

REPORT TO: Planning Committee

MEETING DATE: Tuesday 26 June 2018

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **17/00767/PM**

Proposal Refurbishment of existing coastal defence provisions and the installation of new interventions including rock armouring and refurbishment of timber revetments, planting of marram grass, and installation of a new Dune Protection System

Location **West To East Of North Berwick Shoreline
North Berwick
East Lothian
EH39 4BB**

Applicant The North Berwick Golf Club

Per EnviroCentre Ltd

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the area of the application site is greater than 2 hectares, 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. It is therefore brought before the Planning Committee for a decision.

This application relates to an area of land comprising the northern edge of the North Berwick Golf Club and including the foreshore of the coastline of the Firth of Forth. The land comprises the interface between the North Berwick Golf Course and the shoreline and extends from the western side of North Berwick Bay westwards to Broad Sands for the full length of the West Links Golf Course. The application site measures some 73 hectares in area. The area of land between the Golf Course and the coastline consists of grassland and sand dunes. A number of formal and informal footpaths traverse that land.

Due to its coastal location the application site is at risk from coastal flooding and is noted as such on the Scottish Environment Protection Agency's flooding maps.

The site forms part of the Firth of Forth Special Protection Area (SPA) and the Firth of Forth Site of Special Scientific Interest (SSSI). Parts of the site are also within Priority Habitat areas. The site is also close to the Forth Islands Special Protection Area (SPA) and Site of Special Scientific Interest (SSSI).

The western part of the site is within the Longniddry – North Berwick Coastline Area of Great Landscape Value. The eastern part of the application site is within the North Berwick Conservation Area.

Within the application site is the Scheduled Ancient Monument of Westerdunes Court Pillbox.

Outwith the application site to the south are a number of listed buildings. The nearest listed buildings are Carlekemp (Category A), Bunkerhill (Category A), Westerdunes (Category A), Engine Cottage (Category B), all of which are on Abbotsford Road. Further nearby listed buildings are the Marine Hotel at 18 Cromwell Road (Category B), Minaki (Category B) and St Anns (Category C) on York Road, and Inveriel House (Category B) and Inveriel Coachhouse (Category C) on Dirleton Road.

The site is bounded to the north by the beach and shoreline of the Firth of Forth.

Planning permission is sought for the refurbishment of existing coastal defence provisions and the installation of new coastal defence provisions, including rock armouring and refurbishment of existing timber revetments, planting of marram grass and the installation of a new Dune Protection System of soft rock sand bags.

As a statutory requirement of major development applications, this development proposal was the subject of a Proposal of Application Notice (Ref: 16/00025/PAN) and of the required community consultation prior to the application for planning permission being made to the Council.

As a further statutory requirement of major development applications, a pre-application consultation report is submitted with the proposal. The report informs that a total of 26 people attended the pre-application public exhibition, which was held at North Berwick Community Centre, and that 20 of the attendees completed questionnaires. Of the 20 questionnaires received 19 were from respondents who live in the local area. Of the 20 questionnaires received, 18 respondents supported the proposal, 1 respondent objected to the proposal and 1 respondent neither supported nor objected to the proposal. Of the 20 questionnaires received, 17 respondents provided further comments on the proposals. The development for which planning permission is now sought is of the same character as that subject to the community engagement undertaken through this statutory process.

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). On 12 April 2017 the Council adopted a Screening Opinion that an Environmental Statement was required and a subsequent Scoping Opinion (18 June 2017) setting out the matters to be considered in the Environmental Statement, including biodiversity/ecology, soil/geology, coastal processes and water environment, material assets Scottish Water, and Cultural Heritage matters. An Environmental Statement was submitted to the Council on 9th February 2018 and has been duly advertised and consulted on.

The Environmental Statement comprises the following documents: (i) Volume 1: Environmental Statement; (ii) Volume 2: Figures; (iii) Volume 3: Technical Appendices; (iv) Environmental Statement - Non Technical Summary; (v) letter from EnviroCentre dated 21st November 2017 and (vi) Updates to ES and Technical Appendices Text (received 23rd November 2017).

The Environmental Statement explains that due to the northern facing orientation of the Golf Course, the application site is exposed to coastal processes such as wind and rain, and susceptible to climate change impacts, which are all likely to contribute greatly to increased erosion along the coastline and thus along the application site, which are susceptible to periods of accretion and erosion occurring in a cyclical nature.

The proposals were amended prior to the submission of the application to no longer include the extraction of materials from below the Mean High Water Springs. This is detailed in the letter from EnviroCentre dated 21st November 2017, which forms an Addendum to the Environmental Statement (ES).

The application is also supported by a Planning Statement and a Design and Access Statement.

The Planning Statement explains that the site is located along the southern shoreline of the Firth of Forth, comprising of raised beach foreshore, with beaches and rocky outcrops. The statement acknowledges that the shoreline of the Golf Course is recognised as an important natural environment providing high ecological and habitat resources. The statement goes on to state that the applicant has recognised the threat that coastal erosion has upon the site and seeks to improve existing protection interventions through the implementation of soft engineering interventions in the form of a dune protection system, rock armouring and timber sleepers, and marram grass planting, including some geotextile marram grass planting. It is explained that the proposed Dune Protection System of soft rock sand bags would closely simulate the surrounding beach structure and its hydraulic properties.

The Design and Access Statement explains that the golf course is of importance in terms of both its historical significance as one of Scotland's original links courses and its regular listing among the top golf course in the world and the environmental and ecological importance of the Firth of Forth. In light of these considerations, the proposals have been designed to ensure that the integrity of the golf course and its environment would not be compromised through the use of minimal intervention and impact. The chosen design options are minimal intervention and of soft appearance so that they would not alter the appearance of the course but would be robust enough to withstand daily footfall and tidal movements. Maintenance of the proposals would also be minimalist with regular visual checks by green keeping staff, starting at 1 monthly intervals and extending to 2, 4 and 6 monthly intervals as protection measures become established. Any elements of the proposals that fail (i.e. marram grass plants that do not take or are uprooted, geo-grid pinning, soft rock sand bags and rock armouring) would be replaced or re-sited as respectively required. The statement goes on to explain that hard designed options (i.e. man-made rock filled gabion baskets or extended rock armouring) were discounted for their harmful visual impact. Sand nourishment/recycling was also rejected due to the long term maintenance requirements of this process, the consenting process associated with it, and as there is no clear estuary bar or accreting ridge from which materials could be recycled regularly.

Since the application was registered additional information has been provided to:

(i) increase the buffer zone around the scheduled monument of Westerdunes Court Pillbox from 15 metres to a minimum of 18 metres;

- (ii) amend errors on the application drawings;
- (iii) provide additional elevations and cross sections of the proposed sections of soft rock sand bags, rock armouring and timber revetments, and marram grass planting (with and without geotextiles); and
- (iv) clarify any proposed works to the existing golf course access tracks.

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

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

Policy 1B (The Spatial Strategy: Development Principles) of the South East Scotland Strategic Development Plan (SESplan) and Policies DC1 (Development in the Countryside and Undeveloped Coast), NH1a (Internationally Protected Areas), NH1b (Sites of Special Scientific Interest), NH3 (Important Local Biodiversity Sites), NH4 (Areas of Great Landscape Value), ENV3 (Listed Buildings), ENV4 (Development Within Conservation Areas), ENV7 (Scheduled Monuments and Archaeological Sites), C3 (Protection of Open Space), C6 (Rights of Way), T2 (General Transport Impact), DP1 (Landscape and Streetscape Character), DP2 (Design), DP13 (Biodiversity and Development Sites), and DP16 (Flooding) of the adopted East Lothian Local Plan 2008 are relevant to the determination of the application.

The Proposed East Lothian Local Development Plan was submitted to Scottish Ministers for Examination in 2017 and the Reporters' Examination Report was issued on 14 March 2018. The East Lothian Local Development Plan (ELLDP) was thereafter modified following the Examination. At their meeting on 29 May 2018, the Council approved the ELLDP as the Local Development Plan the Council intends to adopt. The ELLDP reflects the most recent planning view of the Council and is a material consideration in the determination of applications. Relevant Policies DC1 (Rural Diversification), DC6 (Development in Coastal Areas), DC9 (Special Landscape Areas), NH1 (Internationally Designated Sites (RAMSAR)), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH3 (Protection of Local Site and Areas), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH11 (Flood Risk), CH1 (Listed Buildings), CH2 (Development in Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), DP1 (Landscape Character), DP2 (Design), OS1 (Protection of Open Space) and T2 (General Transport Impact) of the ELLDP do not represent any significant alteration to the current relevant policy.

Material to the determination of the application is the Scottish Government's policy on development affecting a Special Protection Area (SPA) or Site of Special Scientific Interest (SSSI), development affecting a Conservation Area and development affecting a listed building or its setting given in Scottish Planning Policy: June 2014.

Scottish Planning Policy states that any development proposal likely to have a significant effect on an SPA, and which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives. Such development proposals may only be approved where: (i) the competent authority has ascertained by means of an "appropriate assessment" that there will be no adverse effect on the integrity of the site; or (ii) where there are no alternative solutions, there are imperative reasons of overriding public interest, including those of a social or economic nature and compensatory measures are provided to ensure that the overall coherence of the Natura network is protected.

North Berwick Community Council as a consultee on the application advise that they have no comments to make regarding the proposed development or the environmental statement.

The application site is part of the North Berwick West Links Golf Course. The site comprises the northern edge of the golf course and the interface of it with the shoreline of the Firth of Forth. It is covered by Policy DC1 of the adopted East Lothian Local Plan 2008. The site is also identified as being recreational, leisure and amenity open space as defined by Policy C3 of the adopted East Lothian Local Plan 2008.

The proposed development is a series of soft engineering solutions, comprising a soft rock sand bag dune protection system, rock armouring and timber revetments, geo-cell path protection with marram grass planting and marram grass planting on the dunes, intended to combat the rate of erosion currently experienced along the northern edge of the West Links Golf Course.

As the proposed development is to facilitate the continuing existing recreational use of the recreational open space of the West Links Golf Course, it has a clear operational justification of need to be in this location. Accordingly, the principle of the proposed development is consistent with Policies C3 and DC1 (Part 1a) of the adopted East Lothian Local Plan 2008.

The proposed development is for a series of soft engineering interventions to address erosion issues at the North Berwick West Links Golf Course interface with the southern shoreline of the Firth of Forth.

The purpose of the works is to preserve the existing course layout in the short to medium term, whilst remaining aware of the challenges posed by climate change in the longer term. It is proposed that a series of soft engineering solutions would be installed to supplement and improve the existing coastal erosion mitigation that already exists along the northern edge of parts of the West Links Golf Course in order to combat the rate of erosion.

The proposed soft engineering solutions comprise:

- * The repair and reinstatement of a 150 metres length of rock armouring and timber revetments;
- * The planting of marram grass in coastal strips at five locations along the northern edge of parts of the West Links Golf Course;
- * The planting of marram grass within geo-cell path protection at four access points from the Golf Course onto the foreshore;
- * The installation of soft rock sand bags within a dune protection system extending for some 380 metres of the dunes to the west of the Eel Burn.

The proposed rock armouring and timber revetments would comprise of the re-enforcement and improvement of the existing rock armouring and timber revetments through the repair and reinstatement of some of the existing timbers, the installation of a geo-textile liner across the face of the timber revetments, a timber capping beam along the length of the top of the vertical timbers and the installation of additional rock armouring (approx. 994 tonnes) in front of the timber revetment wall. The rock used for the rock armouring would be a mixture of material comprising the re-siting of the existing rock armouring, imported rock and loose rock in the vicinity of this part of the proposed development. There would be no change to the height of the timber revetments. The proposed rock armouring would reinstate the rock armouring to the height of the timber revetments and would project outwards away from the timber revetments by some 3 metres.

The proposed marram grass planting in coastal strips would comprise marram grasses planted directly into the dunes at a ratio of 4 plants per square metre density, and would extend the vegetative planting further down the dunes towards the shoreline with the intention of stabilising the dune. The extent of each of the sections of marram grass planting of the dunes varies between 2.5 metres and 7.5 metres further down the dune towards the shoreline. The root structure of the marram grass would stabilise the shifting sand dunes and increase natural protection.

At the four access points from the golf course down onto the foreshore, geo-cell path protection is proposed to be installed and further marram grass planting would be undertaken. It is proposed that the existing surface material (i.e. sand, etc.) would be removed and retained. A geo-cell path protection grid would be set in place with pins and the surface material re-laid to infill the grid. Marram grass would then be planted throughout at a ratio of 4 plants per square metre density. The root structure of the marram grass would stabilise the shifting sand dunes and increase natural protection, thus improving the stability of the footpath accesses.

The proposed dune protection system would comprise the excavation of the sand from the dune, the lining of the exposed dune slope with geotextile filter that would be overlain with two layers of soft rock sand bags and the crest of the dune would be capped by a geotextile wraparound construction technique. All of this would be overlain with the excavated sand and additional sand sourced from the shore in the vicinity of this part of the proposed development. The resulting top profile of the dune would mimic the existing top profile of the dune but would provide improved stability. Marram grasses would be planted on the reinstated sand to further stabilise the dune surface. The height of the resulting dune would be similar to that of the existing dune however it would have a more uniform, 'smoothed out' appearance. Furthermore, the surface profile of the dune (facing the shoreline) would project further northwards onto the foreshore and would also have a more uniform, 'smoothed out' appearance.

The proposed development would be readily visible in public views from the beach and foreshore to the north. There would also be public views from the numerous formal and informal footpaths that cross the golf course at the interface between the golf course with the shoreline. Due to the nature of the proposed development and their location on the edge of the foreshore, there would be only limited and partial views of the proposed development from the residential properties further to the south, from where only the upper parts of the proposals would be visible. In the public views of it, when seen in relation to the other land of the northern edge of the golf course and its interface with the foreshore, and the remaining existing dunes, vegetation and bedrock of the foreshore, the proposed development by virtue of its size, height, form, appearance and surface finishes would have a minimal impact on the visual aesthetic of the land of the application site. Consequently, the proposed development would not be an alien feature harmful to the landscape character and visual amenity of the area. It would not be harmful to the character and appearance of this part of the North Berwick Conservation Area and would not be harmful to the landscape character and appearance of the Area of Great Landscape Value.

Nor due to its minimal visual impact and the distances involved would the proposed development have a detrimental impact on the setting of any of the listed buildings that are some distance away to the south.

On these considerations the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policies DC1 (Part 5), NH4, ENV3, ENV4, DP1, and DP2 of the adopted East Lothian Local Plan 2008 and Scottish Government's policy on development affecting a conservation area and development

affecting the setting of a listed building given in Scottish Planning Policy: June 2014.

None of the proposed development would be on the land of the scheduled ancient monument of Westerdunes Court Pillbox. Moreover, the application drawings propose that a buffer zone, some 18 metres in diameter centred on the scheduled monument, would be formed and marked out. Thus, the proposed development would not impact directly on the scheduled monument. Although there would be disruption in the vicinity of the scheduled monument during the construction process, once constructed, the proposed development, by virtue of its appearance and its finishes being in keeping with the vegetation of the existing dunes and foreshore, would not have a harmful impact on the setting of the scheduled monument of Westerdunes Court Pillbox.

In respect of the proposed development and the environmental statement, Historic Environment Scotland advises that they raise no objection to the proposals subject to the scheduled monument of Westerdunes Court Pillbox being marked out with a suitable buffer zone in order to ensure that there would be no significant impacts on the scheduled monument. The buffer zone around the scheduled ancient monument has been amended to increase it from 15 metres diameter (centred on the scheduled monument) to 18 metres (centred on the scheduled monument). The requirement for this buffer zone to be marked out could be controlled by a condition attached to a grant of planning permission.

On this consideration, the proposals are consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan), Policy ENV7 of the adopted East Lothian Local Plan 2008 and Scottish Government's policy on development affecting a scheduled monument given in Scottish Planning Policy: June 2014.

The application site is within the Firth of Forth Special Protection Area (SPA), a complex of estuarine and coastal habitats in south east Scotland stretching east from Alloa to the Coasts of Fife and East Lothian. Beyond that SPA, further to the north, is the Forth Islands Special Protection Area.

The application site is also within the Firth of Forth Site of Special Scientific Interest (SSSI), which is important for a variety of geological and geomorphological features, coastal and terrestrial habitats, vascular plants, invertebrates, breeding, passage and wintering birds.

The Environmental Statement assesses the potential impacts of the proposed development on these environments and to propose measures to mitigate for the proposed development.

Included within the Environmental Statement for the proposals is a description of the proposed development, an assessment of the existing habitats, ecology, water environment and coastal processes, cultural heritage and archaeology, noise, air quality, landscape and visual impact, traffic and transport and ground conditions and contaminated land. The Environmental Statement also includes Habitats Regulations Appraisal (HRA).

The proposed development has been designed to be a soft engineering intervention that is proposed to address the threat of coastal erosion upon the site and seeks to improve existing protection interventions in a manner that, once completed, would closely simulate the surrounding beach structure and its hydraulic properties.

Scottish Natural Heritage (SNH) note that the proposal is for a series of coastal works to address erosion issues at North Berwick Golf Course in order to preserve the existing

course layout in the short to medium term, whilst remaining aware of the challenges posed by climate change in the longer term.

SNH note that an Environmental Statement has been submitted for the proposed development. They note that a Habitats Regulations Appraisal (HRA) has been carried out on behalf of the applicant by EnviroCentre and that this document along with the Ornithology Report – Autumn 2016 that informs the HRA are thorough in their examination of the baseline environment and the potential impacts arising from the proposals. SNH advises that they support the conclusions of the HRA (section 3.3.5), which depend upon construction and operational mitigation measures. SNH advise therefore that they object to the proposed development unless the mitigation measures set out in sections 3.2.1 and 3.2.2 of the HRA are secured by conditions of a grant of planning permission. Those mitigation measures include, but not exclusively, the provision of a construction environmental management plan (CEMP), the employment of an ecological clerk of works (ECoW) to be present during the construction works, and the timing of the proposed development to avoid breeding season for the birds where possible.

SNH also note that the HRA does not address the Outer Firth of Forth and St Andrews Bay Complex proposed SPA however from their own assessment SNH conclude that this site can be screened out of HRA as ‘no likely significant effects’ arise from the proposals upon the relevant species, which is primarily due to the nature and relatively small scale (timing, extent) of the proposed works as well as the limited presence of relevant bird species at the proposed location.

On the matters of the impacts on the Firth of Forth SSSI, Scottish Natural Heritage (SNH) advise that the impact on birds is covered by the HRA. In respect of the sand dunes, SNH advise that at this location the sand dune dynamics are already constrained by the presence of the golf course on the landward side of the dune and thus they support the Environmental Statement conclusion that the proposed dune stabilisation works would not significantly affect the status of this particular dune. Nevertheless, SNH comment that the proposed dune stabilisation works introduce a possibility of bypass erosion occurring at the western end of the proposed soft rock sand bags and as such they recommend that all monitoring and mitigation measures described in section 5.9 of the Environmental Statement are secured by a condition of a grant of planning permission.

SNH further recommend that no gravel or topsoil should be imported into the site for use in the planting of marram grass within geotextiles unless such materials are found naturally occurring in the vicinity of such proposed works. SNH advise that to use such materials where neither is found naturally in the vicinity of the proposed works would be bad practice. This requirement could be controlled by a condition attached to a grant of planning permission.

SNH further recommend that no exposed intertidal bedrock should be removed for use in the proposed rock armouring. Rather they advise that only existing loose rock armouring, imported rock material or loose rocks from the immediate vicinity of the proposed works should be used and that this should be secured through a condition of a grant of planning permission.

The Council’s Biodiversity Officer has undertaken an Appropriate Assessment of the ‘likely significant effects’ of the proposals on the designated site. The Biodiversity Officer concludes that the proposals would not cause a loss of habitat from the qualifying interests of the SPA but could cause disturbance. However, he notes that there is an existing and long-established level of disturbance in this locality caused by people and dogs walking on the beach and the golf course and that any disturbance caused by the

construction works associated with the proposed development would be temporary and limited to the duration of construction operations. The Biodiversity Officer is satisfied that disturbance caused by construction works could be reduced or eliminated by timing construction works to avoid the winter months (September to March inclusive), or if this is not possible the employment of an ecological clerk of works to advise on the timing or duration of operations should be secured by a planning condition.

In conclusion, subject to the aforementioned planning controls, including the provision of a construction environmental management plan to reduce the risk of environmental impacts during the constructional phase of the development and the employment of an ecological clerk of works (ECoW), Scottish Natural Heritage and the Council's Biodiversity Officer are satisfied that the integrity of the SPA and SSSI would not be compromised. Thus, the proposals would be consistent with Policy 1B of the approved South East Scotland Strategic Development Plan (SESplan) and with Policies NH1a, NH1b, NH3 and DP13 of the adopted East Lothian Local Plan 2008.

The Council's Policy and Projects (Landscape) Team advise that, due to the nature of the proposed works, their sensitive design and proposed materials, along with the necessary requirements in safeguarding the vulnerable elements within this length of coastline from further erosion, they raise no objection to the proposed development.

The Council's Sport, Countryside and Leisure Service advise that they are in principle supportive of the proposed development to mitigate for coastal erosion of this section of coastline.

Due to its coastal location, the application site is identified as being susceptible to coastal flooding on the Scottish Environment Protection Agency (SEPA) flood maps.

SEPA raise no objection to the proposed development. They do however advise that all works be carried out outwith the bathing season (May to September) to prevent any impacts on water quality in the adjacent designated bathing waters. A copy of SEPA's response has been forwarded to the applicant's agent for their information.

The Council's Structures, Flooding and Street Lighting Team Manager advises that they concur with SEPA's comments and raise no objection to the proposed development.

Accordingly, the proposed development does not conflict with Policy DP16 of the adopted East Lothian Local Plan 2008.

Marine Scotland raise no objection to the proposals. They confirm that a marine licence is not required for the proposed development as the applicant has confirmed they will not be removing material from the foreshore.

Scottish Water raises no objection to the proposed development. In respect of the Environmental Statement, Scottish Water advise that they have a number of assets in the vicinity, which could be affected by the proposals. They recommend that the location of all Scottish Water assets (including water supply and sewer pipes, water and waste treatment works etc.) should be confirmed and identified by the developer through obtaining detailed plans from Scottish Water Asset Plan Providers, and that all of Scottish Water's processes, standards and policies in relation to dealing with asset conflicts must be complied with. In the event that asset conflicts are identified then contact should be made with Scottish Water Asset Impact Team. Copies of both of the response received from Scottish Water have been forwarded to the applicant's agent for their information.

General access to the application site would remain unchanged. There are a number of pedestrian accesses to the site from formal and informal public footpaths in the vicinity and from the beach and foreshore.

Due to its positional location, on the land of the interface between the Golf Course and the foreshore, the proposed development would, during its construction phase, be likely to impact on the public footpath that passes along this area of land and pedestrian access from the Golf Course onto the foreshore and beach. The Design and Access Statement submitted with the application indicates that diversions would be agreed with the Golf Course Manager and contractor prior to the works commencing. Any such disruption would be for a limited and temporary nature and access to the footpath and beach accesses would thereafter be available and open for use following completion of development.

Access to the site during construction would be taken from the northern end of Hamilton Road via existing golf course maintenance tracks. Where construction vehicles and plant would cross the golf course at the two proposed locations of the 3rd and 12th holes, temporary protection in the form of heavy-duty ground protection mats or similar would be put in place for the duration of the works only.

The Council's Road Service raises no objection to the proposed development being satisfied that the proposals would not have a detrimental impact on road or pedestrian safety.

Accordingly, these matters of road and pedestrian safety, the proposed development does not conflict with Policies T2 and C6 of the adopted East Lothian Local Plan 2008.

The nature of the proposed development is such that it would not result in a harmful loss of amenity, through overshadowing or overlooking, to any neighbouring use or residential property.

The Council's Environmental Protection Service advises that they have no comment to make on the proposals.

No public representation to the application has been received.

RECOMMENDATION

That planning permission be granted subject to the undernoted conditions;

- 1 Prior to the commencement of development on the site a development exclusion zone to provide a buffer of at least 18 metres diameter centred on the scheduled ancient monument of Westerdunes Court Pillbox shall be marked out on the site, all in accordance with details of the form and position of the exclusion zone to be submitted to and approved in advance in writing by the Planning Authority, and thereafter the exclusion zone shall be marked out as approved and shall be retained and maintained until the completion of development.

Reason:

In the interests of safeguarding the scheduled ancient monument of Westerdunes Court Pillbox.

- 2 Only existing rock armour, imported rock materials or loose rocks from the immediate vicinity of the development hereby approved shall be used in the rock armouring also hereby approved unless otherwise approved in advance in writing by the Planning Authority.

Reason:

In the interests of protecting the nature conservation interests of the Firth of Forth Site of Special Scientific Interest.

- 3 No topsoil or gravel shall be used in the planting of marram grasses in geotextiles hereby approved unless such materials are naturally occurring in the vicinity of the geotextile marram grass planting hereby approved unless otherwise approved in advance in writing by the Planning Authority.

Reason:

In the interests of protecting the nature conservation interests of the Firth of Forth Site of Special Scientific Interest.

- 4 Prior to the commencement of development on the site a Construction Environmental Management Plan (CEMP), including a Pollution Prevention Plan, shall be submitted to and approved an advance in writing by the Planning Authority in consultation with SNH and thereafter all construction works associated with the development hereby approved shall accord with the approved Construction Environmental Management Plan (CEMP), unless otherwise approved in writing by the Planning Authority in consultation with SNH.

The Construction Environmental Management Plan (CEMP) shall include but not exclusively the following mitigation measures:

CONSTRUCTION:

- Work shall be planned and scheduled to limit damage to the Firth of Forth SPA and its qualifying features and to the Firth of Forth SSSI and its protected species, habitats and geodiversity features;
- Temporary or permanent management access routes to the dune face must be planned and constructed to minimise trampling damage, to limit the formation of blowouts, and to allow wildlife to habituate to plant movement and avoid any startling effect;
- The timing of works shall avoid the breeding season where possible (works are currently planned to be undertaken during the non-breeding period);
- The timing of works shall avoid dawn and dusk where possible as these are usually the times of day when birds are most active, and any reduction in potential disturbance is welcomed;
- All site staff shall be provided with information regarding the sites' ecological sensitivities as part of the Health and Safety Induction;
- All site staff shall be aware of the need for careful working practices to avoid environmental damage and to avoid hazards associated with steep and unstable dune faces;
- An Ecological Clerk of Works (ECoW) shall be employed during construction to advise on the timing and/or duration of operations, monitor bird activity and undertake nest checks, bird counts, and offer advice to the general public, the golf club and the contractors regarding notable species, sensitive areas and legal obligations;
- Damaged sand bags shall be repaired rapidly to avoid failure of the structure or removed to avoid any detriment to the landscape;
- Works shall be carried out during the winter months;
- Short construction phase;
- Work shall be undertaken during daylight hours with limited use of artificial lighting and no artificial lighting shall be used at the mouth of the Eel Burn;
- Only two access points to the beach shall be used for construction traffic (vehicular or pedestrian);
- Crossing at the point where the Eel Burn no longer forms a defined channel;
- Use of bog mats on access tracks;
- A speed limit of 15mph to be applied to all site traffic;
- Offsite storage of materials and fuel;
- An inspection schedule to ensure vehicles are checked prior to accessing the beach;
- Limits to recreational use of the beach during construction;
- Measures to manage otter/badger habitats and disturbance of those habitats.

Monitoring of all of the above mitigation measures shall be carried out in accordance with CIEEM guidance.

POST CONSTRUCTION:

- Monitoring of the beach / dune interface shall be undertaken at least bi-annually to:
- Identify and understand change;
- Guide the planning of management actions; and
- Appraise the performance and impacts of management.

Reason:

To protect the Firth of Forth Special Protection Area and Site of Scientific Interest from significant disturbance arising from the construction and subsequent maintenance of the development hereby approved.