed their support for the application. He explained that the current Crystal Rig 1 site was nearing the end of its design life and would be decommissioned; delays in the process meant there would be a gap before the new turbines would be energised. He described the Council's recommended objection as representing a further delay in the process, particularly if it resulted in a public inquiry. He welcomed the officers' support in principle, and acknowledged their requests for additional information. He pointed to evidence that FOR's work to improve biodiversity on the site had been fruitful, and discussed significant efforts to protect birds' nesting activities. He described Council officers' requests for additional information as wanting to predict every eventuality, and suggested that, instead, a process which allowed operations to adapt to change, identify and share information, and act in a sensible and proportionate way was needed. He considered that this could be achieved through conditions, by adoption or modification of conditions imposed on other parts of the project. As there was agreement in principle, he asked that the Council adopt a position of no objection, subject to conditions which would allow the points raised by officers to be taken forward at a more appropriate time in the process.

Committee members asked questions to: enquire about the process of decommissioning the current turbines and what would be left in the ground; ask about the possibility of upgrading the access road to benefit the community; seek reassurance that work would be completed by contractors responsible for maintaining pinch points on the road; and raise concern about the lack of reference to habitats or biodiversity enhancements along the access route, lack of information on protection and mitigation for European Protected Species, and FOR's failure to provide the Tree Survey requested by Council officers.

Following comment from Mr Hutchison that some of this information had been provided as part of the application for Crystal Rig 4, Mr Marsden explained that the worst-case scenario in terms of blade transportation had to be considered, and highlighted that the context of the road had changed significantly in recent years; he advised that a simple Swept Path Analysis was sought.

Committee members asked a number of further questions on the possible use of blade lifting technology to minimise impact on biodiversity, and about FOR's reticence to provide the information required by officers. Mr Marsden considered that the limited number of blade lifters in the UK meant that conditioning for use of this technology would be impractical.

In response to questions, Mr Hutchison explained that FOR's position was that the contractor delivering the blades would evolve its equipment to suit the site's requirements, but advised that FOR did not currently know the specifics. He took issue with the notion of basing surveys on the worst-case scenario, as this approach ignored technological innovations. He gave assurance that FOR was confident that the blades could be delivered without the significant effects flagged in the report. He also discussed FOR's frustration at the road's deterioration after its reinstatement at the completion of Crystal Rig 3 in 2019. He advised that FOR had committed to paying to have the road reinstated to an appropriate standard following the proposed works. He said that FOR had focused on that which would be impacted by its activities, and used the position of Thurston Manor as an example of a structure within the red line boundary which would never be impacted due to its position 80-100m back from the road.

Chris Bruce made representation on behalf of East Lammermuir Community Council (ELCC). He welcomed the officers' scrutiny and assessments on matters of access requirements, biodiversity, and traffic management. He added ELCC's support to the Council's Sustainability and Climate Change Officer's request to see an estimate of the emissions arising from the construction and maintenance of the project, as well as support for the Access Officer's recommendation that a Public Access Management Plan be produced. He discussed numerous energy projects which meant that the access road functioned as a permanent feature which was not fit for purpose, while also having to continue to function as an appropriate rural road. He noted that neither of the community councils responding to the proposals had objected outright, but suggested that it should be possible to devise a process whereby all relevant voices were heard in the cumulative planning approach to the permanent access road, making each individual application more straightforward and productive for all parties. He asked Planning Committee members to call on officers to facilitate this process, working with community councils, the Energy Partnership, and other bodies as appropriate, and highlighted the time-sensitive nature of this ask. He voiced the community's desire for a robust road which did not encourage an increase in vehicle speed, with safe segregation for cyclists, access issues addressed according to the right to responsible access, and hedgerows which were protected and enhanced.

Responding to a question from the Convener, Mr Bruce discussed the Biodiversity Liaison Group's 'Summit to Sea' approach, which considered the wider impact of proposals beyond red line boundaries; this was meant to balance up damage inevitably caused by projects by doing good works elsewhere, using National Planning Framework 4's principle of enhancing biodiversity offsite. It was felt that this shift could achieve something more imaginative and ambitious.

Jacquie Bell made representation on behalf of Dunbar Community Council (DCC). She noted a number of the application's key principles and the changes made, including FOR's good track record of working with the community. On behalf of DCC, she sought information on the management of the turbine bases to be left in situ, and on disposal of the current turbines. She raised concerns about road safety during the construction phase, noting issues with drivers trying to overtake the slow convoys transporting turbines, and about safety at Innerwick Junction in particular. She raised the cumulative impact of traffic movements from the various projects, and suggested that FOR might be asked to contribute to improving safety at Innerwick Junction and on rural roads. DCC also called for a demonstration of net biodiversity gain. It was felt that current documents lacked clarity on protection of wildlife. She also raised concern about the cumulative visual impact on the Lammermuirs from green energy developments, and expected that these taller replacement turbines would be more dominant and may increase bird strikes. She suggested that the choice of paint colour may help to reduce the visual impact on the landscape; DCC asked that measures be taken to ensure the safety of the of the higher turbines, while balancing the impact of light pollution. Ms Bell also noted that some

Scottish community councils had called on the Scottish Government to pause all major applications for renewables until a clear National Energy Strategy was in place regarding the siting of energy developments. DCC asked that FOR continue to work as part of the Green Energy Development Network, that further community benefits be offered, and that a shared community ownership element of the windfarm be considered.

Committee members made various comments on the application, including: their concerns about the changing approach to the foundations being left behind, and the risk of leaving a landscape littered with potholes and concrete; the need for a roundtable discussion with developers using the access road and to secure funding for its upkeep; the need for more robust information on biodiversity mitigations; and the very thorough work of officers in responding to the ECU. Some members expressed surprise over FOR's unwillingness to provide the requested information; and an attempt by the Council to streamline discussions around the access road was endorsed. Comment was also made on: issues of balance and carbon calculation, with particular concern that a reduction in blade height would impact the energy generation of the site, while the construction period would still have the same significant impact on the community; a desire for the new Landscape Survey to be open minded about visual impact; differences of opinion on whether past infrastructure projects had had an acceptable visual impact; the need to balance the urgency and need for renewable energy projects with the clear duty to protect and preserve the natural environment; and that robust environmental protection and application of biodiversity net gain principles were not optional.

The Convener discussed the evolution of public opinion around renewable energy infrastructure, as well as the duty of the Senior Projects Officer – Landscape to satisfy herself that all had been done to ensure mitigations were in place to protect against damage to the environment. He asserted that the Council's position was to object to the application until such time as the required information had been provided by FOR.

The Convener moved to a roll call vote on the report's recommendations, and the proposed consultation response was unanimously approved by Committee members.

Decision

The Planning Committee approved the content of report Appendix 1 as the Council's consultation response to the ECU.

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/1089831

COMMITTEE: Planning Committee
MEETING DATE: 2 June 2026
BY: Depute Chief Executive - Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

2

Note: This application has been called off the Committee Expedited List by Councillor Collins for the following reason: Concern of road safety around Queens Road and the Spott Road Industrial estate by local residents, business owners, and users of the Industrial Estate.

Application no. **25/00947/P**

Proposal Formation of car park and ride facility and associated works for a temporary period of five years

Location **Land to the South of
Spott Road Industrial Estate
Dunbar
East Lothian**

Applicant Metlen Energy and Metals

Per Zander Planning Ltd

RECOMMENDATION Granted Permission

PLANNING ASSESSMENT

The application site consists of 1 hectares of unused former farm land immediately to the south of the Spott Road Industrial Estate, Dunbar. The site is part of a larger allocated site, Proposal DR7: Land at Spott Road of the adopted East Lothian Local Development Plan 2018 (ELDP). Proposal DR7 allocates the land for employment uses. The site is within the Dunbar II Battlefield Site.

The application site is in the north west section of the of the ELDP allocated site DR7. To the north the site is bounded by the ELC operated Dunbar Recycling Centre within the existing industrial premises. To the south and west is vacant land

and to the east is the main east coast rail line. The site includes a section of the road within the existing industrial estate.

There is no relevant planning history for this part of the wider allocated land.

PROPOSAL

Planning permission is sought for a Park and Ride facility. The proposed development would provide 261 parking spaces, cycle parking and bus stops to serve staff employed in the construction of the convertor station that is an integral part of the Scottish Power upgrade of the east coast electricity grid - the Eastern Link 1 (EGL1) project - which comprises a new subsea High Voltage Direct Current (HVDC) link between East Lothian, Scotland and Hawthorn Pit in County Durham, England which were approved by planning permission in principle 22/00852/PPM and Approval of Matters Specified in Conditions of Planning permission in principle Ref: 25/00083/AMM. Those applications approved included approval for the new converter station to be located at Oxwellmains which this Park and Ride facility would serve.

The Transport Statement submitted with the application informs that the works to construct the EGL1 project will require a substantial workforce. As it is not possible to accommodate the convertor station site construction workforce on site at Oxwellmains an off-site Park and Ride facility is required.

The Park and Ride facility will operate 6am to 7pm Monday to Friday and 6.30am to 3.30pm weekends. The applicant estimates that there will be four round trip bus movements to the site and four round trips from the site each day. The facility is expected to last for three years. It is proposed that routing for the park and ride facility will be dependent on direction of travel. For travel from the Park and Ride facility to the Convertor Station site the bus will travel using Spott Road, along the A1 turning off onto the A1087 to the Oxwellmains Quarry Road. For travel from the Convertor Station site back to the Park and Ride facility the bus will use the A1087 road north to Queens Road and then south onto Spott Road. This routing has been selected to avoid buses making a right turn across the A1(T) ensuring safer and more efficient bus movements.

The site is roughly rectangular in shape and measures 62m across and 204m north to south at its largest. The proposal includes 11 rows of parking bays formed in gravel. The vehicle movement space and pavements are formed in asphalt. There is a circular bus route in the north section of the site with a collection point and shelters in the central area. The site will have lighting columns throughout. There will be a gate at the vehicular entrance point to prevent unauthorised access. There is an element of land retention, approx. 1m in height, on the west boundary.

The application is supported by a Revised Planning Statement Transport Statement, revised Technical Statement, Preliminary Ecological Appraisal and a Green Travel Plan. The application includes a drainage design and surface water management plan.

ENVIRONMENTAL IMPACT ASSESSMENT

An EIA screening request was submitted 1/9/25. On 19/9/25 this Planning Authority issued a screening opinion confirming that an EIA was not required.

DEVELOPMENT PLAN

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

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

NPF4 Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 7 (Historic assets and places), 13 (Sustainable transport), 26 (Business and Industry).

Proposal DR7: Land at Spott Road and Policies CH5 (Battlefields), EMP1 (Business and Employment Location), DP1 (Landscape Character), DP9 (Development Briefs), Policy CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), NH10 (Sustainable Drainage Systems), NH11 (Flood Risk), T1 (Development Location and Accessibility) and T2 (General Traffic Impacts).

Also relevant to the determination of the application is the Council's Development Briefs Supplementary Planning Guidance, and specifically the DR7 - Spott Road, Dunbar Development Brief contained within it, and the Council's Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance.

REPRESENTATIONS

The application has received 12 objections. The main grounds of objection are:

- o Noise from workers arriving and departing;
- o Roads safety, noise and pollution on A1087, Queen's Road;
- o What happens at end of five consent years;
- o Additional traffic on Spott Road will cause congestion and road safety issues;
- o Spott Road and industrial estate junction has poor visibility;
- o Contrary to policy DR7;
- o Road within industrial estate is not suitable for additional cars and buses;
- o No assessment of impact on local network as required by policy T2 General Transport Impact;
- o Potential for vehicles to use Newhouse Place as a short cut with negative impact on residents, and
- o Will contribute to further deterioration of road condition on Spott Road.

COMMUNITY COUNCIL

Dunbar Community Council and West Barns Community Council were consulted and both have objected on the grounds that;

- * Increased congestion on the surrounding road network;
- * Increased noise and emission from traffic;
- * Consideration of alternative sites nearer Oxwellmains;
- * Alternative vehicle routing should be considered;
- * The developer should finance upgraded pedestrian and cycle access along Spott Road;
- * No traffic lights should be installed at the junction of Spott Road and Queens Road;
- * Appropriate licenses and reports should be obtained in relation to badgers and bats;
- * There should be evidence of net biodiversity gain;
- * The proposed SUDS is not suitable for this site;
- * Increased vehicle movement in Broxburn.

The consideration of alternative locations is not material in this case and the proposal will be assessed on its own merits;

The consideration of alternative routes is not material in this case and the proposal will be assessed on its own merits;

This application does not propose any alterations or traffic lights to the Spott Road and Queens Road junction.

Following consultation with the biodiversity officer a suitable condition requiring a Species Protection Plan is recommended.

PLANNING ASSESSMENT

The site is located within a larger area site allocated by Policy DR7 of the adopted ELLDP for Employment uses. Policy 26 of NPF4 states that development proposals for business and industry uses on sites allocated for those uses in the LDP will be supported.

Proposal DR7 states that any new development proposals for the site must include a comprehensive masterplan for the entire allocated site that conforms to the relevant Development Brief. Proposal DR7 further confirms that Policy EMP1 of the LDP applies.

Policy EMP1 states that within areas allocated for business and employment, uses within Use Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 are supported. Proposals must not adversely affect amenity and must be able to co-exist satisfactorily with existing or proposed uses on the site and in the surrounding area.

The use of the site as a temporary Park and Ride is not a use within Classes 4, 5 or 6 of the Town and Country Planning (Use Classes) (Scotland) (Order) 1997. Neither is it strictly an employment generating use. However, this is not proposed as a public park and ride, but is one that supports and facilitates the construction works of the EGL1 project. Thus, it is indirectly an employment use. Furthermore, the EGL1 project is a nationally important development that is required to

safeguard the energy needs of the country. The completion of this nationally important project and the relationship of the park and ride facility to it is an important material planning consideration in the determination of this planning application. Therefore, as an indirect employment generating use, as the use is for a temporary period of five years after which period it can return to its previous use the use of the site as a temporary park and ride is in this particular circumstance acceptable.

Policy EMP1 further states that proposals must not adversely affect amenity and must be able to co-exist satisfactorily with existing or proposed uses on the site and in the surrounding area. With regard to whether the proposed development would prejudice any existing employment use, there is no reason in principle why the proposed use could not satisfactorily co-exist with the nearby existing employment uses. The application site is not bound by any sensitive land uses, with the closest residential properties being located on the other side of the East Coast railway line. Therefore the proposed use of the site as a temporary park and ride facility would not be contrary to Policy 26 of NPF4 or Policy EMP1 of the adopted ELLDP 2018.

The proposed development would integrate satisfactorily into its setting and would not be harmful to the character and appearance of the area. On the considerations of landscape impact the site will be seen within the context of the wider allocation for employment use and the existing adjoining industrial estate and settlement. There will be no adverse impact on the landscape and the proposal is in accordance with policies DP1 and DP2 of the ELLDP 2018.

The **Council's Environmental Protection Manager** advises that they are satisfied that the use would not harm the amenity of any nearby residential property in respect of noise or air quality impact. They do acknowledge that there is potential for light pollution. The proposal includes lighting on 6m high masts, and this has the potential to impact on residential properties on the east of the rail line. However, subject to a condition being imposed on any grant of planning permission to ensure any lighting is at a level which does not unacceptably impact on neighbouring dwelling the Council's Environmental Protection Manager does not object to the application.

NPF4 Biodiversity policy 3. c) states that measures should be proportionate to the nature and scale of development. This site forms part of a larger site allocated for employment use in the ELDP. The proposal is also for temporary permission and therefore it is not considered appropriate to require biodiversity enhancement in this instance. It is important that the site be reinstated to its current condition once the use has ceased, thereby achieving a neutral biodiversity impact. This impact is considered appropriate given the limited biodiversity value of this site, the temporary nature of the proposal and the wider allocation within the ELLDP.

The **Council's Biodiversity Officer** has reviewed the Preliminary Ecological Appraisal and subject to a condition to secure the production of a Species Protection Plan for birds and to ensure that prior to construction a walk over survey of the area should be conducted by a suitably qualified ecologist no sooner than 48 hours prior to pre-construction clearance works she raises no objection to the application. Therefore, subject to that aforementioned condition the proposal is not

contrary to Policy 3 of NPF4.

Historic Environment Scotland raise no objections to the application being satisfied that it would not have a significant adverse affect on the key features of the Battle of Dunbar II historic battlefield site. The proposal accords with policy 7 of NPF4 and policy CH5 of the ELLDP 2018.

The **Council's Archaeology/Heritage Officer** advises that the application site has seen a high degree of disturbance, including during the construction of the East Coast main line, which means that any archaeological remains which may have been present are likely to have been destroyed. The Archaeology/Heritage Officer therefore raises no objection to the application. The proposal accords with CH4 of the ELLDP 2018.

The **Council's Structures & Flooding Team** has been consulted on the application which include a drainage design solution. They have considered the flooding aspect as well as the SuDS proposals and have confirmed they have no objection to the proposed development. The proposals are consistent with Policies NH10 and NH11 of the LDP and with the Council's Sustainable Drainage Systems (SuDS) Supplementary Planning Guidance.

The Park and Ride facility will operate 6am to 7pm Monday to Friday and 6.30am to 3.30pm weekends. The applicant estimates that there will be four round trip bus movements in and four round trip bus trips out each day. It is proposed that routing for the park and ride facility will be dependent on direction of travel. For travel from the Park and Ride facility to the Converter Station site the bus will travel using Spott Road, along the A1 turning off onto the A1087 to the Oxwellmains Quarry Road. For travel from the Converter Station site back to the Park and Ride facility the bus will use the A1087 road north to Queens Road and then south onto Spott Road. The route will avoid making a right-hand turn from the A1087 onto the A1 and will instead approach the site from the A1087 via Spott Road and making the left turn from Queens Road onto Spott Road 8 times a day.

The **Council's Road Services** have considered the details of the bus routing and frequency and confirm this is not considered to make a significant impact on the Queen Road/Spott Road junction. A condition has been imposed to ensure that this approved route is implemented.

Road Services have also reviewed the initial traffic modelling and an addendum which also examines the weekend departures from the site which coincide with peak Saturday background traffic. Road Services are satisfied that all modelling shows that the junction of the industrial estate with Spott Road will continue to operate below its full capacity. Therefore, the Council's Road Services have raised no concern about the impact of the construction or operation of the Park and Ride on the condition of the local road network.

Road Services have raised no concerns in respect of road safety or road/junction capacity for either pedestrians or vehicles on the local road network.

Transport Scotland have also confirmed that they raise no objection to the

proposal.

The proposed development is consistent with Policy 13 of NPF4 and Policies T1, T2 and T31 of the adopted East Lothian Local Development Plan 2018.

At its meeting on 27 August 2019, the Council approved a motion declaring a Climate Emergency. Thereafter, at its meeting on Tuesday 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 buildings and from the completed development should be imposed on relevant applications for planning permission. Given the temporary nature of this permission, it is not considered reasonable to impose a condition in this instance.

It is acknowledged that the proposed temporary facility could be adapted to serve the wider allocated site, once its use as a park and ride is redundant. While the current design is not to an adoptable standard in terms of pedestrian access, connections and construction details it could be adapted with a minimal level of intervention. This potential adaptation would be a sustainable reuse of the site and its materials and therefore a condition is attached to allow this option to be accommodated. The proposed development would be consistent with Policies 1 and 2 of NPF4.

In conclusion, the proposal is in accordance with the provisions of the stated relevant Development Plan policies and there are no material considerations which outweigh the proposal's accordance with the Development Plan.

CONDITIONS:

- 1 Planning permission is granted for a period of 5 years from the date of the decision after which time all equipment, infrastructure and hard surfacing shall be removed from the site and the land shall revert to its former condition, suitable for agricultural use, no later than 6 months after the period of said permission unless an alternative road design, including pedestrian, cycle and vehicle space extending to the north, west and south site boundaries, is submitted to and agreed in writing by the Planning Authority, prior to the expiry of this consent. Where an alternative road design is agreed in writing by the Planning Authority the works shall be carried out in full within 12 months of the expiry of this planning permission or an alternative timescale agreed in writing by the Planning Authority.

Reason

To accord with the timescales applied for and to ensure that the park and ride facility is removed and the land reinstated to its former use while allowing the possible future sustainable adaptation of the infrastructure, to include adequate pedestrian and cycle space, and connectivity to the wider site and existing land to the north.

- 2 No development shall be undertaken during the breeding bird season (March to August), unless in strict compliance with a Species Protection Plan for breeding birds, including provision for pre-development supplementary survey, that shall be submitted to and approved in writing by the Planning Authority.

Reason

To protect the ecological interest in accordance with Local Development Plan policy NH5.

- 3 Notwithstanding the approved drawings the design and construction of any proposed

artificial lighting should take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008. Accordingly, within an E2 Zone, i.e. Low district brightness areas such as Rural, small village, or relatively dark urban locations, the following criteria should be met prior to any external lighting units becoming operational:

- o Light Trespass (onto windows) of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 5 between the hours of 0700-2300 and shall not exceed 1 between the hours of 2300-0700.

Hours of operation

The hours of operation shall be limited to 06:00 - 1900, Monday to Friday, and 06:30 - 15:30 at weekends, unless otherwise agreed in writing by the Planning Authority.

Reason

To ensure the facility operates within the parameters assessed in the consideration of this application.

- 4 The buses operating from this park and ride facility shall solely serve the EGL1 construction site at Torness and shall be limited to the routes set out on the approved bus route plan whereby trips to the EGL1 construction site will on the A1 and returning trips will be along the A1087.

Reason

Roads Safety.

COMMITTEE: Planning Committee
MEETING DATE: 2 June 2026
BY: Depute Chief Executive - Resources and Economy
REPORT TITLE: Application for Planning Permission for Consideration

3

Note: This application has been called off the Committee Expedited List by Councillor Gilbert for the following reason: Multiple concerns from Prestonpans Community Council, neighbours of the proposed development, and local residents regarding the grant of this application.

Application no. **26/00346/P**
Proposal Erection of one house and associated works
Location **Garden Ground of 73 Polwarth Terrace
Prestonpans
East Lothian**

Applicant JD Property (EDI) Ltd
Per King Architects

RECOMMENDATION Granted Permission

REPORT OF HANDLING

APPLICATION SITE

The property to which this application relates is the west half of the garden ground of a single-storey, semi-detached house. The site is located within a predominantly residential area as defined by Policy RCA1 of the adopted East Lothian Local Development Plan (ELLDP) 2018.

The application site is immediately outwith the Prestonpans Conservation Area. The west boundary with the conservation area is formed by a stone wall measuring approximately 3m in height.

The property is bounded to the east and west by neighbouring residential properties, to the south by the public road of Polwarth Terrace and to the north by a medical centre. The site contains three single storey structures and the driveway serving the existing house.

PLANNING HISTORY

In February 2026 planning permission Ref: 26/00012/P was granted for the erection of porch, extension to house and formation of vehicular access. Permission granted 25.02.2026.

PROPOSAL

Planning permission is now sought for the erection of one house and associated works. The proposed house would be a detached, part single storey part one and a half storey house that would be one and half storeys in height at the front and single storey, with inhabited roof space to the rear. The house would have a pitched roof with the front section running east/west including a front dormer. The rear roof section would run from north to south.

The main mass of the property would measure 6.3m in width by 12.8m in depth with a vestibule extending 2m to the front. The property would comprise three bedrooms, with one at ground floor and incorporate an open plan living/kitchen/dining area. A patio is proposed to the rear. The existing vehicle access will be retained and a driveway formed.

The walls of the main building would be finished externally in off white render. It would have Upvc framed windows (colour anthracite) and brown concrete interlocking roof tiles.

DEVELOPMENT PLAN

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

The Development Plan is the adopted National Planning Framework 4 (NPF4) and the ELLDP.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 7 (Historic Assets and Places), 14 (Liveable Place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), T1 (Development Location and Accessibility), T2 (General Transport Impact), DP2 (Design), Policy CH5 Battlefields, DP7 (Infill, Backland and Garden Ground development) of the ELLDP are relevant to the determination of the application.

Material to the determination of this application is Section 64 of the (Listed Buildings and Conservation Areas) (Scotland) Act 1997. This requires that a planning authority must have regard to the desirability of preserving or enhancing

the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area.

REPRESENTATIONS

Two letters of objection have been received in relation to the application. In summary, the main grounds of objection are:

- o Sunlight/overshadowing and Loss of Light, loss of privacy;
- o Disturbance from building works;
- o Preservation zone exclusion clauses; This is a legal matter and not a material planning consideration.
- o Detrimental to adjoining conservation area;
- o Not in keeping with the area;
- o The windows should be sash and case;
- o Adverse impact on Roads Traffic Management and parking.

The disturbance from building works is not a material planning consideration relevant to the determination of this planning application.

The preservation of zone exclusion clauses is a legal matter and not a material planning consideration.

COMMUNITY COUNCIL

The Prestonpans Community Council were consulted and have objected. The grounds of objection are;

- o Failure to preserve or enhance the Character of the Conservation Area;
- o Inappropriate Plot Density and Loss of Established Townscape Character;
- o Adverse impact on built heritage remains that constitute part of the historic battlefield;
- o Lack of Robust Supporting Evidence; There is adequate information to assess this scale of proposal in this instance.
- o Inadequate Response to Residential Amenity Concerns; Impacts on amenity are assessed in this report.
- o Precedent. Not a material planning consideration.

PLANNING ASSESSMENT

Policy CH2 of the ELLDP requires all development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. The application site is not within a conservation area but lies immediately to the east of the Preston Conservation Area. This part of the conservation area is characterised by one and half storey residential properties finished in white render with red interlocking roof tiles and box dormers.

The proposed house would be a one and a half storey dwelling. The front buildings line reflects that of the adjoining buildings. From the street the proposed design, incorporates a pitched roof and dormer and is finished in render and interlocking

roof tiles. The proposed dwelling massing and design will be entirely in keeping with the character and appearance of the area. The west boundary of the site comprises a high stone wall. This will be retained and as a result there will be no adverse impact on the edge of the conservation area.

Policy 15 of NPF4 supports development that will contribute to local living, including where relevant, 20 Minute Neighbourhoods. In this instance the application site is located within Prestonpans and would be well located for access to local services and facilities and therefore would contribute to local living. Consequently, the principle of the development of the site for residential development would be entirely compatible with Policy 15 of NPF4.

Policy 16(f) of NPF4 states that development proposals for new homes on land not allocated for housing in the LDP will be supported where the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20-minute neighbourhoods and the proposal is for smaller scale opportunities within an existing settlement boundary. Consequently, as the application site is within Prestonpans, and is sited within easy walking distance of numerous facilities, the principle of the erection of a dwelling building on this site is in accordance with Policy 16 of NPF4.

The erection of a house on the site would amount to infill housing development within this part of Prestonpans and therefore ELLDP Policy DP7 applies. Policy DP7 requires that the following design principles are met:

1. The site can accommodate the entire development, including an appropriate amount of open space, satisfactory vehicle and pedestrian access, car parking and where necessary vehicle turning space; and
2. The occupants of existing neighbouring development experience no significant loss of privacy and amenity and occupants of any new development must also enjoy privacy and amenity; and
3. The scale, design and density of the proposed development will be sympathetic to its surroundings, overdevelopment of the site will be unacceptable, and landscape and boundary features important to the character of the area must be retained where possible; and
4. There will be no material loss of greenfield land or open space important to the character or recreation and amenity requirements of the area, and no loss of important physical or natural features.

Policy DP2 of the adopted ELLDP requires that all new developments must be well designed and sets out a number of design principles. Amongst these are the requirement that all new development must be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings and retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate.

The application site forms half of a generous garden ground. The retained house and the proposed house would both benefit from front and rear gardens of a size suitable for the size of dwellings and in keeping with the character of the area. There is adequate space to accommodate car parking for the proposed and retained dwellings.

The separation between existing residential properties in the street measures approximately 4.5m between gables. The existing house is separated from the adjoining house to the west by 13m and this is at odds with the prevailing spatial character. This allows scope for a suitably scaled additional structure which would not harm this section of the street scene.

The application site is located adjacent to two modest dwellings both of which incorporate similar design elements such as white render walls and pitched roofs with brown interlocking roof tiles. The property to the west has a box dormer to the front. The proposed dwelling is similar in eaves and ridge height, uses similar details, fenestration and materials including a pitched roof with dormer to the front. The proposed siting of the building and architecture will result in a design and size of dwelling that will sit comfortably within the street scene.

The proposed dwelling contains a number of ground floor windows looking west. These will be screened from the neighbouring property by the existing boundary wall. The rear upper floor accommodates a bedroom with a gable window looking to the rear and Velux windows proposed on the side roof planes. The windows are located higher up the roof plane with the bottom of the window being 1.6m above the finished floor level. As a result, the occupant would look beyond the neighbouring property and not down into the garden. The proposal will not result in any unacceptable overlooking to neighbouring property. A condition is recommended to control any side facing first floor glazing.

The main mass of the proposal sits between the gables of the adjoining properties. The rear section of the proposal is a single storey structure set off the west boundary. Due to the modest scale of the proposal and the existing 3m high boundary wall the impact on daylight and sunlight on the property to the west is acceptable. The proposed house sits close to the existing retained house and is marginally higher in height. The applicant has submitted a daylight and sunlight assessment to evaluate the impact on this dwelling. The assessment demonstrates that there will be no unacceptable impact on the daylight to the house or overshadowing of the garden ground.

Policy DP7 part 1 of the ELDP requires that the site can accommodate the entire development, including an appropriate amount of open space. The proposed building will be setback 9m from the pavement and will have a rear garden measuring 21m long by 8m wide. The rear garden ground would be of sufficient size to afford the occupants of the house adequate amenity and accommodate off-street car parking to the front. Policy DP7 part 2 of the ELDP requires that the occupants of existing neighbouring development experience no significant loss of privacy and amenity. As set out above the proposal does not unacceptably harm the amenity of neighbouring properties.

The proposed dwelling would be appropriate to its location in terms of its positioning, size, form, and massing and would not be harmful to the adjacent conservation area. On those matters of design the proposal would accord policies 7 (Historic Assets and Places), 14 (Liveable Place), 15 (Local Living and 20 minute neighbourhoods), 16 (Quality Homes) of NPF4 and Policies CH2 (Development Affecting Conservation Areas), DP2 (Design) and DP7 (Infill, Backland and Garden Ground development) of the ELLDP are relevant to the determination of the application.

This property lies within the Battle of Prestonpans (BTL16) site. **Historic Environment Scotland** were consulted on the application and have confirmed they have no objection to the proposal. The proposal will have no impact on the historic battlefield and is in accordance with policy 7 (Historic Assets and Places) of NPF4 and Policy CH5 (Battlefields) of the ELLDP.

Road Services were consulted on the application and have raised no objection to the proposed parking or impact on the road network.

The application site falls within the **Coal Authority's** defined Development High Risk Area. The planning application is accompanied by a Phase 1 Desk Study Report and Coal Mining Risk Assessment (Rev01, March 2026) produced by Harley Haddow Ltd. The Report has been informed by an appropriate range of sources of historical, geological and coal mining information. The Coal Authority records indicate that the site lies within an area of probable historic unrecorded shallow coal mining. The Coal Authority has no objection to the proposed development subject to the imposition of the conditions to secure further investigation and any required mitigation. Appropriate conditions are attached.

With regards to Policies 1 and 2 of NPF4, the proposal includes fourteen solar panels to the rear roof surfaces. 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 building and from the completed development should be imposed on relevant applications for planning permission. This proposed development incorporates appropriate measure to mitigate its impact on the environment and therefore a condition is not required and the proposal complies with Policies 1 and 2 of NPF4 as submitted.

The site is currently laid to grass at the rear with the centre and front of the site being hard surfaced, containing three built structures. The proposal will retain the rear of the site as garden ground and will have a neutral impact on biodiversity opportunities. As the proposal relates to private garden ground and is of modest scale the proposal does not conflict with Policy 3 of NPF4.

In conclusion, the proposed house would be an appropriate addition to this street and would be in accordance with Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, and the stated relevant Development Plan policies. There are no material considerations which outweigh the proposal's alignment with the Development Plan.

CONDITIONS:

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

Reason:

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

- 2 Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason

To ensure the suitable investigation of ground conditions prior to commencement of development.

- 3 No development shall commence until;

a) a scheme of intrusive site investigations has been carried out on site to establish the risks posed to the development by past coal mining activity, and;

b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

Reason

To ensure any requirement mitigation of ground conditions is carried out prior to commencement of development.

- 4 The level of the bottom opening of any side facing first floor rooflights shall be no lower than 1600mm above the first floor finished floor level as shown on approved drawing reference L(--)-13 Section.

Reason:

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any subsequent Order amending, revoking or re-enacting that Order, other than the glazed openings shown on the application drawings, no other windows or other glazed openings shall be formed within the side east and west elevation walls or roof slopes of the house hereby approved, or any roof windows in the roof space altered unless otherwise approved by the Planning Authority.

Reason:

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