

REPORT TO: Planning Committee

MEETING DATE: Tuesday 19 April 2016

BY: Depute Chief Executive (Partnership and Services for Communities)

SUBJECT: Application for Planning Permission for Consideration

***Note** - this application was called off the Scheme of Delegation List by Councillor Day for the following reason: Given the significant level of public interest and debate this application has generated, I believe it should be considered by the Planning Committee.*

Application No. **15/01022/PCL**

Proposal Change of use of beach area to form extension to existing car park and associated works

Location **Car Park
Marine Parade
North Berwick
East Lothian**

Applicant East Lothian Council

Per East Lothian Council

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

The site to which this application relates is the public car park located on the north side of Marine Parade, North Berwick and to an area of beach that surrounds it. The site is bounded to the north, east and west by Yellow Craig beach and to the south by the public road of Marine Parade with Castle Hill Scheduled Ancient Monument beyond. The area of Yellow Craig Beach beyond the application site to the north is within the Firth of Forth Site of Special Scientific Interest and the Firth of Forth Special Protection Area. The application site is within North Berwick Conservation Area.

The existing car park is roughly finished in hard core and enclosed for the most part by grassed verge or shallow banking. It currently has capacity for 18 cars.

Through this application East Lothian Council seeks full planning permission for extensions to the existing car park and in this, the change of use of areas of beach to the

north, east and west of it to facilitate the extension. Planning permission is also sought for associated works comprising; (i) the formation of a new deltalok and rock armour sea defence wall, (ii) the hardsurfacing of the car park as it is to be extended with asphalt and the laying out on it of 4 disabled parking spaces, 33 car parking spaces, 3 motor cycle parking spaces and 8 bicycle parking spaces in the form of 4 cycle racks, and (iii) the enclosure of the north and parts of the east and west boundaries of the car park with metal post and chain fencing.

This application is accompanied by a design statement and an appropriate assessment.

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 approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Plan 2008.

Policy 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), NH1a (Nationally Protected Sites), NH1b (Sites of Special Scientific Interest), ENV4 (Development in Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), C3 (Protection of Open Space), DP2 (Design), DP13 (Biodiversity and Development Sites), DP16 (Flooding), T2 (General Transport Impact) and T5 (Public Parking) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

Material to the determination of the application are Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's Scottish Planning Policy: June 2014 on development within a conservation area and affecting archaeological sites and internationally protected sites.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 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. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation area should be treated as preserving its character and appearance.

Scottish Planning Policy states that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development.

Scottish Planning Policy states that planning authorities, and all public bodies, have a duty under the Nature Conservation Act 2004 to further the conservation of biodiversity. This duty must be reflected in development plans and development management decisions.

Also material to the determination of the application is the Council's Transportation

Strategy and the representations received from the public.

80 written representations to the application have been received. 77 of which raise objection to the application, 2 offer support for the application and 1 makes general comment. They are all from members of the public, including two made by the Right Honourable, George Kerevan MP.

The main grounds of objection raised are:

1. No justification has been provided in support of the application explaining the requirement for further car parking in this specific location;
2. The application does not suggest any potentially detrimental impacts as a result of the proposed development or propose any social and economic benefits associated with the change of use;
3. No supporting information has been provided with the application with respect to matters including alternative site assessment, ecology and landscape designations;
4. No assessment of impacts has been undertaken, no evidence of consideration of alternative sites has been provided and no imperative reasons of over-riding public interest demonstrated;
5. The proposals are contrary to Policy ENV1 of the adopted East Lothian Local Plan 2008;
6. The protection of all parts of the beach and the resistance to any loss of the beach and foreshore from built development, is of fundamental importance to the preservation of the conservation area's character and on this matter is contrary to Policy ENV4 of the adopted East Lothian Local Plan 2008;
7. As the car park will be built up to the HWMS there is accordingly a probability that this will impact detrimentally on the local beach ecosystem below the HWM and within the SSSI and SPA designations; the application fails to satisfy Policies NH1a and NH1b of the adopted East Lothian Local Plan 2008;
8. The east beach forms the boundary with an internationally protected area and is adjacent to a Site of Special Scientific Interest; they are protected by Policies NH1a and NH1b of the adopted Local Plan respectively;
9. The development is on the boundary with an internationally protected area and a site of special scientific interest and is protected by Policies NH1a and NH1b of the adopted Local Plan – the development is contrary to these policies;
10. The proposals will consume the public amenity of the beach contrary to Policies DC1 and C3 of the adopted Local Plan;
11. The proposal is contrary to conservation area development;
12. Building into the sea to MHWS, does not take into account the need to reduce carbon emissions and adapt to climate change as per outcome 2 of Scottish Planning Policy;
13. In light of climate change targets it is irrational to encourage and support greater car use;
14. Rising sea levels due to climate change will make the car park extension onto the beach onto the beach increasing difficult and expensive to maintain – it would contradict the East Lothian Environment Strategy with respect to preparing for and managing the impacts of climate change and encouraging more sustainable land use patterns;
15. Tarmacking the beach seems to go against every environmentally friendly rule in the book;
16. Building out on top of the beach is nonsensical and looks to be environmentally unfriendly;
17. The proposed development does not protect or enhance the natural or cultural assets or facilitate their sustainable use in accordance with outcome 3 of Scottish Planning Policy;
18. There is concern with ELC's policy to put cars first in North Berwick and not the environment;

19. The proposal is contrary to the Landscape Charter to which East Lothian Council is signed up to by virtue of its membership with CoSLA;
20. The proposals conflict with Outcome 3 (Communities in East Lothian able to adapt to climate change and reduced finite natural resources) Outcome 7 (East Lothian is an even safer place) and Outcome 8 (East Lothian has a high quality natural environments) of the Council's Single Outcome Agreement as it will encourage more and unnecessary travel by car; increase the quantity of traffic and congestion; make the roads eastwards along the beach less safe; block walking on the beach and obscure beautiful views and the amenity of the beach are in a Conservation Area;
21. The proposal is over engineered and has absolutely zero design thought;
22. The backward thinking proposal is wrong in terms of concept, location and design and should be refused;
23. The application has clearly been designed by engineers without any input from those with knowledge of design, aesthetics, the natural or built environment;
24. The structure would look utilitarian and awkward in an area characterised by its outstanding natural beauty;
25. The proposed design and bulk would be visually intrusive and would significantly and irrevocably damage views and public amenity;
26. Making what is a carbuncle bigger and bulkier does not get rid of the problem, it merely exaggerates it;
27. The Delta Lock System – are there examples of other coastal builds to use this system?
28. The car park extension would be a substantial physical carbuncle on the landscape and will have a major impact on tourism and visitor numbers;
29. More cars in North Berwick mean greater levels of pollution; visual pollution caused by the introduction of car parking in areas of natural beauty;
30. The proposed parking would intrude into the beach area and disrupt the shore line – the designation of Conservation Area is becoming increasingly meaningless;
31. The part of East Beach that is adjacent to Yellow Craig is one of the most popular with visitors and residents alike - the development would be damaging to this asset;
32. The beach makes a significant contribution to the recreational needs of the community and there would be a substantial loss of amenity as a result of the change of use of an existing beach area to a car park;
33. The car park extension can only damage the natural beach and the amazing birds;
34. The beach is an area of natural beauty and a treasure in East Lothian;
35. A fragile ecosystem would be disturbed, animal habitat destroyed and more pollution created;
36. The development will compromise the area and what it has to offer the local community and vital visitors to the town;
37. The long term negative effect of such plan will in fact be detrimental to the well being of local residents, their surroundings and the natural but very fragile beauty that attracts people to the area;
38. The development will have an adverse impact on the Ramsar Site and SSSI and there is no analysis of the assessment, nor evidence of the over-riding community and economic benefits that will result from the development;
39. The proposals would impact on the Firth of Forth SSSI and SPA and the effect of this has not been subject to an appropriate assessment;
40. Has there been a marine survey of the effect of the development on the sand?
41. The beach extensions would lead to a loss of amenity and would impair the habitat for the many forms of wildlife which inhabit the beach area;
42. The proposed development would not complement local features such as landscape and ecology;
43. It will promote people to take cars which is damaging to the North Berwick ecosystem;
44. No evidence has been provided that there would be no harm to the SSSI;

45. The proposal is a clumsy artificial intervention which will detract from people's enjoyment of this beautiful beach;
46. The plan is being forced through with little thought for the visual environment;
47. The proposed will have a major negative effect on the outstanding view and it is difficult to comprehend how a local authority which covers the area where John Muir was born can come up with such a suggestion;
48. The visual impact of the extended car park from the beach will be considerable;
49. The proposed car park would be extend to 1.32 metres in height and would be enclosed by 1.1 metre high metal post and chain fencing, and will constitute and substantial visual intrusion, incongruous with a landscape that is predominantly open and low lying to the detriment of its visual amenity;
50. As the character of the beach is generally as open space but with this section, contained between rock outcrops, the visual impact of any change to the beachscape will be magnified and will have a materially detrimental impact;
51. There would be detriment to the beachscape;
52. The car park extension would be damaging environmentally and its visual impact would impair the beaches natural beauty;
53. There is an obligation to consider visual impact and the proposals ignore this;
54. Respect for the landscape has not been shown by the Council in this application;
55. The car park should only be extended northward and nor to the east to avoid impacting the amenity of residents of Tantallon Terrace;
56. The car park could be hardly be more unsightly and would be visible from some significant distance in both directions;
57. The car park extension will obscure views to the west considerably;
58. The proposals are out of keeping with the rest of the beach and the gain of 20 parking spaces cannot justify the loss of the beach itself;
59. The size and scope of the car park would spoil a lovely spot, one of the many reasons visitors come to North Berwick and many locals appreciate it;
60. We should not be eating away at our immensely valuable natural resources;
61. The car park would be a concrete eyesore offering no significant impact on North Berwick's parking problem;
62. The proposed development would clearly constitute an alternative use that would affect the landscape setting of the area – alternative provision of equal community benefit is not possible;
63. The car park extension will obscure key views across the coastal landscape;
64. The beach car park neither preserves nor enhances the special architectural or historic character of North Berwick Conservation Area;
65. The development would be detrimental to the iconic view of North Berwick old town nestled around Milsey Bay, which is identified as characteristic of North Berwick in the conservation area character appraisal in the adopted East Lothian Local Plan;
66. East Beach is one of North Berwick's treasures and every care should be taken not to spoil it;
67. There would be significant visual impact unacceptable for the area and a significant loss of amenity for the people of North Berwick;
68. An extension onto the beach of the size and height proposed would totally destroy the scenic beauty of the area;
69. The proposals would be ugly and impact on the recreational use of this section of the beach which is significant given that North Berwick is a tourist destination;
70. The formal layout, materials used and quantity of car park spaces would also have a serious adverse impact on the visual amenity of the East Beach which is one of North Berwick's and East Lothian's most precious natural assets;
71. The visual impact of the proposals would be seen as far as the Seabird centre/boating pond;
72. The proposals would significantly detract from the beauty of the area;
73. To build on the beach would cause interrupted views of the beach and coastline and

interfere with walks along the coast line;

74. There would be intrusion into the conservation area and a negative visual impact;

75. The development would consume the public amenity of the beach;

76. The development would irreversibly destroy the natural environment, increase traffic, encourage the use of cars and increase noise/ air pollution;

77. YOU SHOULDN'T TARMAC A BEACH – ONLY A F***ING IDIOT WOULD TARMAC A BEACH!

78. Go listen to Joni Mitchell's 'Big Yellow Taxi' – 'they paved over paradise and put up a parking lot';

79. The effect of the eastern extension to the car park will make the car park directly visible from the houses at the beginning of Tantallon Terrace and the visual disturbance from its physical presence will be exacerbated by the movement of vehicles;

80. Reclaiming beach for car parking is extremely detrimental to the amenity of the area;

81. The proposal will remove area of beach and vegetation;

82. The extended car park is tantamount to vandalism;

83. It would not enhance the Conservation Area;

84. There would be pollution from traffic in a sensitive marine area;

85. To concrete over a beautiful section of iconic beach in order to create a car park would be laughable if it weren't so sad;

86. The proposals would be damaging to the beach which is one of the main assets of North Berwick as a town;

87. It will lower that natural charm of North Berwick;

88. There would be a negative impact on natural heritage and biodiversity, on landscape and visual amenity and access and transport;

89. If you destroy an asset of the town it will lose its appeal and therefore lose revenue;

90. The Council should endeavour to protect the beach for its towns people and visitors and should use its abilities to protect natural resources;

91. You should not be able to build on the sand area;

92. The proposal is contrary to the point of having a car park near a beach;

93. People come to visit the beach not a tarmacadam car park;

94. It will reduce the amount of beach space in a public area;

95. There are no amenities nearby the area is only used by dog walkers and walkers and any more traffic along there would be inadvisable;

96. Much wanted tourists would not park there and walk almost a mile to the town centre to shop;

97. At high tide it will be impossible to walk across the beach at this point;

98. During periods of inundation, as a result of the MHWS the beach would be impassable, requiring beach users to deviate through the car park or via the footpaths on Tantallon Terrace and Marine Parade, using beach access points at either end of the car park. This raises road safety issues due to increased interaction between pedestrians and road users;

99. The new sea defence may cause a scouring effect on the sea wall resulting in the sand levels being much lower in front of the car park; this would mean that even in a mid range tide, people would have to leave the beach and cross the car park;

100. The obstruction of the beach during periods of the MHWS would result in an adverse impact on its amenity for beach users;

101. The extended car park would have the effect of splitting the beach in two and will materially affect one of North Berwick's prize assets;

102. The development would represent an unprecedented interference with the integrity of the beach at high tide;

103. The extension of the car park into conservation land in this coastal location are in contravention of access to walking and cycling routes should not be prohibited – the proposal would prohibit access to the beach walking route;

104. To encroach on the beach so people cannot walk on the beach without having to come up onto the car park at high tide is unthinkable, dangerous and visually very

damaging to one of North Berwick's greatest assets;

105. Walkers and beach wheelchair users will have little alternative than to cut short their walk or manoeuvre their way off the beach and cross what will be a very busy car park;

106. It will make the beach impassable at high tide;

107. The proposals would separate the beach in two parts;

108. It will no longer be possible to walk along the beach at high tide;

109. An extension to the car park of the size proposed would disrupt the beach;

110. Losing the scope to walk the length of the beach is irretrievable, short sighted and not in the interests or to the benefit of residents to East Lothian;

111. Year round amenity should not be sacrificed to make parking easier for summer visitor;

112. It will create a higher chance of flooding of neighbouring house;

113. Tides higher than mean will hit the car park with all the risks and inevitable damage this will entail;

114. A few storms or high tides and the development would be ruined;

115. When flooding occurs, what assessment has been done on where the excess water will be routed to?

116. There is a total lack of information with regard the consultation with SEPA over the potential impacts of wave and tidal patterns that might occur;

117. Extending the car park to the MHWS will have a significant impact on tidal flows during the very high tides which have already caused damaged to the fragile grassed strip at the top of the beach;

118. It seems likely that tidal surges will be diverted east and west of the car park with damaging consequences to the beach;

119. Being on the high tide line the car park is at more risk of flooding with damage to parked vehicles;

120. The proposed structure will be subject to considerably more wave actions than the current car park;

121. It would require very little change in sediment movement to cause erosion of the narrow dune area resulting in potentially the undercutting of the road and the need for improved and costly sea defences;

122. The building of any feature into the beach is likely to impact on the movement of sediment and the degree of erosion and deposition of sand;

123. In such a mixed climate of unpredictable weather who will be underwriting a build on such an exposed site?

124. The impact of altering the seafront must be difficult in light of climatic uncertainty and will cause changes in the way wind and sand move along the front;

125. This is a poor idea seeing the damage the sea throws at us;

126. Extending the car park could put parked cars at risk from damage and the car park itself is not likely to be low maintenance;

127. A good structural engineer will have to take account of the long term effect of high tides, wind and sand;

128. It is nonsensical to invest large sums of money in a project that could be washed away – this could turn out to be a very expensive and unsustainable project;

129. It will unbalance the water table;

130. There are more serious proposals to encourage visitors without increasing car numbers;

131. The proposal is a short term, ill thought out solution to the ongoing long term problem of car parking in North Berwick;

132. 20 additional parking spaces will not solve North Berwick's parking problems;

133. 27 vehicles have parked on the existing car park at one time – if the Council repaired it there would be space for 30 cars;

134. Let's not have the beach ruined for a car park twice the size for only 7 more spaces!

135. The addition of very few extra parking spaces will offer no discernible change in the congestion problem of North Berwick;

136. The proposal is not a solution to the parking problem and will only make matters worse by bringing more cars through the town;
137. There has been no assessment of traffic flows submitted with the application;
138. Traffic congestion would be caused via narrow access points;
139. The road to the car park is not suitable for a higher volume of traffic;
140. To attract more cars down Marine Parade is not conducive to traffic management used in an already congested street;
141. Increases in the number of vehicles would result in more local environmental damage;
142. The size of car park will only increase the number of traffic, along a road that is already dangerous to families visiting the beach and it will always be full and therefore only increase queuing traffic and congestion;
143. It will encourage more traffic and the possibility of accidents;
144. There is increased likelihood of serious accidents as the car park encroaches on areas where children and pets are able to play freely;
145. Increasing the capacity of the car park will encourage the utilisation of the local street network by a greater volume of traffic which will adversely affect the residential amenity of residents;
146. The increase in traffic will not only impede vehicular access to residential properties but may result in degrading air quality in the vicinity to the detriment of residential amenity of local residents;
147. Marine Parade/ Tantallon Terrace is a narrow residential street that doubles as a promenade in the summer months and as such cannot realistically take any more traffic during peak weekends and summer months; an enlarged car park will set expectations in people's minds that parking will be easier and will thus generate additional traffic;
148. Unless Marine Parade is policed the cars that park there will still come back and the car park extension will not have solved the problem;
149. Illegal parking has in recent years prevented emergency vehicles from driving Marine Parade;
150. Double yellow lines should be imposed on the south side of Marine to alleviate traffic congestion;
151. The volume of traffic would make the issue of children crossing the road a real worry as there have already been near misses with cars;
152. Additional cars travelling along Tantallon Terrace will create a hazard for pedestrians;
153. Increased parking facilities at Marine Parade and Tantallon Terrace sewage works will increase the flow of traffic and lead to increased congestion in the area;
154. A recently commissioned traffic survey into car parking in North Berwick stated car parking at East Beach was probably the most poorly accessed from traffic from the west; there is no connectivity with public transport;
155. Proposals for a car park at Coos Green were dismissed by North Berwick Community Council and East Lothian Council due to increased traffic this would cause along Marine Parade; the issues are the same for this proposal;
156. The proposal to extend Tantallon Car Park, which is the subject of separate application 16/00023/PCL, if approved and implemented, will remove or substantially dilute any justification for the proposed additional capacity at Marine Parade;
157. There needs to be a wider, more considered solution to car parking;
158. The proposal is a reactionary solution to a problem which is perceived – what about other car parks in North Berwick;
159. Any parking improvement plan must address traffic flow and safety;
160. The car park, including the car park at Tantallon Terrace only serve the beach and will have no impact on the parking problem in the town;
161. More should be done to organise and signpost the extensive car parking available at the Rugby Club rather than building on top of our beautiful coastline;
162. The Council should revert the one-way system that was temporarily imposed on

School Road to force traffic away from Quadrant, Marine Parade and Tantallon Road as it has resulted in more cars attempting to park, often illegally;

163. A site opposite the Glen Golf Course Clubhouse as an alternative site may provide a sizable parking area and could also provide nearby toilet facilities;

164. There is scrub land to the east and north of The Glen Clubhouse that could be put to use as a car park;

165. A more sensible choice would be a new car park at the west side of the town so visitors would be drawn to local shops en route to either the West or East Beach;

166. There is no need for more parking in North Berwick – put up signage so visitors can easily find ample parking at The Recreation Ground, Community Centre and three town centre car park...not expensive, not intrusive and not rocket science;

167. There are other areas of the town that car parking could be built within a short walk of the beach;

168. Parking could be extended elsewhere;

169. Emergency vehicles have not been able to get to a call due to present traffic volumes on Marine Parade – it is difficult to see how the situation would be improved by the situation;

170. With many news houses being built to the south and west of North Berwick parking problems are simply going to get worse and people try and access the beach;

171. The Council should look into reducing the number of car in the town by looking into the introduction of a park and ride facility;

172. A park and ride service linking the station, west beach and town centre, harbour and Milsey Bay would go a long way to alleviate parking and access problems;

173. Park and ride facilities should be considered at either or both of the roads into the town from Dunbar and Dirleton;

174. There are plenty of areas around North Berwick where parking could be increased which means the beach could keep its beauty and people could walk to it like other beach towns who value their conservation areas;

175. The only way forward to fix North Berwick's parking problem is to have two park and ride facilities, one at either end of the town;

176. It would be better to discourage cars from coming into the narrow streets of North Berwick by encouraging people to come by train and running a shuttle bus from the station to the town or by making a park and ride facility;

177. ELC should be encouraging walking and cycling as health improvement measures;

178. Ideas for a greener North Berwick should be put forward with bicycle sharing systems at the station, the rugby ground and at Tesco's;

179. New parking provision should only be considered when there is a clear management plan in operation for existing parking to ensure that it is used efficiently;

180. We should be doing everything to minimise traffic in the town centre and seafront and maintain visiting cars on the periphery of town;

181. Sustainable alternatives should be considered;

182. This proposal inherently has negatives in terms of its sustainability;

183. The cost of the development would be better spent improving public transport connections, instead of attracting more vehicle traffic to a frequently heavily- congested small town,

184. The construction required for safety and permanency will damage the existing area and maintenance will incur considerable expense, due to prevailing weather and environmental factors;

185. Underground car parking should be considered;

186. Just improve the surface of the existing car park so that it permits more cars;

187. The car park should be left as it is but with better sea defences;

188. The existing car park is a shambles, resurfacing and drawing lines would allow plenty more cars to fit in; the extension to the car park is unacceptable;

189. Repair potholes properly;

190. This is an inappropriate use of this special area and local resources,

191. The proposals are not necessary – proper resurfacing is all that is needed and would result in more cars being able to park properly without having to onto the beach;
192. The proposal should not go ahead as it is contrary to the prior consultation and public survey carried out to address parking issues in North Berwick;
193. ELC think that the Community Council represents resident's views when they clearly do not consult them;
194. There has been no consultation in relation to the development and the reclamation of the beach for parking or any other purpose;
195. Only two households were notified of the application which might be the obligation under planning law, but this development affects landscape open to the whole town;
196. The Council are steamrolling the North Berwick population and not acting in the community's interest;
197. Huge developments without infrastructure mean the Council has lost the confidence of the population – a community council should be restored is not properly represented;
198. Start finding creative solutions by engaging with the public;
199. The development is on common good land and any management must be to the benefit of the community as a whole – this has not been demonstrated;
200. It is hard to believe that the Council would choose to build such an inappropriate development on such a sensitive site;
201. Horrified to discover this is a real proposal;
202. How East Lothian Council can consider blighting one of their very most important and prized assets, east beach is utterly flabbergasting;
203. The Council should be acting in the best interests of the public and the proposal is completely contrary to that duty;
204. A much wider more thorough public consultation and presentation should have been undertaken in addition to the small public newspaper advert as very few people buy papers these days;
205. If this wider consultation is not carried out the Council will not have a full understanding of the Public's opinion about the development on common good land;
206. The Council does not have the right to change the use of the beach to car park use as the beach is inalienable common good land and the Council does not have the authority to use the beach for any other purpose;
207. The proposal is undesirable and extremely badly thought out;
208. It is unacceptable that those living nearby the site were not advised of the application even if they are outwith the statutory notice distance – many people with an objection will have been unaware of the proposal;
209. The proposal will not benefit North Berwick – it will lower tourism;
210. There may be additional parking spaces but there are no benefits other than that and significant harm would arise;
211. North Berwick is a small town and everything is within walking distance- the only extra parking should be disabled parking;
212. The proposal is idiotic and a new level of stupid;
213. The notion of closing the car park altogether is supported;
214. It has been heard that there is to be no time limit for parking;
215. There is concern that the Council may charge for the use of the car park;
216. It will lower property prices;
217. The proposal would pave the way for the coastline to be built on with no respect for what should be protected;
218. To start using the beach for parking, even in a small way, sets a very dangerous precedent;
219. Future generations would not thank us for concreting a beach to create parking because we're too lazy to walk;
220. It is a bad allocation of Council funds in an age of tight financial constraint and;
221. In these days of budgetary constraint, the Council should repair the existing car park as this is less expensive and a much less intrusive solution.

Comments made in support and raised generally to the application are:

1. There is a need for additional parking in North Berwick to cater for the increasing number of residents and for visitors;
2. Our parking requirements are year round and not just in the summer months and any who lives in North Berwick knows this;
3. Suggestions to make driver's park outside the town would put day trippers off visiting and destroy the vibrant High Street;
4. There is a movement on North Berwick conservation which consists of 150 residents who live near the car park sites who are vocal and appear to speak on behalf of the town – there is a population of near 7000!
5. The beach car park is an existing car park and the proposal is to extend it not to form a new one;
6. The application is supported as it supports both residents and tourists and the economy of the town and also because most people only comment if they object!
7. The resurfacing of the car park is a must and the sea defences are welcome;
8. Taking the opportunity to extend the current car park to provide additional capacity is welcome;
9. The conservation area does allow maintenance and extension and this would be an extension to an existing car park;
10. It is cost effective to undertake the extension at the same time as resurfacing the car park and putting in sea defences;
11. There would only be a minimal time occurrence when a path across the beach would be blocked otherwise there is an alternative path through the car park;
12. The facility for those who need to use their car or bike will be available to allow more people to access the coast if they have to rely on transport to get there;
13. It will help to address the congestion on Marine Parade during holiday season;
14. The only way forward is to have park and ride facilities one at either end of the town;
15. Dealing with the perennial problem of car parking is absolutely vital if North Berwick is going to keep growing at the rate that developers would like; and
16. Park & ride is a well recognised way of controlling car numbers in a town and the world over – money could be spent on this system and not on extending the car park;

As a consultee for the application North Berwick Community Council make the following comments:

1. There is anxiety in extending the car park 8.5 metres seaward as at high tide it will not allow walkers to continue on the beach;
2. There may be severe sand scouring as at present sand can rise and fall regularly;
3. There may be coastal erosion;
4. There may be increased traffic on what is a single track road because of existing parking on the road. A queue of vehicles occasionally builds back along Marine Parade because of parking on both side. There are two examples of emergency vehicles being stuck;
5. The proposed plan would spoil the view;
6. North Berwick doesn't need more parking;
7. North Berwick as a tourist and holiday town depends on people being able to park safely along the front;
8. Poor parking may reduce when the proposed parking attendants start later in the year;
9. An increase in safe parking off road with a proper surface and drainage would be welcomed;
10. Double yellows to the west would help; and
11. Proper signage in the town would make and overall improvement to traffic management.

With reference to the representations of objection and for the avoidance of doubt it should be clarified that this application proposes an extension to an existing car park and not the provision of a new car park on the site.

The impact of the proposals on property values is not a material consideration in the determination of an application for planning permission.

Whether the Council should seek to implement park and ride facilities within the town of North Berwick and matters concerning the rationale for doing so are not material considerations in the determination of this application for planning permission.

Whether the Council is permitted to develop an area of common good land is a legal matter between the Council and the respective disputing party. It is not a material consideration in the determination of this application for planning permission.

Proposals to form car parking in alternative locations within the town of North Berwick would have to be the subject of a new application(s) for planning permission and considered on their own merits or otherwise. Similarly this application for planning permission must be considered on its own merits.

A concern expressed by objectors is that approval of this application would set a precedent for other development on the beach and therefore the countryside and undeveloped coast, which would compromise the landscape character and appearance of the area including North Berwick Conservation Area.

This application for planning permission for the development proposed in it stands to be determined on its merits or otherwise. It would be for the Planning Authority through the determination of any other application for planning permission to decide on the merits or otherwise of the development proposed in it.

The compliance or otherwise of the proposals with The Landscape Charter the Council is alleged to have endorsed by virtue of its Membership with CoSLA or the Outcomes of the Council's Single Outcome Agreement are considerations for the Council as applicant and developer for this application. They are not material considerations in the determination of this application for planning permission.

The loss of a private view is not a material consideration in the determination of an application for planning permission.

Matters of indiscriminate parking on Marine Parade and in other areas of the town are controllable under legislation other than planning legislation. They are not a material consideration in the determination of this application for planning permission.

Section 65 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that where an application for planning permission for any development of land is made to a planning authority and the development would, in the opinion of the authority, affect the character or appearance of a conservation area, the planning authority shall (a) publish in a local newspaper circulating in the locality in which the land is situated, and (b) for not less than 7 days display on or near the land a notice indicating the nature of the development in question and naming a place within the locality where a copy of the application, and of all plans and other documents submitted with it, will be open to inspection by the public at all reasonable hours during the period of 21 days beginning with the date of publication of the notice.

For the purposes of Section 65 an advert was placed in both The East Lothian Courier and Edinburgh Gazette on 22 January 2016. Furthermore a site notice was displayed adjacent to the site for a period not less than 7 days.

Under Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013 the Planning Authority gave notice to all owners, lessees or occupiers of premises on neighbouring land and thus premises on land any part of which, is conterminous with or within 20 metres of the boundary of the land for which the development is proposed. Notice was served to neighbours on 18 January 2016.

Under the terms of Regulation 18 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, each notice stated that representations could be made to the planning authority and included information as to how any representations could be made and by which date they must be made (being a date not earlier than 21 days after the date on which the notice is sent).

In respect of wider transportation matters, the adopted East Lothian Local Plan 2008 is one aspect of the Council's approach to transportation, which includes other policy documents such as the Local Transport Strategy (LTS) and Local Air Quality Strategy. The Council's first LTS was published in 2001 and sets out its transport and travel vision to the year 2020. The prime objective of the strategy is to reduce the overall dependence on the private car and to promote the availability and use of alternative, more sustainable modes of transport where practical to do so. The adopted East Lothian Local Plan 2008 does not contain any transportation policies relating to the car park at Marine Parade or any proposals to extend the existing car park.

The Council's Road Services confirm that there have been a number of parking, traffic and environmental studies undertaken in North Berwick since 2000, all of which to some degree have highlighted the need to increase parking provision by various methods such as maximising the efficiency and the operation of parking, improving control and turn-over, increasing supply and demand management techniques. A questionnaire was placed on the Council's Consultation Hub between 24th March – 5th May 2014, seeking a consensus of opinion on various parking and traffic related issues.

One of the findings of the questionnaire was that there was support to upgrade and increase the capacity of beach front car parks including that of Marine Parade.

Following on from this consultation exercise the Council's Depute Chief Executive, Partnerships and Community Services recommended in his report to Cabinet of 10 March 2015 on the 'North Berwick Parking Strategy Update' that Cabinet approve a 3 year strategy to amend or make the necessary Traffic Orders to purchase the requisite land, to obtain the necessary consents and to construct new car park provision as detailed in Appendix 1 of his Report. This includes the upgrade and increase in capacity of the Marine Parade Car Park, including the sewage works car park at Haugh Road / Tantallon Terrace. Furthermore the introduction of a Traffic Regulation Order (TRO) to ban overnight parking following an 18 month experimental order to establish the effectiveness and operational practicalities of the Order. These recommendations were approved by Cabinet on 10th March 2015.

Notwithstanding the consideration of the Council's accepted position that there is a lack of off street parking provision in North Berwick and Cabinet's decision to pursue additional parking improvements including, potentially, the provision of additional parking as an extension to Marine Parade car park, the principal determining factor in this case is whether, the proposed development is acceptable having regard to national, strategic

and local planning policy and guidance and other material considerations.

The Councils Transportation Planning Officer raises no objection to the application. However in responding to matters raised concerning general transport impact and the provision of additional parking, he advises that that the proposals the subject of this application have been made to address both a lack of parking provision and to upgrade coastal protection. In adding much needed parking provision it is considered that the car park will off-set indiscriminate on-street parking within the area.

The Council's Transportation Planning Officer is satisfied that the proposals will not have any adverse consequences for road safety, the capacity of the surrounding road network to deal with traffic unrelated to the development and thus residential amenity as a result of motorised traffic. On these considerations the proposals do not conflict with Policy T2 of the adopted East Lothian Local Plan 2008.

On the provision of publicly available short stay car parking the Councils Transportation Planning Officer is satisfied that the proposals will contribute to the vitality and viability of the town centre and on these considerations do not conflict with Policy T5 of the adopted East Lothian Local Plan 2008.

The application site, including the existing car park and part of Yellow Craig beach on the east side of North Berwick, is within an area covered by Policies DC1 (Development in the Countryside and undeveloped Coast) and C3 (Protection of Open Space) of the adopted East Lothian Local Plan 2008. By being within North Berwick Conservation Area it is also within an area defined by Policy ENV4 (Development within Conservation Areas) of the adopted East Lothian Local Plan 2008. The area of Yellow Craig Beach beyond the application site to the north, is within the Firth of Forth Site of Special Scientific Interest and the Firth of Forth Special Protection Area and accordingly, is within an area covered by Policies NH1a (Internationally Protected Areas) and NH1b (Sites of Special Scientific Interest) of the adopted East Lothian Local Plan 2008.

The applicant has submitted a design statement in support of this application. In it they advise that to improve the capacity of the car park the width rather than the length, to any great extent, is proposed to be increased so as not to adversely affect the outlook from neighbouring residential properties. The increase in width would be taken only to the Mean High Water Spring so as not to encroach on the SSSI to the north of the site. To maximise the number of parking bays within the car park, a 45 degree echelon system would be adopted for the width of the car park. The delta lock system and rock armour are proposed as the main coastal protection of the car park. Post and chain fencing was selected to improve visibility from the car park and to be more in keeping with its location.

The existing car park is comprised of a rough pot-hole laden hardcore surface measuring some 6.62 metres wide and some 92 metres long. One way access and egress from and onto the adjacent public road of Marine Parade is taken from height restricted vehicular accesses formed in the western and eastern parts of its south boundary respectively. A low stone retaining wall supporting a grass verge forms the remainder of its south boundary and combined, extend some 0.82 metres to the south of the hardcore surface of the car park. The north and west and east boundaries of the car park are comprised of grass banking supported for the most part by a network of sleepers and sand. They extend some 1.9 metres northward beyond the hardcore surface of the car park. Informal pedestrian access points to the beach breach parts of the grass banking and sleepers.

In changing the use of parts of the beach that bounds the north, east and west sides of the existing car park it is proposed to extend the existing hardcore surface of the car park and finish it in asphalt. In this, the car park surface would be extended some 6.9 metres

north of its current position, at its greatest extent, some 14.6 metres eastward and some 2.6 metres westward. A sea defence system in the form of Deltalock bags and rock armour would extend some 3.65 metres north of the new car park surface. However, only 2.35 metres of the deltalock system and rock armour would be exposed above beach level. The sea defence system would have a combined height of some 1.4 metres when measured from beach level. This would be some 0.32 of a metre higher than the existing grass banking and sleeper system currently in place. The northern part of the finished car park surface would be some 1.32 metres above existing beach level. This would be some 0.4 of a metre higher than the existing surface of the car park. In their sectional relationship with the roadside wall to be retained on the south boundary of the car park, the combined height of the delta lock system and exposed rock armour would be no greater in height than the roadside wall. A 1.1 metres high metal post and galvanised chain fence would enclose the north and parts of the east and west sides of the car park and thus would be erected on top of the deltalock system.

A total of 37 car parking spaces would be provided within the car park with 4 of those being allocated for disabled users. 3 motor cycle parking spaces and 8 bicycle parking spaces in the form of 4 cycle racks would also be provided.

In further supporting information the applicant advises that the design of the extended car park seeks to use an environmentally proven solution of interlocking bags (Deltalock) which are soil filled and free draining to accommodate all forms of vegetation. It is proposed to re-plant marram grass on the perimeter of the car park. The marram grass will add stability to the structure and the interlocking modular bags structure will provide a natural habitat for the grass to grow. As the marram grass will be placed around the car park in conjunction with the modular bag structure it will assist with potential scouring of the beach combined with the proposed rock armour defences. The rock armour's main purpose will be to diminish the wave action so no scouring or very little is expected. The drainage is sufficient to address typical stormy conditions. It is not designed to address exceptional circumstances as typical design standards do not allow for worse case scenarios to be predicted. With regards the movement of sand on the beach this is a natural phenomenon and is influenced by wave action and wind. Changes in tidal channels may also have an affect but there is no evidence to suggest that increasing the width of the car park will create sand banks along the beach.

Policy DC1 (Development in the Countryside and undeveloped Coast) of the adopted East Lothian Local Plan 2008 states that development, including changes of use, will be acceptable in principle within the countryside and undeveloped coast where it is of an appropriate scale and character for its proposed location, it can be suitably serviced and accessed and there are no significant traffic or other environmental impacts. Part 5 of Policy DC1 requires that, in all cases, development should be compatible with its surroundings, minimise landscape impact, have no significant adverse impact on nearby uses, minimise the loss of prime agricultural land and that suitable access and infrastructure is or can be made available.

Policy DP2 of the adopted East Lothian Local Plan 2008, amongst other things, requires that all new development must be well designed and integrated into its surroundings.

In this case regard must also be paid to the desirability of preserving or enhancing the character or appearance of the North Berwick Conservation Area as required by Scottish Planning Policy: June 2014 and Policy ENV4 of the adopted East Lothian Local Plan 2008.

As stipulated in Policy ENV7 of the adopted East Lothian Local Plan 2008 new development that harms a scheduled monument or its setting will not be permitted.

The existing car park occupies a prominent roadside location on the north side of Marine Parade, North Berwick. To the south of it, beyond the public road of Marine Parade, is Castle Hill Scheduled Ancient Monument. The extension to the car park and the works associated with it would be visible in approaches to the car park from Tantallon Terrace to the east and in approaches from the public road and footpath on the south side of Marine Parade to the south and west, in long distance views from Melbourne Road to the west and from the inclining road of Haugh Road to the east. They would also be visible from the beach and thus from the area of public open space to the north of it.

The proposed extension to the car park and the works associated with it would all be seen in relation to the size and massing of the existing car park. They would rationalise the form and functionality of the car park. The proposed coastal defence system in the form of daltalock and rock armour would not be inappropriate for its place. The re-introduction of marram grass on the extended perimeter of the car park and thus on parts of the daltalock and rock armour system would sensitively integrate the development into its surroundings. In all of this, the proposed car park extension and the works associated with it would not be unduly prominent and would not appear harmfully intrusive, incongruous or exposed in their coastal landscape setting. Due to their extent, form and appearance and the functional appropriateness of their positioning alongside the existing car park, they would not harm the character and appearance of the landscape of the area including the character and appearance of the Conservation Area. Nor would they be harmful to the setting of the adjacent Castle Hill Scheduled Ancient Monument.

The beaches that form the coastline of North Berwick make a positive contribution to the setting of the town. Moreover they are an important recreation and leisure resource for residents and visitors to the town. From the application site the beaches comprising East Bay and Milsey Bay are visible as well as the built form that forms the coastline character of North Berwick. Although the proposed car park extension would protrude onto areas of beach and thus onto area of public open space, it would not obscure greater coastal landscape views that currently exist. The proposals would not so affect the public's appreciation and enjoyment of the coastal views and amenity value of the beaches of North Berwick and the relationship of the beach to this part of the Conservation Area as to be unacceptable and justifiable of a reason for refusal to grant planning permission for the proposed development.

Historic Environment Scotland raises no objection to application. They do not have any comments to make on the proposals, being satisfied that they would not impact on the setting of Castle Hill Scheduled Ancient Monument.

On these considerations the proposals do not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), with Policies DP2, ENV4 or ENV7 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

Policy C3 of the adopted East Lothian Local Plan 2008 states that recreational, leisure and amenity open space and facilities which make a significant contribution to the recreational needs of the community or the amenity or landscape setting of an area will be retained in use as such. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and; (i) the loss of part of the land would not affect its recreational, amenity or landscape potential, or (ii) alternative provision of equal community benefit and accessibility would be made available, or (iii) provision is clearly in excess of existing and predicted requirements.

The areas of beach proposed to be changed in use to form the extension to the existing car park are only a small part of the much larger area of public open space of Yellow Craig Beach and the wider beach environment at North Berwick. Due to the extent of the land that would remain as public open space the loss of a very small part of the beach, in its position close to the existing car park would not compromise the landscape setting or recreational, leisure or amenity potential of the much larger area of recreational, leisure and amenity open space to the north of it. Nor would it set a precedent of other changes of use to the remaining larger area of recreational, leisure and amenity open space.

The Council's Principal Amenity Officer raises no objection to the proposed change of use.

Accordingly, the proposed change of use would not conflict with Policy C3 of the adopted East Lothian Local Plan 2008.

With regard to international, national and locally designated areas and sites, Paragraph 202 of Scottish Planning Policy: June 2014 states that 'the siting design of development should take account of local landscape character. Development Management decisions should take account of potential effects on landscapes and the natural and water environment, including cumulative effects. Developers should seek to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement'.

Paragraph 203 of Scottish Planning Policy states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment. Direct or indirect effects on statutorily protected sites will be an important consideration, but designation does not impose an automatic prohibition on development.

Paragraph 204 of Scottish Planning Policy states that Planning Authorities should apply a precautionary principle where the impacts of a proposed development on nationally or internationally significant landscape or natural heritage resources are uncertain but there is sound evidence that significant irreversible damage could occur. The precautionary principle should not be used to impede development without justification. If there is any likelihood that significant irreversible damage could occur, modifications to the proposal to eliminate the risk of such damage should be considered. If there is uncertainty, the potential for research, surveys or assessments to remove or reduce uncertainty should be considered.

With regard to international designations, paragraph 207 of Scottish Planning Policy states that sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 Network of protected areas. Any development proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives. Such plans or proposals may only be approved if the competent authority has ascertained by means of an "appropriate assessment" that there will be no adverse effect on the integrity of the site.

Policy NH1a of the adopted East Lothian Local Plan 2008 stipulates that development which would have an adverse effect on the conservation interest of a Natura 2000 area (including proposed Special Protection Areas or Special Areas of Conservation) or a Ramsar site will only be permitted in the following circumstances, (i) there are no alternative solutions, and (ii) there are imperative reasons of over-riding public interest, including those of a social or economic nature.

Policy NH1b of the adopted East Lothian Local Plan 2008 stipulates that development affecting SSSI's will only be permitted where it can be demonstrated that; (a) the objectives of designation and overall integrity of the site will not be compromised; or (b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national importance; and (c) there are no alternative solutions.

Policy DP13 of the adopted East Lothian Local Plan 2008 generally presumes against new development that would have an unacceptable impact on the biodiversity of an area.

The application site lies immediately to the south of the Firth of Forth Site of Special Scientific Interest (SSSI) and the Firth of Forth Special Protection Area (SPA). Scottish Natural Heritage (SNH) advises that these designations are in place to protect the nationally important geology (SSSI) and nationally and internationally important bird population (SSSI/ SPA) of the Firth of Forth.

SNH recognise there will be no land take from within the SSSI/ SPA of the Firth of Forth. However, they consider it likely that machinery required in the construction of the extension to the car park may require access to the SSSI or that materials may be temporarily stored there. They advise that the SSSI in this location serves to protect the nationally important geological feature: Carboniferous – Permian Igneous Stratigraphy and any exposed bedrock around the application site will form part of this geological feature. They therefore recommend a condition be imposed on a grant of planning permission to safeguard this geological feature and any exposed bedrock during construction from damage from machinery and the storage of materials.

To avoid damage to the SSSI, SNH recommend a condition be imposed on a grant of planning permission that the beach habitat be restored through the removal of construction materials and the reinstatement of any excavated areas.

These matters can competently be controlled by conditions of a grant of planning permission.

SNH advise that a sand beach is a dynamic environment and that constructing hard engineering structures in such an environment could lead to the unintended erosion or accretion of beach material. The Council's Countryside Officer has confirmed that neither erosion nor accretion are significant adjacent to the application site.

SNH advise that the proposals could affect the Firth of Forth SPA which is also notified as a Ramsar Site. The qualifying species of the Firth of Forth SPA are identified as wintering and passage birds (waders and wildfowl) that are known to use the area. These birds feed on the intertidal sands and mudflats (waders) and inshore waters (seaducks, grebes and divers) and also roost above the high tide line. SNH further advise that the potential effects on these species include disturbance and displacement during the construction works. In accordance with the Conservation (Natural Habitats, &c.) Regulations 1994, more commonly known as the 'Habitat Regulations', they recommend the Council undertake an appropriate assessment to ascertain the impacts of the development on the qualifying interests of the Firth of Forth SPA.

Regulation 48(2) of the Habitats Regulations states that the applicant shall provide such information as the Council may reasonably require for the purposes of the assessment.

In support of this application and in response to the recommendation made by Scottish Natural Heritage, an Appropriate Assessment has been submitted by the Council. The

Appropriate Assessment has been undertaken in consultation with SNH. The Appropriate Assessment informs that SNH identified the potential for birds to be displaced or disturbed by the construction or alteration of the car park. It advises that the Council agrees with this conclusion of 'likely significant effect'. The Appropriate Assessment has been carried out to determine whether displacement or disturbance will affect the integrity of the Firth of Forth Special Protection Area (SPA).

The Appropriate Assessment advises that a number of possible impacts on the SPA were considered by SNH, including:

1. Disturbance and/ or displacement of species during construction work;
2. Impacts on habitats within the SPA;
3. Impacts on the structure and function of the ecological processes in the SPA AND;
4. The potential for species to be lost from the SPA.

Of these impacts, only the first impact was considered to have a 'likely significant effect' on the SPA. Since the proposal to the site is immediately adjacent to the SPA boundary there is the potential for construction work to disturb or displace roosting waders or wildfowl.

With respect to the effect of the disturbance/ displacement on the integrity of the SPA the Appropriate Assessment identifies a number of local factors that influence the extent to which disturbance or displacement is a significant issue:

1. Construction activity will be of short duration, i.e. up to a few weeks only;
2. The construction site covers only a small area only, and disturbance will affect an extremely small fraction of the SPA;
3. The application site is already subject to background levels of disturbance due to its location on a popular recreational beach within a settlement and;
4. There are extensive areas of similar habitat in the vicinity of the application site.

The conclusions of the Appropriate Assessment are that due to the short duration of the construction work disturbance will not be a permanent feature of the site. Any disturbed or displaced birds could make use of other areas of the SPA during the construction period. It is therefore considered that there will be no adverse effects on the integrity of the SPA.

The Council's Biodiversity Officer advises that the proposed car park extension would cause the loss of a relatively small area of coastal grassland. Habitat impacts would be small and landscaping of the extended car park would provide an attractive coastal setting and wildlife resource. He therefore raises no objection to the application being satisfied the proposals would not impact on coastal habitats adjacent to the Firth of Forth SSSI and SPA.

The Appropriate Assessment has identified that the proposals would not have any adverse effect on the conservation interests of the SPA. Subject to the aforementioned controls to safeguard the Firth of Forth SSSI the proposals would not compromise the objectives or designation and overall integrity of the SSSI. Accordingly, the proposals do not conflict with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) June 2013, Policies NH1a, NH1b and DP13 of the adopted East Lothian Local Plan 2008 or Scottish Planning Policy: June 2014.

The Scottish Environment Protection Agency (SEPA) advises the site lies within the 0.5% annual probability flood extent of the SEPA Flood map and is potentially at medium likelihood of coastal flooding. The predicted 0.5% annual probability flood level in the vicinity of the site is 3.9m AOD based at extreme still water level calculations using

Coastal Flood Boundary Method. This does not take account of the potential effects of climate change and wave action and as such the risk could be greater than this.

They further advise that the extension to the car park is considered low sensitivity and given the flood risk is only coastal there is unlikely to be any impact on flood risk elsewhere as a result of the development. They therefore raise no objection to the application on flood risk grounds. They do however recommend that given the potential to be exposed to large waves that warning signs be erected to advise car park users of the potential rise of wave overtopping during storm events. This matter can reasonably be imposed on a condition of a grant of planning permission.

With regards surface water discharges to coastal waters SEPA confirm that the arrangements for surface water to be directed to an existing surface water line are acceptable.

Subject to the aforementioned control the proposals are consistent with Policy DP16 of the adopted East Lothian Local Plan 2008.

CONDITIONS:

- 1 Prior to use being made of the car park as it is hereby approved to be extended and altered, warning signs shall be erected within the car park to alert users of it of the potential for exposure to large waves. Details of the form and positioning of the warning signage shall be submitted for the approval of the Planning Authority prior to it being displayed. Once displayed the signage shall remain in place and shall accord with the details approved of it, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of public safety.

- 2 No development shall take place until there has been submitted to and approved in writing by the Planning Authority details of the location and method of the storage of construction materials and machinery to be used during the construction phase. The details shall include the methods for protection of bedrock during construction. The means of storage of materials and machinery, the location for them and the method for protection of bed rock shall accord with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard exposed bedrock that is an important geological feature of the Firth of Forth Site of Special Scientific Interest.

- 3 Prior to use being made of the car park as it is hereby approved to be extended and altered, or the completion of the development, whichever is the sooner, the beach habitat shall be restored through the removal of stored construction materials and machinery and any areas of beach excavated to facilitate the development shall be reinstated.

Reason:

To safeguard the Firth of Forth Site of Special Scientific Interest and Special Protection Area.

- 4 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping. The scheme shall provide details of; the height and slopes of any mounding on or recontouring of: the site, shrub sizes, species, habitat, siting, planting distances and a programme for planting. Non-thorn shrub species should be located adjacent to pedestrian areas.

Reason:

In order to ensure a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.

- 5 All planting or seeding comprised in the approved landscaping scheme shall be carried out in the first planting and seeding season following the use of the extended car park or the completion of the development, whichever is the sooner, and any plants which within a period of five years from the

completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of the amenity of the area.