

**REPORT TO:** Planning Committee

**MEETING DATE:** Wednesday 29 March 2017

**BY:** Depute Chief Executive (Partnerships and Community Services)

**SUBJECT:** Application for Planning Permission for Consideration

---

Application No. **14/00768/PPM**

Proposal Planning permission in principle for remediation of site and creation of new settlement comprising residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works

Location **Blindwells  
Tranent  
East Lothian**

Applicant Hargreaves Surface Mining Ltd c/o Agent

Per Turley

RECOMMENDATION Consent Granted

#### PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares and the principle of development is for more than 49 houses, the development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. The application is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 15/00007/PAN) and thus of community consultation prior to this application for planning permission in principle being made to the Council.

As an outcome of that and as a statutory requirement for dealing with major development type applications a pre-application consultation report is submitted with

this application. The report informs that the five pre-application public exhibitions were held at Port Seton Library, Longniddry Community Centre, Prestonpans Community Centre, the Town House, Haddington, and the Loch Centre, Tranent. Attendees made a number of queries and comments regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal.

The application site has an area of 128 hectares and is located in close proximity to the settlements of Prestonpans, Tranent, Cockenzie and Port Seton. It was formerly in use as an open cast mine. When workings ceased it was backfilled and reinstated for agricultural use. A body of water, known as Blindwells Loch, is located in the northwest part of the site, and disused railway sidings remain from the former mining operations. There is an existing vehicular access to the site from the A198 road, at a central point on the western boundary of the site.

Topographically, the site generally slopes from southeast to northwest, although a defined ridge passes across it, from which the land falls more rapidly to the north. This feature creates a high platform and ridge to the southeast of the site and a low basin to the northwest.

The site is predominantly bounded to the north by the east coast main railway line, beyond which is the A198 road, to the east by a public right of way known as Whinny Loan, with agricultural land beyond, to the south by the A1 trunk road, with agricultural land beyond, and to the west by the Bankton roundabout and the A198 road. On the other side of the A198 road is the former St Joseph's School. The School, together with its gates and gate piers, is listed as being of special architectural or historic interest (Category B).

The majority of the application site is within the inventory boundary of the Battle of Prestonpans, a battlefield included within the Inventory of Historic Battlefields.

The Seton House (Palace) Designed Landscape is located to the north of the northeast part of the application site, on the other side of the east coast main railway line and the A198 road.

A Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of, is located some 300 metres to the northwest of the application site.

The Firth of Forth Special Protection Area is located approximately 1km to the north of the application site.

In March 2011 planning permission in principle (Ref: 11/00173/PPM) was sought for the construction of 1600 houses, education, retail, employment, community uses, park and ride and associated open space and infrastructure on the application site. That application, which was submitted by the Scottish Resources Group, was subsequently withdrawn without it having been determined.

In June 2014 a Proposal of Application Notice (Ref: 14/00015/PAN) was submitted in respect of a proposed Energy Park comprising a mix of uses including Classes 4, 5 and 6 development. The site proposed for the Energy Park comprised a substantial area of land and included the land of the application site. No subsequent application has been submitted in respect of the proposed Energy Park development.

Planning permission (Refs: 09/00036/FUL, 14/00362/P, 14/00363/P and 14/00644/P)

has been granted on four occasions between 2009 and 2014 for temporary surcharging trials within the application site. The purpose of these trials was to establish that ground conditions can be remediated to be suitable for a mixed use development of the application site.

Planning permission in principle is now sought for remediation of the application site and for the creation of a new settlement. The settlement could comprise residential, employment, education and commercial uses with park and ride and rail halt facilities and associated works.

The elements of the new settlement include up to 1600 residential units, a school campus, 10 hectares of employment land, a local centre with commercial units, a supermarket, a park and ride facility, playing fields, open space, allotments, a cemetery, landscaping, roads, footpaths and associated infrastructure provision.

An indicative masterplan was submitted with the application. It shows how the various components of development could be accommodated on the site.

The masterplan shows how the site could be accessed at three points from the A198 road, to the west of the application site. It shows how one of the accesses could be taken from the Bankton Interchange, which is at the southwest edge of the site. The northernmost proposed access is shown to involve the upgrading of the existing vehicular access into the site. It is further indicated that the third access could be formed at a central point on the western boundary of the site, in a position opposite an existing vehicular access that serves the former St Joseph's School. The masterplan further indicates how roads could be laid out within the application site to serve the various components of development. It is also shown that the roads could extend to the eastern boundary of the application site.

The park and ride facility is shown to be located in the northwest corner of the application site. It is shown to consist of a large car park. The masterplan shows how a station/ rail halt could be located immediately to the northeast of the park and ride facility, in a position to the south of the main east coast rail line. It further shows how employment units could be located to the south and east of the site for the station/ rail halt. A supermarket with associated car parking is shown to be located to the southeast of the site for the station/ rail halt. The applicant proposes that the supermarket would have a gross floorspace of 2,694 square metres. The local centre is shown to be located within a central position on the application site, to the east of the indicatively proposed supermarket. The applicant's masterplan identifies buildings within the proposed local centre that could be used for NHS/ GP services/ Council Offices/ police/ community facilities. A large body of water, identified as 'Princes Loch' is shown to be located between some of the proposed employment units and the local centre. A town park with three community tennis courts is indicated to the south of the large body of water. The school campus is shown to be located to the southeast of the local centre. A large area of open space, is shown to be located to the southeast of the site for the school campus. That area of open space is shown to include three sports pitches, with an adjacent changing pavilion, and an allotment area. The cemetery is shown on the eastern edge of the site, to the east of the allotment area. The masterplan shows how areas of housing could be located through the site. It also indicates where SUDS ponds, footpaths and areas of open space could be located.

An environmental statement has been submitted with the planning application. It contains chapters on site selection and alternatives, planning policy, land use, landscape and visual, cultural heritage, ground conditions, surface water and foul drainage, ecology and nature conservation, community assets, transport and access,

air quality, and noise. In November 2016 an Air Quality Impact Assessment was submitted as an addendum to the environmental statement. All relevant neighbour notification, advertisement in the press and consultation in respect of the Air Quality Report have been duly undertaken.

The environmental statement states that a range of employment and commercial facilities are proposed to the local centre and to the north east of the site. These could include the creation of a) Potential office units; b) Potential local retail and leisure units for newsagent, private day centre, hairdressers, post office, public house / restaurant / cafés / takeaway, bakery, bank etc; c) Potential distribution / Industry units; and d) Potential local centre units for NHS /GP services / Council Office / Police / Community Facilities.

The application is also supported by a Transport Assessment, a Landscape Design Statement and a Retail Impact Assessment.

Since the registration of the application a revised masterplan has been submitted as well as further information to support the application. This includes further information relating to ground conditions and site drainage.

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.

Policies 1B (The Spatial Strategy: Development Principles) of the approved South East Scotland Strategic Development Plan (SESplan) and Proposals H1 (Blindwells New Settlement) and BUS3 (Blindwells) and Policies H2 (Development Frameworks), H4 (Affordable Housing), ENV7 (Scheduled Monuments and Archaeological Sites), INF3 (Infrastructure and Facilities Provision), DP5 (Major Development Sites), T1 (Development Location and Accessibility), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP3 (Housing Density), DP5 (Major Development Sites), DP14 (Trees on or Adjacent to Development Sites), DP15 (Sustainable Urban Drainage Systems), DP17 (Art Works -Percent for Art), DP18 (Transport Assessments and Travel Plans), DP20 (Pedestrians and Cyclists), DP21 (Public Transport), DP23 (Waste Minimisation, Separation, Collection and Recycling), DP24 (Home Zones), C1 (Minimum Open Space Standard for New General Needs Housing Development), C2 (Play Space Provision in new General Needs Housing Development) and C7 (Core Paths and other Routes) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

A material consideration in the determination of this application is Scottish Planning Policy: June 2014. One of the main outcomes of Scottish Planning Policy is to create a successful, sustainable place by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places. This is reflected in paragraph 25 of Scottish Planning Policy in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in Scottish Planning Policy's Purpose.

Also material is the Scottish Government Policy Statement entitled "Designing Streets" and Planning Advice Note 67: Housing Quality. It provides an overview of creating places, with street design as a key consideration. It advises on the detail of how to approach the creation of well-designed streets and describes the processes which

should be followed in order to achieve the best outcomes. Planning Advice Note 67 explains how Designing Places should be applied to new housing. In PAN 67 it is stated that the planning process has an essential role to play in ensuring that: (i) the design of new housing reflects a full understanding of its context - in terms of both its physical location and market conditions, (ii) the design of new housing reinforces local and Scottish identity, and (iii) new housing is integrated into the movement and settlement patterns of the wider area. The creation of good places requires careful attention to detailed aspects of layout and movement. Developers should think about the qualities and the characteristics of places and not consider sites in isolation. New housing should take account of the wider context and be integrated into its wider neighbourhood. The quality of development can be spoilt by poor attention to detail. The development of a quality place requires careful consideration, not only to setting and layout and its setting, but also to detailed design, including finishes and materials. The development should reflect its setting, reflecting local forms of building and materials. The aim should be to have houses looking different without detracting from any sense of unity and coherence for the development or the wider neighbourhood.

The supplementary planning guidance of "Design Standards for New Housing Areas", which was approved by the Council on 10th March 2008, is another material consideration. This guidance requires that a more flexible approach be taken in road layout and design for proposed housing developments and sets core design requirements for the creation of new urban structures that will support Home Zone development as well as establishing design requirements for the layout of and space between buildings. Developers must provide adequate information to the satisfaction of the Council to demonstrate the merits of their design.

A further material consideration is the Development Framework for Blindwells, which was approved by the Council on the 08 June 2010. It sets out how the Council requires the site to be developed in terms of its land use, design and infrastructure requirements.

A total of three written representations have been received in respect of this application. The representations do not state whether they object to or support the principle of the proposed development.

A copy of each written representation is contained in a shared electronic folder to which all Members of the Council have access.

One of the representations is from a representative of the Loch Centre in Tranent. They request that the Council takes into account the need for the adequate provision of primary care (GP) medical services. They state that the existing medical practices in the surrounding area (Tranent, Prestonpans and Cockenzie) are all already at capacity, and consideration must be given as to how these services can be provided to new residents from the outset, and not as an after thought.

Another of the representations is from the Royal Society for the Protection of Birds (RSPB). They recognise that the site was a former open cast site which, while active, was of limited value to wildlife. However since the site has been restored the RSPB suggest that parts of it have become of local biodiversity interest. There is a population of bee orchids, one of only two sites in East Lothian where this rare (in a Scottish context) species occurs. They suggest that the Council's biodiversity officer should be consulted to determine if the applicant's translocation proposals would be an effective way of conserving the bee orchid population. The RSPB inform that Blindwells Loch is relatively important locally for its breeding and wintering waterfowl and associated wildlife. The proposed remodelling of the Loch will inevitably have impacts on that

wildlife. The RSPB advise that the applicant should aim to maximise the biodiversity value of the Loch, with a broad natural buffer between the edge and any development, and the creation of central islands to allow for some secure nesting and roosting sites. The RSPB offer further suggestions to improve the biodiversity of the development site. Finally, the RSPB advise that they agree with Scottish Natural Heritage's assessment that the development will have no impact on the qualifying features of the Firth of Forth Special Protection Area.

The other representor raises concerns regarding the road network around the Bankton junction and the layout of the access. It is suggested that the development should be served by a new junction (further east) with a road running through the development to the proposed park and ride rail link. This, it is suggested, would future proof further expansion and could join up with an eastern bypass of Tranent, reducing congestion and pollution.

Prestonpans Community Council express concern that surrounding roads could not cope with the additional traffic that will be generated by the proposed development. They advise that the NHS should be consulted on the application, as health care provision is a concern, with the Prestonpans practice currently operating with a 8 week wait to make an appointment. The Community Council also raise concerns regarding education provision, noting that Prestonpans Infant School and nursery has currently no space to expand and the nursery has had a new extension at the school and is full.

Longniddry, Haddington and Tranent Community Council's were consulted but did not make any comment on the proposals.

The application site is covered by Proposal H1 (Blindwells New Settlement) of the adopted East Lothian Local Plan 2008. Proposal H1 defines all of the land as being a strategic housing site and allocates it for a new settlement comprising land capable of accommodating 1600 houses, commercial, social, educational and community facilities, open space, employment and associated infrastructure.

Proposal H1 requires the Council to prepare a Development Framework addressing the development requirements of the site and defining the extent and broad location of the various land uses. The Framework must also have regard to the potential longer-term expansion of Blindwells and ensure that this is taken into account in planning for the area allocated under the present proposal. Proposal H1 states that it will then be the responsibility of the developer to submit for approval a Masterplan consistent with this Framework, and with the local plan's development policies prior to or as part of an application for planning permission. Proposal H1 stipulates that developer contributions are required for all necessary infrastructure, education and community facilities arising as a consequence of this development. It further stipulates that the developer must undertake a flood risk assessment.

Proposal H1 reflects the requirements of Policy H2 of the adopted East Lothian Local Plan 2008. The first of these requirements is that development proposals for strategic housing sites must conform to the relevant Development Framework and the second is that Masterplans for the allocated lands must comply with the relevant Development Framework and with other local plan policies. A Masterplan should be submitted prior to or as part of an application for planning permission to develop a strategic housing site.

A Development Framework for the allocated land of Blindwells was approved by the Council on the 08 June 2010. It sets out the role of the new settlement in the settlement hierarchy and its characteristics in terms of service provision, the consequent scale and

range of development/ land uses expected, and how the Council requires it to be developed in terms of infrastructure and design requirements.

The land of this application is also covered by Policy DP5 of the adopted East Lothian Local Plan 2008. As the site is part of a strategic housing site defined and allocated for residential development by Proposal H1, Policy DP5 requires the submission of a Masterplan for the entire allocated site and an accompanying supporting statement. Policy DP5 sets out the minimum information that must be contained within the Masterplan submission.

A single Masterplan and an accompanying Masterplan Document have been submitted in respect of the allocated site. The submitted Masterplan and accompanying Masterplan Document are compliant with the purpose and integrity of Policy DP5 of the adopted East Lothian Local Plan 2008.

The principle of the mixed use development of the application site comprising 1600 houses, commercial, social, educational and community facilities, open space, employment and associated infrastructure is established by the allocation of the land for a new settlement by Proposal H1 of the adopted East Lothian Local Plan 2008.

The development of a new settlement at Blindwells presents a significant opportunity to make good use of previously developed land and to capitalise on the integrated transport opportunities offered by the sites strategic location close to major road and rail networks.

The approved Development Framework states that the new settlement at Blindwells should be a high quality expendable mixed community consistent with the sustainable development principles set out in national, regional and local planning policy.

What is proposed in principle for the development of the application site would be a sustainable new settlement that makes good use of previously developed land. The urban form of the settlement in principle respects and responds to the landscape and landform of the area and has been designed to allow for a potential expansion of the settlement in the future.

The approved Development Framework requires that a new mixed use local centre should form part of the proposed new settlement. The Development Framework states that the new local centre should contain a suitable level of provision for local retail, non-retail, commercial/ community facilities, commensurate with the scale of allocation coming forward, so that the viability and vitality of nearby regenerating communities is not harmed.

The masterplan indicates a new local centre to be located centrally within the new settlement. It indicates a range of uses that would be suitable to the local centre. Consistent with the development framework, the local centre should include a civic square, which should be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use. The civic square can be secured by a conditional grant of planning permission in principle for the proposed new settlement.

In order to create a sustainable new community, the applicants have proposed an appropriate scale and range of local facilities so future residents benefit from the amenities provided and the need to travel is minimised, whilst at the same time ensuring that the viability and vitality of existing towns is not harmed.

The new settlement includes for an educational and community facility, extensive areas of open space, three community sports pitches and a changing pavilion, three community tennis courts, a cemetery, allotments, a park and ride, a supermarket, employment units, and a local centre with community buildings. The range and indicative locations of the local facilities proposed are consistent with the approved Development Framework.

The proposed supermarket would have a gross floor area of 2,694 square metres. The applicant's retail impact assessment considers the catchment for the supermarket and assesses the likely effects of it upon existing retail provision in accordance with national and local policy. The applicant's retail impact assessment has been carefully considered by the Council's Team Manager, Policy and Strategy, who advises that he does not agree with the applicant's suggested catchment for the supermarket, and that the consequent scale of the proposed supermarket is too large. He therefore recommends that the gross floor area of the supermarket should be restricted to 1,035 square metres. This restriction can be secured by a conditional grant of planning permission in principle for the proposed new settlement. The applicant has agreed in writing to the imposition of this planning condition. Subject to the imposition of the recommended condition the principle of the proposed development is consistent with the approved Development Framework and with Policy R1 of the adopted East Lothian Local Plan 2008.

Proposal BUS3 of the adopted East Lothian Local Plan 2008 requires that at least 10 hectares of land for Class 4 (Business) and Class 5 (General Industrial) uses be provided within the application site. The submitted Masterplan shows that 10 hectares of employment land could be located within the new settlement. The Council's business development manager raises no objection to the principles of the proposed development, being satisfied with the size and location of employment land proposed. Ensuring that at least 10 hectares of employment land is provided and restricting the use of that land to Classes 4, 5 and 6 can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to the imposition of the recommended condition the principle of the proposed development is consistent with the approved Development Framework and with Proposal BUS3 of the adopted East Lothian Local Plan 2008.

It would be prudent to require a delivery schedule that establishes the phasing and timing programme for the proposed development. It should include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School. This should also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. A condition should therefore be imposed requiring Phasing Plans to be submitted to and approved by the Planning Authority prior to the commencement of development.

The application site is bounded to the south by the A1 (T) trunk road, to the west by the A198 road, and to the north by the main east coast railway line. The environmental statement includes a noise report. Additionally, an Air Quality Impact Assessment was submitted as an addendum to the environmental statement. The Council's Environmental Health Manager raises no objection to the principle of the proposed new settlement and in this he accepts the findings of the environmental statement.

In respect of air quality the Environmental Health Manager is satisfied that the proposed new settlement would not have a significant impact upon local air quality nor would it have a significant impact upon air quality within the Musselburgh Air Quality Management Area.



The Environmental Health Manager advises that noise due to road traffic will impact upon properties located along the southern boundary, southwest corner and western boundary of the site. Residential properties may also be impacted by noise from the proposed commercial units. The details of the mitigation measures will include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. He recommends that mitigation measures should be such that the following design criteria should be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The Environmental Health Manager recommends that a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for their implementation, should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to the implementation of this condition, future residents would benefit from a satisfactory level of privacy and residential amenity.

To address comments from the Council's Environmental Protection Officer (Contaminated Land) in respect of contaminated land and gas protection measures, a condition can be imposed on a grant of planning permission in principle for the proposed new settlement requiring additional (targeted) site investigation works be undertaken prior to the commencement of any development and requiring additional gas monitoring and subsequent assessment be carried out to determine the requirement for any gas protection measures to be installed in the development. The applicant has confirmed in writing that they are willing to accept the imposition of this condition.

In terms of outdoor infrastructure, the approved Development Framework stipulates the requirement for the provision of (i) at least 9.6 hectares of open space (which does not include the landscape framework required to provide the setting for the new settlement; (ii) three community sports pitches and changing accommodation for six teams and officials, including first aid and storage rooms; (iii) three community tennis courts; (iv) 30 allotment plots with an area of 4,000 m<sup>2</sup>; (v) an easily accessible town park, which shall contain the community sports pitches, changing accommodation and community tennis courts and which shall also have green space with a minimum size of 0.5 – 1.0 hectare. It shall also have a town/ community woodland of a significant size and a play area for the 0-15 year age group; (vi) local parks that shall have a minimum size of 0.2-0.5 hectares; (vii) a range of amenity open space of different scales distributed within the new settlement; (viii) a civic square located in the heart of the new settlement; (ix) a range of play opportunities for both fixed and informal play. Play facilities for the 0-15 year age group should be provided in the town park and local parks whilst play facilities for the 0-8 year age group should be provided within all residential areas; and (x) a new cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments and sited within the new settlement in a location that could be extended. The design layout for the cemetery should include a road network, boundary walling, pre-formed foundations for headstones, water points at appropriate locations, a shelter, welfare facilities for staff with secure storage for grave digging equipment and toilets

(total 100m<sup>2</sup>) and adequate car parking.

Included in the proposed masterplan are areas of open space including a town park and four local parks, three community sports pitches and a changing pavilion, three tennis courts, a site for allotments, and a cemetery. The indicative location for the cemetery on the eastern edge of the new settlement would allow for the future expansion of it, whilst the community uses and the locations indicated for them in the masterplan would be easily accessible to residents of the new settlement. In this the proposals are consistent with the requirements of the approved Development Framework.

Notwithstanding the requirements of the approved Development Framework, the Council's Service Manager, Sport, Countryside and Leisure recommends that there is a requirement for the provision of four community tennis courts, a cricket square with 1 artificial wicket, 80 allotments, and a cemetery with 1,100 serviced lairs. However, it would not be reasonable to require all of this given that it goes beyond the requirements set out in the approved Development Framework.

The Council's Service Manager, Sport, Countryside and Leisure further recommends that if a secondary school is to be provided on site then there would be a requirement for one synthetic pitch to be provided within the High School campus. It would be for the Council as Education Authority to decide what facilities should be provided within the campus, should a High School be delivered within the new settlement.

The provision of three community sports pitches, a six changing room facility, 30 allotment plots with an area of 4,000 m<sup>2</sup>, and a cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments, can be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the Council securing this appropriate developer contribution the principle of these elements of the development is consistent with the approved Developer Framework.

The masterplan indicates how other substantial areas of formal and informal open space could be located throughout the site. The Service Manager for Sport, Countryside and Leisure advises that he is satisfied with the size and location of those areas of open space, advising that they will also accommodate sustainable travel, habitat and setting for the development. It would be prudent to require that open space provision generally accords with that shown in the indicative masterplan and that a timetable for its provision be submitted to and approved by the Planning Authority. To ensure compliance with the approved Development Framework, it would also be prudent to require that the Town Park should contain woodland of a significant size. These controls can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to this planning control, the open space principle of the proposal complies with Policy C1 of the adopted East Lothian Local Plan 2008 and with the approved Development Framework.

The approved Development Framework states that the outdoor environment should be used to provide a rich range of play opportunities for both fixed and informal play, with creativity being promoted through the use of natural materials and natural play where appropriate. It sets out the play facilities that are required within the new settlement. This consists of play facilities for the 0 – 15 age groups in the Town Park and Local Parks and play facilities for the 0 – 8 year age group within all of the residential areas.

The Council's Service Manager, Sport, Countryside and Leisure advises that the

Council is currently developing a Play Strategy but the work completed on that to date highlights that adequate provision of equipped play facilities is important to our communities and that accessibility of those facilities is equally important. Further to this, the longevity of such facilities needs to be considered with regard to the maintenance burden and end of life refurbishment costs. In this, he favours the provision of equipped play areas within the town park and local parks, rather than smaller equipped play areas within all of the residential areas, as required by the approved Development Framework. The Service Manager, Sport, Countryside and Leisure recommends that the applicant provide a developer contribution of £827,200 for the provision of equipped play provision within the new settlement, in lieu of the applicants providing play equipment themselves. Half of this contribution should be paid prior to occupation of the 50th residential unit, with the other half of the contribution paid prior to occupation of the 500th residential unit. The required payment of a financial contribution of a total of £827,200 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards play area provision the proposal is not contrary to Policy C2 of the adopted East Lothian Local Plan 2008.

Given the level of open space and amount of play provision, it would be prudent to require details of how those areas will be maintained should be submitted to and approved by the Planning Authority. This can be secured by a conditional grant of planning permission in principle for the proposed new settlement.

The approved Development Framework requires that for combined grounds maintenance and street sweeping delivery, the applicant is required to provide a depot with secure indoor storage of 450m<sup>2</sup> and with an outdoor secure yard space of 2500m<sup>2</sup>. The Service Manager for Sport, Countryside and Leisure advises that this was because Blindwells was considered as a standalone cluster in terms of ground maintenance and street cleaning provision. However he is now of the view that the new settlement would be best served from a neighbouring cluster facility. He advises that the Council is currently considering redevelopment of the existing maintenance depot adjacent to Meadowmill Sports Centre, and there is sufficient space to develop a facility to meet the likely needs of Blindwells. Depending on final decisions with regard to the long term maintenance of open space and related amenities within the new settlement, the Council would require garage space for up to 1 medium road sweeper, 1 compact road sweeper, 1 ride-on style grass cutter and 4-6 welfare spaces for staff. As this facility would be an enhancement of capacity to the existing maintenance depot, the Service Manager for Sport, Countryside and Leisure recommends that the applicant provide a developer contribution of £115,500 towards the provision of additional capacity at the Meadowmill maintenance depot, in lieu of the applicants providing a maintenance depot within the application site. The required payment of a financial contribution of £115,500 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Subject to the payment of the required contribution towards educational accommodation the proposal is consistent with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made.

The outline landscape proposals for the site correspond with the landscape advice set

out within the approved Development Framework. As it is indicatively shown, a landscape framework and open space network would extend around and through the settlement, reinforcing the landscape character of the area. Development is shown to fit inside the landscape framework, the effect of which would be to create an attractive and varied townscape character. This indicative landscape framework includes the provision of a landscape buffer along the southern boundary of the new settlement, adjacent to the A1 trunk road. The Council's landscape project officer raises no objection to the principles of the proposed development, advising that the indicative landscape proposals would integrate the new settlement into its surroundings.

The approved Development Framework requires that the masterplan must maximise opportunities to create and improve habitats and also to provide wildlife corridors through the new settlement. This position is endorsed by the Royal Society for the Protection of Birds, who state that the applicant should aim to maximise the biodiversity value of the Loch and the rest of the development site. They also state that the site was a former open cast site which, while active, was of limited value to wildlife. However since the site has been restored the RSPB suggest that parts of it have become of local biodiversity interest.

One of the main biodiversity interests within the site is the population of bee orchids, one of only two sites in East Lothian where this rare (in a Scottish context) species occurs. The Council's biodiversity officer recommends that prior to the commencement of development, a method statement for the translocation and future management of the bee orchid and its habitat within the application site should be submitted to and approved by the Planning Authority. The method statement should include a timetable for implementation. The biodiversity officer notes that the proposed 'Princes Loch' would be a significant habitat and landscape feature within the new settlement. The design of it should follow the good practice guidelines of the SEPA publication 'Ponds, Pools and Lochans', produced in June 2000. He recommends that details of the proposed 'Princes Loch' should be submitted to and approved by the Planning Authority. The submitted details should aim to maximise the overall wildlife value of the Loch. The submitted details should include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The biodiversity officer advises that the masterplan shows a grid of open space provision, which provides the basis for a good quality green network. Again to maximise wildlife value, the biodiversity officer recommends that the SUDS ponds should be designed as habitats and landscape features, and not simply as water treatment facilities. It would therefore be prudent to require that details of the SUDS ponds should be submitted to and approved by the Planning Authority. The submitted details should aim to maximise the overall wildlife value of the ponds. All of the recommendations of the biodiversity officer can competently be secured by a conditional grant of planning permission in principle for the proposed new settlement.

Scottish Natural Heritage advise that previous planning application 11/00173/PPM underwent Habitats Regulations Appraisal (HRA) in 2011. They supported the conclusion of that HRA, which was that the proposal would not have "adverse effects upon site integrity" of the Firth of Forth Special Protection Area. Scottish Natural Heritage note that the current proposal does not differ significantly (eg in development types, mix of built environment, habitats and open spaces) from the previous proposal and therefore they advise that the conclusion of the previous HRA stands.

Scottish Natural Heritage welcome the strong commitment from the applicant to nature-based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting. They recommend that the Planning Authority secures the principle,

positions and basic layout of these landscape proposals, and seek satisfactory detailed design and delivery. Scottish Natural Heritage further welcome the applicant's commitment to using native species in woodland and wetland planting and recommends that the Planning Authority secures delivery of this principle. The recommendations of Scottish Natural Heritage can competently be secured by a conditional grant of planning permission in principle for the proposed new settlement.

Subject to the imposition of the recommended condition the principle of the proposed development is consistent with the approved Development Framework and with Policy DP13 of the adopted East Lothian Local Plan 2008.

Historic Environment Scotland raise no objection to the principles of the proposed development, advising that whilst a development of this nature will have an impact on the Prestonpans battlefield landscape, they do not consider this to be of such a level as to warrant their objection. Historic Environment Scotland are satisfied that the development would not have an unacceptable impact on the setting of any of their other historic environment interests, including the Category B listed former St Joseph's School, together with its gates and gate piers, the Seton House (Palace) Designed Landscape, and the Scheduled Ancient Monument, known as the Seton West Mains Enclosures 500M SW Of.

The approved Development Framework sets out how emergency services may require the provision of new facilities to serve the new settlement. The blue light services have all been consulted on this planning application.

The Scottish Fire and Rescue Service raise no objection to the principles of the proposed development, advising that the application site is within an area served by whole-time and retained fire stations with roughly 8 minute and 7 minute response times respectively. They suggest that domestic sprinklers could be installed within the affordable houses, particularly any developed by the Council, as a way to further reduce risk in the area. A copy of their consultation response has been forwarded onto the applicant and to the Council's Economic Development & Strategic Investment Manager for their information.

The approved Development Framework states that the new settlement will require primary care GP services to support the new community. It should be located centrally as part of the local centre and will be provided such that it is capable of expansion. Consistent with this, the applicant's masterplan identifies buildings within the proposed local centre that can be used for NHS/ GP services.

In their consultation response on this application, NHS Lothian advise that a primary care premises is still required. They advise that the proposed location for the premises within the local centre is suitable. NHS Lothian suggest that the option of a developer built facility for joint health, Council and other service use should be explored, and that this would be their preference. NHS Lothian would wish to agree with the developer the design and layout of the premises. In response to this, the applicant states that they would be happy to accommodate the primary care premises within the local centre. This, they say, would be subject to suitable commercial terms being reached between the applicant and NHS Lothian. This matter would require to be the subject of further discussion between the applicant and NHS Lothian.

The approved Development Framework noted that the present ambulance depot in Musselburgh requires to be relocated in 2011, and suggested that Blindwells could be a suitable future location for a large new station. It further stated that in the absence of this dedicated provision, a small tactical deployment unit will be required to serve the

new settlement and this could be based at the new primary care premises. As such, it advised that further discussion would be required between the applicant, the NHS, the Council and the Scottish Ambulance Service to establish the extent of any related infrastructure requirement.

Ambulance service provision has significantly changed since the Development Framework was approved in June 2010. The previous ambulance depot in Musselburgh has been relocated, with a new station in Prestonpans commencing operations at the end of 2013. Given its close proximity to the application site, the Scottish Ambulance Service have confirmed that the new settlement would be served by the new station in Prestonpans and that there is no longer any requirement for a large new station at Blindwells or for a small tactical deployment unit. The Scottish Ambulance Service raise no objection to the principles of the proposed development.

Police Scotland raise no objection to the principles of the proposed development. Consistent with the requirements of the approved Development Framework, the proposed educational and community facility will include the provision of 50m<sup>3</sup> of accommodation for the use of Police Scotland in an appropriate format with access to shared toilet, kitchen and meeting/ interview facilities.

The Council's Road Services do not object to the principle of the proposed development, although they make the following transportation recommendations:

1. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales should be submitted to and approved by the Planning Authority. The submitted detail should include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved;
2. Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity should be submitted to and approved by the Planning Authority. The report, which should be prepared by an adequately qualified and indemnified engineer, should identify all necessary remediation works and a timescale for those remediation works being undertaken. Development should thereafter be carried out in accordance with the details so approved;
3. A continuous shared access path link should be provided from the site to Prestonpans rail station. Road Services understand that this has already been covered by the Council's Access Officer. This to also include full road safety audits and quality audits.
4. Prior to the commencement of development, phasing plans should be submitted to and approved by the Planning Authority. The submitted plans should include external works such as offsite path links, Longniddry traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. Construction phasing plans and dilapidation surveys are also critical for a site of this scale as are construction management plans which should include routing of construction vehicles and traffic routes to include the trunk road (A1);
5. Bus (shuttle) services are needed from Blindwells to Prestonpans rail station. This service should be provided or funded by the applicant. Road Services confirm that this service requires to be operated until a rail station is provided at Blindwells, or for a period of at least 12 years;

6. Bus provision to/from hosting locations is required for schooling (i.e. Cockenzie Primary and Preston Lodge Secondary – plus St Gabriels RC School). This service should be provided or funded by the applicant until temporary schooling provision is made permanent within the Blindwells site itself. If a secondary school is not provided within the application site then the applicant should be required to continue to provide or fund a bus service to Preston Lodge Secondary. In addition to this walking and cycling routes to this school must be fully assessed from Blindwells in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre). This is all to reduce children being driven to/from school in private cars;

7. Details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir & vice-versa for return – as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development should thereafter be carried out in accordance with the details so approved;

8. A strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development should thereafter be carried out in accordance with the details so approved;

9. Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved;

10. Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis should include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It should also include all vehicles types including buses for the external routes/works. Development should thereafter be carried out in accordance with the details so approved;

11. The internal layouts of the residential areas and all the other areas, not distributor roads, shall be designed in accordance with Designing Street and the ELC Standards for Housing Areas to ensure the promotion of 20mph zones in appropriate locations within the development;

12. A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic as well as dilapidation surveys for construction routes. As SUDS are required, temporary measures shall be put in place to control surface water drainage during the construction works. Also for utility/service drainage connections where/when and how – this needs to form part of the construction method statement;

13. A strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved;

14. Details of electric vehicle charging points should be submitted to and approved by the Planning Authority. The submitted details shall show charging points being included around proposed community facilities such as schools and retail areas. It should also assess whether charging points should be provided for electric buses. The details should include a timetable for implementation. Development should thereafter be carried out in accordance with the details so approved;

15. A general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) should be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement;

16. All access roads shall conform to ELC Standards for Development Roads in relation to roads layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with the Council's Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access;

17. Parking for the residential elements of the development shall be provided at a rate as set out in the East Lothian Council Standards for Development Roads – Part 5 Parking Standards. At this time house sizes on individual plots have not been identified and therefore layouts may be subject to adjustment in respect of parking numbers at the detailed application stage;

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

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

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



21. Cycle parking shall be included at a rate of 1 space per flat. The parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed. The cycle parking for the business areas/units shall also meet with ELC Standards for Development Roads – Part 5 Parking Standards;

22. For all other proposed uses, other than residential, car and cycle parking shall comply with Part 5 Parking Standards; and

23. The rail safeguard shall be as shown in drawing number 13055(PL)160 – Masterplan – Rail Embankment. Road Services note that the rail safeguard involves a strip of land along the northern edge of the site being safeguarded from built development or landscaping, in case it is needed in the future for an expansion of the main east coast rail line. In addition the land set aside for the rail halt should be controlled by the council/Network Road to protect its potential future provision.

The requirement for the bus service provision recommended in points 5 and 6 above should be secured by an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other legal agreement. Details of the services should be submitted to and approved by the Planning Authority in advance of the services operating.

All of the other recommendations can be secured by a conditional grant of planning permission in principle for the proposed new settlement. With the imposition of conditions to cover the recommendations of Road Services the proposal does not conflict with the approved Development Framework or with Policies T1, T2, DP20 and DP22 of the adopted East Lothian Local Plan 2008.

The approved Development Framework requires that a network of paths suitable for walking, cycling and horse riding must be created within the new settlement. In addition to providing sustainable transport options, the network will provide 'safer routes to school' and recreational opportunities contributing to the health and wellbeing of future residents.

The Council's Access Officer is pleased to note that the proposed settlement includes linking paths formed through a connected network of green spaces within the site. These paths have been revised to accord with the recommendations of the Access Officer. She recommends that walking/ cycling paths and access routes are prioritised wherever possible at road crossing points, in order to maximise their benefits and efficiency as important alternatives to taking the car within the new settlement. The finishing surface of all footpaths and cycleways needs to be submitted to and approved by the Planning Authority. Consistent with the requirements of the approved Development Framework, the Access Officer advises that it will be important to link the proposed network of paths to Meadowmill and Prestonpans Railway Station. Subsequent to the application being registered, the applicant has submitted a plan showing a proposed new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station. The route utilises existing lengths of road and footpaths. Proposed new lengths of shared use path would also be formed. The Council's Access Officer advises that the proposed continuous shared use path is acceptable in principle. She recommends that it should be provided prior to the occupation of the first residential unit. She further recommends that details of it, including a timetable for its delivery, should be submitted to and approved by the Planning Authority. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved. This can be

secured by a conditional grant of planning permission in principle for the proposed new settlement.

On the eastern boundary of the site is Winton Loan, an unbound rural, core path and a public right of way. From the eastern boundary of the site it provides access to the surrounding countryside by way of an underpass under the A1 trunk road and by level crossing over the east coast main railway line to the countryside to the northeast of the site.

Immediately to the west of the core path is a mature hedgerow. To accommodate the increased usage on the path resulting from the proposed development, the approved Development Framework requires that the applicant will provide or fund the enhancement of this route such that it is built to adoptable standard, and will be constructed to allow all classes of recreational use. The Access Officer has since reconsidered this matter and advises that the enhancement of the route would require the widening of the footpath, which in turn would require the removal of the mature hedgerow that is immediately adjacent to it. This is not something that she supports. Instead, the Access Officer recommends that the existing core path should remain unaltered, so horse riders can continue to use and enjoy it. Additionally, a new 2 metres wide tarmac "active travel path" should be formed for walkers and cyclists on the western side of the hedge, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path. The applicant has confirmed that they are willing to provide the tarmac path. Detail of the tarmac path, including a timetable for implementation, should be submitted to and approved by the Planning Authority.

All of these access requirements can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to the imposition of these recommended conditions, the principle of the proposed development is consistent with the approved Development Framework and with Policies C7 and DP20 of the adopted East Lothian Local Plan 2008.

Transport Scotland advise that they have concern in regard to the development impact on the junction of the A1 trunk road and the A720 trunk road (i.e. the Old Craighall Junction south of Musselburgh, at the western end of East Lothian). In this regard they have sought a contribution from the developer towards mitigation of this perceived impact. Transport Scotland advise that they have entered into an agreement with the applicant under Section 48 of the Roads (Scotland) Act to secure a financial contribution. On this basis, Transport Scotland raise no objection to the impact of the development on the Old Craighall junction. Transport Scotland further advise that they raise no objection to the principle of the proposed development subject to the following requirements:

\* Prior to the occupation of any of the approved development, the proposed upgrade of the northern and southern roundabouts of the Bankton Interchange to traffic signal control, generally as illustrated in drawing no. SK0002, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/ diverge arrangements, generally as illustrated in drawing no. SK004, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;

\* Details of the lighting within the application site shall be submitted to and approved by

the Planning Authority, following consultation with Transport Scotland;

\* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;

\* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and

\* There shall be no drainage connections to the trunk road drainage system.

These requirements can be secured by a conditional grant of planning permission in principle for the proposed new settlement.

The approved Development Framework requires the applicant to assess the feasibility for the development of a rail halt either on the east coast main line or at the existing siding at the Blindwells site. It states that the applicant shall provide all necessary measures to deliver the new rail halt if feasible, or must demonstrate to the Council why this is not currently possible. In the event that it is not currently feasible to deliver a rail halt at the site, the approved Development Framework requires that the masterplan shall safeguard the land that would be required to deliver such a facility in the future.

The masterplan shows how a station/ rail halt could be located immediately to the northeast of the park and ride facility, in a position to the south of the main east coast rail line. The applicant does not consider it feasible to deliver a rail halt at this time, although they have safeguarded land for it, should it be feasible in the future.

Network Rail raise no objection to the principle of the proposed development. They do not advise that it would be feasible to deliver a rail halt at this time. Moreover, Network Rail do not raise any objection over the indicative position shown for the rail halt. If planning permission for the new settlement is to be granted, it would be prudent to require that the applicant should transfer the title of an area of land for a new rail halt sufficient in size to serve the new settlement to the Council at no cost. An agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 could be used to secure the transfer of ownership of the land.

Network Rail note that the new settlement would be in close proximity to St Germain's Level Crossing. In their initial consultation response, they expressed significant safety concerns regarding the possible increase of pedestrian traffic over this crossing and the impact to railway operations which the development would create. As such they originally objected to the proposals. Since then, Network Rail have removed their objection, being satisfied that the proposed new settlement would not result in an unacceptable safety hazard at St Germain's Level Crossing. They do however expect this matter to be fully assessed in any future Blindwells expansion to the east of the application site.

On this matter the proposed development does not conflict with the purpose and integrity of the approved Development Framework.

The Council's Waste Services Manager raises concern that they have no budget or operational reserves to provide the statutory services to the proposed new settlement. Whilst they support the concept, Waste Services advise that additional capital and

revenue will require to be allocated to them in order to provide the resources to cover the full range of services required. They are concerned that approval is given without the budget allocations being set.

Whilst the Waste Services Manager is clearly concerned about the resources needed to cover the full range of services required, this is a separate matter for the Council to consider and not a reason on which to refuse planning permission in principle for the proposed new settlement. It is not uncommon for the Council as Planning Authority to grant planning permission for development that may result in the need for additional resources to be provided by various Council services.

The application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Moreover, ground conditions is an important material consideration in the determination of this planning application, given the site was previously an opencast mine. As set out in the approved Development Framework, the land must be remediated and certified suitable for development before development can commence.

In their Environmental Statement, the applicant advises that past uses of the application site "include historical underground coal mining which left a legacy of old workings and abandoned mineshafts. More recently major open cast mining activities have taken place. These opencast mining activities, which took place from the early 1970's through to 1998 when restoration of the open cast areas was completed. The restoration of the open cast was not carried out in accordance with recognised engineering standards but has involved the use of the materials excavated during the open cast activities. These materials comprise mainly of a mixture of clay, sand, silt, gravel, cobbles and boulders". "The characteristics of the backfill materials used in the restoration of the open cast are such that significant settlements are likely to occur as a result of self weight consolidation and load induced consolidation from proposed building foundations. To accelerate the self weight consolidation and to promote the load induced consolidation surcharging is proposed. This is a proven technique that has been used successfully on similar sites in the UK".

Trial surcharging commenced on the site in mid 2010. This surcharging comprised 3 No large stock piles. A draft report on the results of the trial surcharging was produced by Wardell Armstrong acting on behalf of the Scottish Coal Group in January 2012.

In light of this the Council commissioned the Building Research Establishment (BRE) to provide an independent appraisal of whether or not they were in agreement with the Wardell Armstrong report. The BRE appraisal was informed by their knowledge of construction and built environment, as well as a thorough review of the Wardell Armstrong report. BRE concluded that surcharge preloading was the most appropriate ground remediation technique for the application site and provided recommendations for the way forward. These recommendations included removing the existing surcharging under controlled and monitored conditions and further pre-remediation trials.

Since then the previous trial surcharging has been removed and further trial surcharging has been undertaken.

Given the complex ground conditions in this case, the Council commissioned Peter Cowsill Ltd to review this planning application. Their assessment was informed by

previous background information, including the BRE report, the 2012 Wardell Armstrong report and the information submitted by the applicant.

Peter Cowsill Ltd advise that ground investigation work completed to date have spanned several decades and have involved a number of consultants. They state that all developments carry some geotechnical risks, they can normally only be reduced to minimal and acceptable levels. In this case, Peter Cowsill Ltd assess the abnormal risks present in this case, which are i) continuing creep settlement, ii) percolation collapse settlement, iii) inundation collapse settlement, iv) deep mining, v) mine shafts, vi) buried high walls, vii) hazardous ground gases. Having assessed these risks, Peter Cowsill Ltd advise that from a geotechnical perspective, there are no reasons why the development should not progress in principle. They do however recommend that prior to the commencement of development the remediation methods need to be set out in detail and justified.

The Peter Cowsill Ltd report has been assessed by the Council's Contaminated Land Officer, who agrees with its findings. He can see no reasons why the development should not progress in principle.

The Peter Cowsill Ltd report has also been assessed by the Council's Head of Infrastructure, who confirms that he is generally in agreement made with the comments and summary contained within the report. He advises that while the principle of surcharge pre-loading would appear the most appropriate method of ground remediation significant further technical appraisal will be required as the planning process continues. In agreeing with the findings of the report, the Head of Infrastructure is satisfied that there are no reasons why the development should not progress in principle.

On the advice of Peter Cowsill Ltd and the Council's contaminated land officer and Head of Infrastructure, further details of the remediation methods for the site should be submitted to and approved by the Planning Authority. In particular, the following requirements should be imposed:

1. Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development should be submitted to and approved by the Planning Authority. These further ground investigations should be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works should thereafter be carried out in accordance with the details so approved.

2. Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works should be submitted to and approved by the Planning Authority. The detailed proposals should include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It should also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals should provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works should

make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works should thereafter be carried out in accordance with the details so approved.

3. Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion report should provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains the completion report should provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report should provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report should provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

The Coal Authority initially raised substantive concerns regarding the proposal, advising that the Ground Condition Section of the Environmental Statement did not provide sufficient information to determine whether or not issues of land instability can be satisfactorily overcome. They recommended that further information to show that the mine entries have been filled and/or capped, together with details of the restoration already completed and that remaining to be undertaken should be submitted.

Following our objection, the Coal Authority met with the applicant to discuss the difficulties they have had in locating the records of the former surface mine activity. They advise that the records appear to have been mislaid somewhere in the transition from the former British Coal to Scottish Coal. The fact that Scottish Coal went into administration has added to the difficulties in this case. At the meeting the applicant confirmed that they cannot find evidence of whether the mine entries were removed although they do have information to show that 3 or 4 of the mine entries only went to a depth within the surface mined seams so are highly unlikely to remain.

The applicant subsequently were able to supply some additional information to the Coal Authority to clarify this and adjusted some areas of the masterplan to respond to their concerns.

The Coal Authority advise that the efforts of the applicant to try and obtain definitive records are recognised and the conclusions they draw about the likely removal or treatment of the mine entries is considered by the Coal Authority to be based upon a reasonable assumption. At the planning permission in principle stage it is necessary to demonstrate that the site can be developed for the proposed quantum of development.

Having regard to the additional information submitted and the fact that the masterplan contains significant potential flexibility given the scale of proposed undeveloped space, the Coal Authority considers that a continuing objection would be unreasonable at this stage. They have therefore removed their earlier objection, being satisfied that their remaining concerns are matters which can be satisfactorily addressed by the use of a suitable planning condition(s)

In conclusion, the Coal Authority advises:

\* They concur with the recommendations of the Environmental Statement; that coal mining legacy potentially poses a constraint to the potential future layout of the proposed development and that further information will be needed at the Approval of Matters Reserved stage in order to establish the exact situation regarding coal mining legacy issues on the site.

\* The ground condition report notes that measures will need to be taken to remove the risk to the development from potential inundation settlement. The report notes that the highwalls associated with the open cast operations have also been considered as a constraint in terms of buildings and other structures.

\* In respect of shallow coal mine workings the report states that further site investigations in localised areas will be carried out to confirm the extent of the mine workings and in order to inform any mitigation measures which may be required.

\* the report also makes some appropriate recommendations in respect of; investigating shallow coal mine workings, ground gas monitoring and surcharging of the ground to stabilise the backfill.

The Coal Authority recommends the imposition of a planning condition, which should require prior to the submission of the matters reserved:

\* As part of the matters reserved application the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall;

\* The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

The Coal Authority also recommends that the planning condition requires prior to the commencement of development:

\* Implementation of any identified remedial works.

These matters can be secured through a condition attached to a grant of planning permission in principle for the proposed new settlement.

There has been detailed assessment and considerable correspondence between the applicant, the Scottish Environment Protection Agency (SEPA) and the Council's Structures, Flooding and Street Lighting Manager in respect of the considerations of flooding and the applicant's proposals for Sustainable Urban Drainage (SUDS). These proposals have been amended to take account of concerns raised by SEPA and the Structures, Flooding and Street Lighting Manager. Moreover, further information has been submitted to address concerns relating to the risk of flooding.

The Scottish Environment Protection Agency (SEPA) originally objected to the planning application on the grounds of lack of information on flood risk. They have subsequently withdrawn this objection and now raise no objection to the proposed new settlement.

In their previous consultation response, SEPA referred to the issue of minewater within the application site. Minewater is a result of the previous mineral extraction of the application site.

On this matter, the Coal Authority advise that minewater within the site is currently controlled by the Coal Authority under a CAR license issued by SEPA. The Coal Authority has the powers to carry out this treatment, which is driven by the Water Framework Directive. They advise that should mine water management cease then there would be localised flooding. There may also be ground stability issues. However the Coal Authority have no intention of ceasing the management of minewater at Blindwells. The Coal Authority advise that “in the unlikely event that the Coal Authority ceased to exist or did not receive funding for this type of work then central government would have to decide how such work continued to be funded and managed”.

The Council’s Structures, Flooding and Street Lighting Manager raises no objection to the proposed new settlement, although he recommends that prior to the commencement of development, the following should be submitted to and approved by the Planning Authority following consultation with SEPA, Scottish Water and the Council’s Structures, Flooding and Street Lighting Manager:

1. An update of the Surface Water and Flood Risk Report which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site. A timetable for the delivery of all identified mitigation measures shall also be submitted; and
2. A SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities.

These recommendations can be secured by a conditional grant of planning permission in principle for the proposed new settlement. Subject to these conditions the Council’s Structures, Flooding and Street Lighting Manager is satisfied that the proposed new settlement would not be at risk of flooding.

Scottish Water raise no objection to the principle of the proposed new settlement. They provide advice in respect of existing Scottish Water assets within the vicinity of the site, sustainable drainage systems, and connection to Scottish Water’s Network. A copy of their consultation response has been given to the applicant for their information.

The approved Development Framework requires, amongst other things, that the new settlement be served by:

- i) adequate education capacity at early years pre-school, primary school and secondary school levels;
- ii) a community centre;
- iii) a public library;
- iv) an area within an on-site public building to accommodate the functions of a Council Office; and
- v) 50m<sup>3</sup> of accommodation for Police Scotland;

Through discussions with relevant consultees, it has been agreed that all of the above services can be contained within one joint school and community facility. The Council’s Deputy Chief Executive (Resources and People Services) has included those services within the specification of the new school building and has calculated the necessary



developer contribution level on that basis.

The Council's Deputy Chief Executive (Resources and People Services) informs that the application site is located within the school catchment areas of Blindwells Primary and Secondary School, as approved by the Council on 22 June 2010.

He notes that the pre-school, primary and secondary school catchment boundaries for this cluster are currently defined by the site boundaries of the current Blindwells allocation, but the site currently contains no education facilities. There is currently a consultation exercise to establish a new primary school for Blindwells and alter the catchment area of Preston Lodge High School to include the new settlement at Blindwells. Consequently the Deputy Chief Executive (Resources and People Services) has issued two consultation responses, one which assesses the application in terms of the current catchment boundaries and one which assesses the application in terms of the catchment boundaries that are currently the subject of a consultation exercise. The developer contribution to be paid will be dependent on the outcome of the outcome of the consultation exercise, and this should be reflected in any Section 75 agreement of any grant of planning permission in principle.

In terms of the current catchment boundaries, the Deputy Chief Executive (Resources and People Services) advises that the approach for the provision of education capacity for this allocation of 1600 houses is as follows:

- \* New permanent secondary school capacity will be provided at Blindwells;
- \* Temporary pre-school and primary capacity will be provided for a limited period of up to 36 months on a 'hosting' basis at Cockenzie Primary School; and
- \* New permanent pre-school and primary capacity will be provided at Blindwells.

He further advises that the temporary 'hosting' arrangement will be subject to an acceptable start date and programming for the development at Blindwells site as it will have an impact on the available capacity at Cockenzie Primary School.

The Deputy Chief Executive (Resources and People Services) advises that developer contributions will be sought from developers of the allocated site, including for the provision of campus land, to deliver this provision and this will be the subject of a legal agreement. The developer contribution requires to be £15,795,000.00 towards Blindwells Primary School, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, 16,630,320.00 towards the provision of secondary education capacity towards Blindwells Secondary School. The required payment of a financial contribution of a total of £32, 455,320.00 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed new settlement.

In terms of the catchment boundaries that are currently the subject of a consultation exercise, the Deputy Chief Executive (Resources and People Services) advises that the approach for the provision of education capacity for this allocation of 1600 houses is as follows:

- \* Secondary school capacity will be provided at Preston Lodge High School;

- \* Temporary pre-school and primary capacity will be provided for a limited period of up to 36 months on a 'hosting' basis at Cockenzie Primary School; and
- \* New permanent pre-school and primary capacity will be provided at Blindwells.
- \* Denominational primary education will be provided at St Gabriels Primary School.

He further advises that the temporary 'hosting' arrangement will be subject to an acceptable start date and programming for the development at Blindwells site as it will have an impact on the available capacity at Cockenzie Primary School.

The Deputy Chief Executive (Resources and People Services) advises that developer contributions will be sought from developers of the allocated site, including for the provision of campus land, to deliver this provision and this will be the subject of a legal agreement. The developer contribution requires to be £15,795,000.00 towards Blindwells Primary School, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, £125,000.00 towards the provision of additional education capacity at St Gabriels Primary School, and £6,346,688.00 towards the provision of secondary education capacity at Preston Lodge Secondary School. The required payment of a financial contribution of a total of £22,296,688.00 can be secured through an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 or by some other appropriate agreement. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Obligations and Good Neighbour Agreements. Moreover the Depute Chief Executive (Resources and People Services) recommends that a restriction would need to be placed on the annual completion rates arising from the proposed development. This can be secured through a condition attached to a grant of planning permission in principle for the proposed new settlement.

Subject to either of the aforementioned requirements the proposal is consistent with the approved Development Framework and with Policy INF3 of the adopted East Lothian Local Plan 2008, which stipulates that new housing will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This will include funding necessary school capacity.

The Council's Economic Development & Strategic Investment Manager advises that, in accordance with the Council's Affordable Housing Policy, 30% of the 1600 new build residential units should be affordable housing (i.e. 480 units from the total of 1600). The terms for the provision of the affordable housing requirement should be the subject of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The basis of this is consistent with the tests of a planning agreement set in Planning Circular 3/2012: Planning Agreements. Subject to the securing of this developer contribution the proposed development is consistent with Policy H4 of the adopted East Lothian Local Plan 2008 and the approved Development Framework.

The proposed development by its scale would have a significant impact on the local environment and thus in accordance with the requirements of Policy DP17 of the adopted East Lothian Local Plan 2008 it should incorporate artwork either as an integral part of the overall design or as a related commission. This can be secured by a condition on a grant of planning permission in principle for the proposed new settlement.

Section 59 of the Town and Country Planning (Scotland) Act 1997 sets a standard duration in relation to a planning permission in principle (i.e. planning permission subject to a condition that the development in question will not be begun until certain matters have been approved by the Planning Authority. The Act requires that applications for the approval required before development can be begun must be made

within 3 years from the grant of planning permission in principle but also provides that the Planning Authority can issue a direction that different time periods apply in relation to the 3 year period for making an application for approval. In respect of timescales for development this is a large scale proposal phased over a period of 11 years. Therefore it may well take more than 3 years for the submission of applications for approval for all detailed matters for all areas of the application site. In this case it would therefore be prudent for the Planning Authority to direct in this case that the standard 3 year time limit should not apply and to further direct that applications for approval required before development can be begun must be made within 8 years from the grant of planning permission in principle.

## RECOMMENDATION

It is recommended that planning permission in principle be granted subject to:

1. A direction to substitute the period of 3 years referred to in Section 59(2)(a)(i) and (3) of the Town and Country Planning (Scotland) Act 1997 (as amended) with a period of 8 years.

2. The undernoted conditions.

3. The satisfactory conclusion of an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or some other legal agreement designed to secure from the applicant:

(i) the provision of three community sports pitches, a six changing room facility, 30 allotment plots with an area of 4,000 m<sup>2</sup>, and a cemetery to accommodate 700 formal burial plots, each capable of accepting 3 coffin interments;

(ii) a financial contribution to the Council of £827,200 for the provision of equipped play provision within the new settlement, in lieu of the applicants providing play equipment themselves. Half of this contribution shall be paid prior to occupation of the 50th residential unit, with the other half of the contribution paid prior to occupation of the 500th residential unit;

(iii) a financial contribution to the Council of £115,500 towards the provision of additional capacity at the Meadowmill maintenance depot;

(iv) secure from the applicant the introduction and operation of a daily and frequent shuttle bus service between the new settlement and Prestonpans rail station. This service should be provided or funded by the applicant. The service shall be operated until a rail station is provided within the new settlement, or for a period of at least 12 years;

(v) secure from the applicant the introduction and operation of bus provision during school term times, both for morning arrivals and afternoon departures, between the new settlement and the catchment schools (i.e. Cockenzie Primary, St Gabriels RC School and Preston Lodge Secondary). This service should be provided or funded by the applicant until temporary schooling provision is made permanent within the Blindwells site itself. If a secondary school is not provided within the application site then the applicant should be required to continue to provide or fund a bus service to Preston Lodge Secondary.

(vi) the transfer of the land required for the new school site as shown in the applicant's

masterplan, with the site formed to meet masterplan boundary perimeter levels;

(v) a financial contribution to the Council of £15,795,000.00 towards the provision of the new primary school, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, and £16,630,320.00 towards the provision of a new secondary school at Blindwells;

(vi) In the event that the school catchment boundaries are changed, then instead of the financial contributions required in heads of term (v) above, the agreement shall secure from the applicant a financial contribution to the Council of £15,795,000.00 towards the provision of the new primary school, £30,000.00 towards a temporary Blindwells Primary School at Cockenzie Primary School, £125,000.00 towards the provision of additional education capacity at St Gabriels Primary School, and £6,346,688.00 towards the provision of secondary education capacity at Preston Lodge Secondary School;

(vii) the provision of 480 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 480 affordable housing units is not practicable, to secure from the applicants a commuted sum payment to the Council in lieu of such an on or off-site provision;

(viii) the transfer to the Council, at no cost to the Council, of ownership of an area of land for a new rail halt sufficient in size to serve the new settlement to the Council. The land should generally comprise of the land that is identified on the docketed masterplan for a rail halt.

4. That in accordance with the Council's policy on time limits for completion of planning agreements it is recommended that the decision should also be that in the event of the Section 75 Agreement not having been executed by the applicant, the landowner and any other relevant party within six months of the decision taken on this application, the application shall then be refused for the reason that without the developer contributions to be secured by the Agreement the proposed development is unacceptable due to an insufficient provision of community sports pitches, related changing facilities, allotments and cemetery, insufficient maintenance accommodation, a lack of equipped play provision, insufficient public transport provision, a lack of sufficient primary and secondary school capacity, and the lack of provision of affordable housing contrary to the Council's approved Development Framework for Blindwells and, as applicable Policies INF3, DP21, C2 and H4 of the adopted East Lothian Local Plan 2008.

#### CONDITIONS:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the siting, design and external appearance of all the dwellings and other buildings, the means of access to them, the means of any enclosure of the boundaries of the site and of gardens and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle, and shall address the following requirements:
  - a. The provision within the application site of recycling facilities.
  - b. Other than in exceptional circumstances where the layout or particular building type does not permit, houses and flats shall be orientated to face the street.
  - c. Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission

in principle there shall be no integral garages, unless it can be justified as an exceptional design feature, or where the house and garage would not be on a primary street frontage;

d. The detailed design of the layout shall accord with the principles set out in the Council's Design Standards for New Housing Areas and with Designing Streets;

e. The external finishes of the residential units shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote render as the predominant finish to the walls of the residential units.

f. Notwithstanding the details shown in the Indicative Site Master Plan referred to above, there shall be a separation distance of at least 9 metres between facing windows of a proposed new building and the garden boundaries of existing or proposed neighbouring residential properties; and a separation distance of at least 18 metres between directly facing windows of a proposed new building and the windows of existing or proposed neighbouring residential properties.

g. Parking for the residential, local centre and primary school components of the development hereby approved shall be provided at a rate as set out in the East Lothian Council's "Standards for Development Roads- Part 5 Parking Standards" For the local centre and school this shall include for cycle parking. Private parking spaces in the local centre and other private parking areas shall be a minimum of 2.5 metres by 5 metres and spaces on the public road shall be a minimum of 2.5 metres by 6 metres. Access to private parking areas other than driveways shall be via a reinforced footway crossing and have a minimum width of 5.5 metres over the first ten metres. Private driveways shall be a minimum of 6 metres by 2.5 metres, double driveways shall be 5 metres by 6 metres or 3 metres by 11 metres.

h. All access roads within the new settlement shall conform to East Lothian Council's "Standards for Development Roads" in relation to roads layout and construction, footways and footpaths, parking layout and number, street lighting and traffic calming measures.

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

j. The provision within the local centre of a civic square, which shall be designed as a central meeting point and to provide a multifunctional space for both formal use such as community arts and theatre activities and for informal use.

k. The provision within the application site of at least 10 hectares of employment land. The buildings within the employment land shall be restricted in use to Classes 4, 5 and 6 of the Town and Country Planning (Use Classes) (Scotland) Order 1997.

l. The provision within the application site of nature based elements such as woodlands, wetlands and SUDS, public open space and boulevard planting.

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

n. Details of the implementation and design of infrastructure works onto the A198, including junctions, road widening and delivery timescales shall be submitted to and approved by the Planning Authority. The submitted detail shall include full road safety audits and quality audits. Development should thereafter be carried out in accordance with the details so approved.

o. Electric vehicle charging points shall be provided around proposed community facilities such as schools and retail areas. Charging points, if considered necessary by the Planning Authority, shall also be provided for electric buses.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the development and of the wider environment and in the interests of road safety.

2 The details to be submitted pursuant to condition 1 shall include a delivery schedule and phasing plans that establishes the phasing and timing programme for the proposed development. It shall

include the phasing and timing for the provision of education capacity, employment land, the local centre, the transportation works, footpaths and cycleways and Safer Routes to School, external transport works such as offsite path links, Longniddy traffic signals at Coal Road (A198/B6363 Junction) and A198 works and junctions. It must also include for public road links, including paths, to local services (either existing or as these are developed for Blindwells), schools and the public road network. This shall also apply to the provision of drainage infrastructure, recreational facilities, landscaping and open space. The details to be submitted shall also include construction phasing plans.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

3 No more than 1600 residential units shall be erected on the site.

Reason:

To ensure that there is sufficient education capacity, to restrict the scale of development to that applied for and identified in the applicant's Transport Assessment and to minimise interference with the safety and free flow of traffic on the trunk road.

4 Unless otherwise approved in writing by the Planning Authority:

(a) Housing completions in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not exceed the following completion rates:

Year 2020/21	-	24 residential units
Year 2021/22	-	73 residential units
Year 2022/23 to 2030/31-	97 residential units per annum	
Year 2031/32 to 2034/35-	122 residential units per annum	
Year 2035/36	-	102 residential units
Year 2036/37	-	40 residential units

(b) If fewer than the specified number of residential units is completed in any one year then those shall be completed instead at Year 2036 or beyond and not added to the subsequent Year.

Reason:

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

5 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; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development. It shall also include details of all planting and landscaping along the boundary of the site with the A1(T) trunk road.

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

Reason:

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

6 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. The plan shall include details of how the overall wildlife value of the large body of water known as 'Princes Loch' can be maximised. These details for 'Princes Loch' shall include appropriate marginal and wetland planting, scalloping of edges, connections to adjacent scrub and woodland, creation of small islands, and physical connectivity to the SUDS network. The plan shall also detail measures of how to design the SUDS ponds as habitats and landscape features. The plan shall include a timetable for the implementation of the proposed works. Development shall thereafter be carried

out in accordance with the details so approved.

Reason:

To maximise the ecological potential of the proposed development.

- 7 Prior to the commencement of development, a method statement for the translocation and future management of the bee orchids and their habitat within the application site shall be submitted to and approved by the Planning Authority. The method statement shall include a timetable for implementation.

The development shall thereafter be implemented in accordance with the details so approved.

Reason:

To maintain the contribution of the bee orchids to the nature conservation value of the local area.

- 8 A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also make recommendations in respect of how pedestrians and school children can safely access the new school during construction works. It shall also provide details of utility/service drainage connections.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development.

Reason:

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

- 9 The details to be submitted pursuant to condition 1 above shall include full details of all noise mitigation measures. The mitigation measures shall include, but may not be limited to, final heights and locations of any acoustic bunds and/ or barriers, upgraded glazing/ ventilation specification within specific properties and possible re-orientation of residential properties. These mitigation measures shall be such that the following design criteria shall be met:

1. Daytime garden noise levels should not exceed 55 dB (A);
2. Daytime internal noise levels should not exceed 35 dB (A) and night-time internal noise levels should not exceed 30 dB (A); and
3. The Rating Level, LArTr, of noise emanating from any proposed commercial unit (when measured 3.5m from the façade of any existing or proposed residential property shall be no more than 5 dB (A) above the background noise level, LA90T.

The details to be submitted shall also include a further noise report to demonstrate the noise mitigation measures required to ensure compliance with this design criteria, together with a timetable for the implementation of all of the proposed noise mitigation measures.

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

Reason:

To ensure an appropriate level of acoustic screening in the interests of the amenity of the future occupants of the site.

- 10 No residential unit shall be occupied unless and until details of artwork to be provided on the site or at an alternative location away from the site have been submitted to and approved by the Planning Authority. The details shall include a timetable for the provision of the artwork.

The artwork shall thereafter be provide in accordance with the details so approved.

Reason:

To ensure that artwork is provided in the interest of the visual amenity of the locality or the wider area.

- 11 The supermarket hereby approved shall have a gross floor area no greater than 1,035 square metres.

Reason:

In order to retain control of the scale of the supermarket and in the interests of safeguarding the vitality and viability of existing retail provision.

- 12 To ensure that the site is clear of contamination, the following requirements shall be complied with:

o Prior to commencement of any site development, a targeted contaminated land investigation shall be carried out and a report submitted to and for approval of the Planning Authority. The investigation must also include further rounds of gas monitoring for the site. The subsequent report must include a site-specific risk assessment of all relevant pollutant linkages.

o Where the risk assessment identifies any unacceptable risk or risks, a detailed remediation strategy shall be submitted to the Planning Authority for approval. Prior to receipt of approval of the remediation strategy by the Planning Authority no works, other than investigative works, shall be carried out on the site

o Remediation of the site shall be carried out in accordance with the approved remediation plan. Any amendments to the approved remediation plan shall not be implemented unless approved by the Planning Authority.

o On completion of the remediation works and prior to the site being occupied, a validation report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the remediation plan.

o The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Reason:

- 13 To ensure that the site is clear of contamination prior to the occupation of any of the buildings. The open space to be provided on site shall generally accord with the Indicative Master Plan drawing no. 13055(PL)100 Rev. D docketed to this planning permission in principle. Moreover, the area of open space known as the Town Park shall include within it woodland of a significant size.

Prior to the commencement of development, a timetable for the provision of the open space within the new settlement shall be submitted to and approved in advance by the Planning Authority.

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

Reason:

- 14 To ensure the timely provision of an appropriate amount of open space, in the interests of the amenity of the area. Prior to the commencement of development, details of how the areas of open space and equipped areas are to be maintained shall be submitted to and approved in advance by the Planning Authority.

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

Reason:

- 15 To ensure the satisfactory maintenance of open space and equipped play areas, in the interests of the amenity of the area. Prior to the commencement of development, details of a new continuous shared use (walking/cycling) path from the western side of the A198 road to Prestonpans Railway Station, including a timetable for its delivery, shall be submitted to and approved in advance by the Planning Authority. The details shall be based on the continuous shared use (walking/cycling) path that is indicatively shown on drawings docketed to this planning permission. The submitted details shall show the footpath being lit and shall include road safety audits and quality audits.

Development should thereafter be carried out in accordance with the details so approved.

Reason: In the interests of road and pedestrian safety.

- 16 Prior to the commencement of development, details of a new 2 metres wide tarmac "active travel path" to be formed for walkers and cyclists on the western side of the hedge at the eastern edge of the application site, parallel to the core path, with link paths connecting from the housing areas to the tarmac path and to the core path, shall be submitted to and approved in advance by the Planning Authority. The details shall include a timetable for implementation.

Development should thereafter be carried out in accordance with the details so approved.



Reason:

In the interests of road and pedestrian safety.

- 17 In the event that the catchment secondary school for the new settlement is Preston Lodge High School, a report assessing walking and cycling routes to this school from the new settlement in terms of safety and quality to include distances, controlled pedestrian/cycle crossings of the A198 and B1361 (also to include a technical assessment of the existing footbridge over the rail line north of Meadowmill Sports Centre) shall be submitted to and approved by the Planning Authority. The details shall include any mitigation measures required and a timetable for their implementation.

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

Reason:

To reduce children being driven to and from school in private cars, in the interests of road safety and sustainability.

- 18 Prior to the commencement of any ground improvement / remedial works within the application site, proposals for further ground investigations for each phase of the proposed development shall be submitted to and approved by the Planning Authority. These further ground investigations shall be designed to provide comprehensive factual information on the depth of backfill / rock head, level of the ground water table and continuous monitoring of ground gases during the period of the investigations. On completion of the further investigations the applicant shall submit a factual report presenting the findings of the investigations to the Planning Authority for their information. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 19 Prior to the commencement of any ground improvement / remedial works within the application site, detailed proposals for the proposed ground improvement / remediation works shall be submitted to and approved by the Planning Authority. The detailed proposals shall include detailed designs and supporting information for the proposed surcharging and consolidation of shallow workings beneath the base of the open cast. It shall also include the surcharge layouts, surcharge heights, surcharge periods, recovery period following removal of the surcharge, proposed monitoring instrumentation, and assessment of predicted settlement at each surcharge location. In respect of the consolidation of the shallow workings the detailed proposals shall provide full details of the proposed consolidation works required to remove the risk of future subsidence. Where appropriate the ground improvement / remedial works shall make provision for percolation / inundation testing to demonstrate that the surcharging has been effective in reducing the risks of such collapses to acceptable levels. The ground improvement / remediation works shall thereafter be carried out in accordance with the details so approved.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 20 Following completion of the ground improvement works / remedial works on each phase of the development site and prior to commencing any construction works the applicant shall prepare a completion report and submit this to the Planning Authority for their approval. This completion report shall provide a detailed account of the ground improvement / remedial works carried out together with a complete record of all monitoring carried out during ground improvement / remediation. The completion report shall provide a detailed assessment of future risks arising from continuing creep and percolation / inundation settlement. Where the risk of future collapse settlement remains, the completion report shall provide conclusions and recommendations for further monitoring / further remedial measures required prior to works commencing. The completion report shall provide conclusions and recommendations for developers in respect of foundation design, drainage design, ground gas defensive measures and other construction related activities. With regard to the consolidation of the shallow workings the completion report shall provide full details of the works carried including the validation of the end product by post treatment probes or other appropriate measures.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 21 Prior to the commencement of development the following information shall be submitted to and approved by the Planning Authority, following consultation with the Coal Authority:

a) the submission of a layout plan which identifies appropriate zones of influence for the mine entries on site, and the definition of suitable 'no-build' zones, together with indication of the high wall; and

b) The submission of details of investigations and of treatment if necessary for the mine entries on site, shallow coal workings, ground gas, and ground stabilisation of the backfill.

Prior to the commencement of development any identified remedial works shall be fully implemented.

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 22 Prior to the commencement of development, an update of the Surface Water and Flood Risk Report, which shall assess the flood risk within the northwest part of the application site from all sources during a 0.5% AP (1:200) rainfall event, and which shall include proposed mitigation measures that are required to not increase flood risk downstream of the site and to prevent flood risk of any built development in the northwest part of the application site, shall be submitted to and approved by the Planning Authority. The Report timetable for the delivery of all identified mitigation measures shall also be submitted.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 23 Prior to the commencement of development, a SuDS scheme and Drainage Assessment for the whole development site to meet the vesting requirements of the Statutory Authorities shall be submitted to and approved by the Planning Authority, following consultation with SEPA. The submitted detail shall include a timetable for the delivery of all identified mitigation measures shall.

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

Reason:

To ensure that built development within the northwest part of the application site is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 24 Prior to the commencement of development, a full engineering report detailing ground stability and structural integrity shall be submitted to and approved by the Planning Authority. The report, which shall be prepared by an adequately qualified and indemnified engineer, shall identify all necessary remediation works and a timescale for those remediation works being undertaken. Development shall thereafter be carried out in accordance with the details so approved;

Reason:

To ensure that ground improvement / remediation works are acceptable in order to enable the development to safely and satisfactorily proceed.

- 25 Prior to the commencement of development a strategy for the new speed limits within the application sites and those on the existing road network shall be submitted to and approved by the Planning Authority. The strategy shall assess how these will be developed, including road safety audits and associated infrastructure (i.e. street lighting, signage etc). The strategy shall include full detailed designs for all the works on the existing public road including full road safety audits and quality audits putting particular emphasis on walking & cycling and the safety and attractiveness of these routes (including street lighting review in these areas). This shall extend into the site to offer excellent paths and cycling facilities within the site to ensure walking and cycling are the first modes to be considered for local trips. The strategy shall also detail controlled crossings that are necessary as well as bus stops and shelters. The strategy shall also include a timetable for implementation of any new speed limits as well as when controlled crossings and bus stops and shelters should be provided. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

- 26 Prior to the commencement of development, road safety audits and quality audits for external works and the links within the site shall be submitted to and approved by the Planning Authority. Development shall thereafter be carried out in accordance with the details so approved.

- Reason:  
In the interests of road safety.
- 27 Prior to the commencement of development, a vehicle tracking/swept path analysis for all internal roads and changes to external roads shall be submitted to and approved by the Planning Authority. The vehicle tracking/swept path analysis shall include the large design rigid (in accordance with the FTA associations Designing for Deliveries) over all the roads within the proposal site and large HGV (arctic etc) as well as large buses on main distributor roads and employment areas (including local centre). It shall also include all vehicles types including buses for the external routes/works. Development shall thereafter be carried out in accordance with the details so approved.
- Reason:  
In the interests of road safety.
- 28 Prior to the commencement of development, a general, overarching travel plan framework for the whole settlement (including school and future business/economic uses travel) shall be submitted to and approved by the Planning Authority. The framework shall include tools and mechanisms for each part of the development to use. It shall include measures to be put in place to encourage Public Transport penetration into the new settlement. It shall also include a timetable for implementation, Development shall thereafter be carried out in accordance with the details so approved.
- Reason:  
In the interests of road safety.
- 29 Prior to the commencement of development, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the town centre around schools, public buildings and shops as well as other areas throughout the site shall be submitted to and approved by the Planning Authority. Development should thereafter be carried out in accordance with the details so approved.
- Reason:  
In the interests of road safety.
- 30 Development of the application site shall be carried out in accordance with the following requirements:
- \* Prior to the occupation of any of the approved development, the proposed upgrade of the northern and southern roundabouts of the Bankton Interchange to traffic signal control, generally as illustrated in drawing no. SK0002, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;
  - \* Prior to the occupation of any of the approved development, the proposed upgrade of the west facing slips at Bankton Interchange to Type B parallel merge/ diverge arrangements, generally as illustrated in drawing no. SK004, shall be implemented to the satisfaction of the Planning Authority, following consultation with Transport Scotland;
  - \* Details of the lighting within the application site shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;
  - \* Prior to the commencement of development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to and approved by the Planning Authority, following consultation with Transport Scotland;
  - \* Prior to the occupation of any of the approved development, a barrier/ boundary feature shall be provided and maintained along the proposed boundary of the site with the A1 trunk road, in accordance with details to be submitted to and approved in advance of its provision by the Planning Authority, following consultation with Transport Scotland; and
  - \* There shall be no drainage connections to the trunk road drainage system.
- Reason:  
In the interests of road safety.
- 31 Prior to the commencement of development details of the Longniddry Junction (junction of A198/B6363 Main Street with Coal Road - traffic signals to provide a left turn to Gladsmuir and vice-versa for return - as a deflection strategy to draw trips away from the A198 frontage at Blindwells) shall be submitted to and approved by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the details so approved.

Reason:

In the interests of road safety.

32

Prior to the commencement of development a detailed condition survey of the construction access route from the Bankton interchange shall be jointly undertaken by the developer and East Lothian Council Roads Services. During the period of construction of the development a similar joint inspection shall be carried out to assess the condition of the route on each anniversary of the commencement of development. Any damage identified as a result of construction activities shall be repaired or resurfaced by the developer in compliance with the Council's specifications and requirements at no cost to the Council as Roads Authority.

Reason:

In the interests of road safety.