

REPORT TO: Planning Committee

MEETING DATE: Tuesday 26 March 2019

BY: Depute Chief Executive
(Partnerships and Community Services)

SUBJECT: Application for Planning Permission for Consideration

Application No. **18/00485/PPM**

Proposal Planning permission in principle for proposed Mixed Use Development comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10), playing fields, changing facilities, public park(s) and associated works

Location **Land At Old Craighall Village
Musselburgh
East Lothian**

Applicant Persimmon Homes East Scotland

Per HolderPlanning

RECOMMENDATION Consent Granted

PLANNING ASSESSMENT

As the application site is over 2 hectares in area and also the proposal is for more than 49 residential units, the application is a major development in terms of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. Under the Council's Scheme of Delegation major development applications must be determined by the Planning Committee.

The officer recommendation is to grant planning permission in principle, subject to a Section 75 agreement for developer contributions required as an outcome of the development, to planning conditions to mitigate the impacts of the development and a direction in respect of the time period for submission of matters specified in conditions.

Under the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, major development applications must be preceded by a Proposal of Application Notice (PAN) at least 12 weeks beforehand, and by pre-application community consultation before an application for planning permission or

planning permission in principle is submitted to the Council.

A PAN (Ref: 17/00007/PAN) was submitted on 18 April 2017 and the application was submitted on 11 May 2018, complying with the minimum 12 week period between PAN and application. A public event was held at Brunton Hall, Musselburgh on 30 May 2017 and other meetings were held with Musselburgh Community Council and Old Craighall Tenants and Residents Association and a pre-application consultation report is submitted with this application, all in accordance with statutory requirements. The report states that 17 people attended the pre-application community consultation event. Event attendees and the Community Council and Tenants and Residents Association raised a number of issues regarding the proposals. The development for which planning permission in principle is now sought is of the same character as that presented through the community consultation event.

The application site is an area of some 116.5 hectares of land at Craighall to the south of Musselburgh, allocated by Proposal MH1 of the adopted East Lothian Local Development Plan 2018 (ELLDP2018) for mixed use development. Part of the site is also subject to application 15/00337/PM for planning permission for 370 houses, 103 flats and for associated works. A report on that application follows on the Committee agenda.

The MH1 allocation is for a mixed use development including 1,500 homes, around 41 ha of employment land, a new local centre, a new primary school and community uses as well as infrastructure and associated works. It is also subject to a Development Brief which forms part of the Council's approved Supplementary Planning Guidance Development Briefs as required by the ELLDP 2018. The Development Brief defines areas within the site.

Within the Development Brief, 21 hectares of land to the south of the A1 at Old Craighall (Area 1) is proposed for mixed use, predominantly housing development with a primary school and local centre, accessed from the local road network.

Area 2 comprises 22 hectares of land to the east of Queen Margaret University and north of the A1 for housing, with access from the local road network.

Some 55 hectares of land to the east of Millerhill Marshalling Yards between the freight rail loop and south of the A1 (Area 3) is for mixed use development including residential and some 20 hectares of employment land, with access from the A1 via a modified junction with an underpass of the A1 at Queen Margaret Drive.

Approximately 21 hectares of land to the north west of Queen Margaret University (Area 4) is for economic uses that support the key sectors of learning, life sciences and food and drink.

Some 3 hectares of land to the southeast of Musselburgh station (Area 5) is for mixed use development, potentially residential and employment uses.

In addition, approximately 1.5ha of land to the north west of Queen Margaret University, south of Musselburgh Station, is safeguarded as part of this proposal for any future improvement of Musselburgh rail station, including to allow for greater accessibility including for bus services.

The land is currently fallow agricultural land (mainly class 1 with some class 2 and 3.1), located around part of the southern edge of Musselburgh. It is bounded to the northwest by land at Newcraighall (within City of Edinburgh Council and subject to residential development), with the northern boundary formed by the East Coast Main Line with

houses at Stoneybank, Musselburgh beyond to the north and northeast. The southeastern boundary lies along the B6415 Monktonhall-Old Craighall road, with part of Musselburgh Golf Course and Old Craighall services and Old Craighall village beyond. The south boundary is part of the Millerhill rail freight loop and the western boundary lies alongside the Millerhill Marshalling yards with land in Midlothian beyond forming part of the Shawfair development. The A1 trunk road and the rail freight loop pass through the site.

Part of the application site (Area 2 and a small part of Area 1) is within the inventory boundary of the Battle of Pinkie, a battlefield included within Historic Environment Scotland's Inventory of Historic Battlefields.

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

Planning permission in principle is sought for a proposed mixed use development comprising residential development, education, business, industry, storage and distribution, innovation hub (including class 2,3,4,5 and 6), employment uses, community facilities, residential neighbourhood centre (including class 1,2,3 and 10 uses), playing fields, changing facilities, public park(s) and associated works,, those including formation of vehicle accesses, internal roads, landscaping, a Sustainable Urban Drainage System (SUDS) and open space.

The application is accompanied by masterplan documents which show how, in principle, the access and infrastructure to support that mixed use development would be set out, with two vehicle accesses from the B6415 along the north part of the southeastern boundary, two more at the southern part at Old Craighall village and modifications to the existing junction serving Queen Margaret University to access the land in the rail freight loop and the land northwest of the existing university campus. Internal road networks would be formed off those accesses to provide roads and streets through the development, to service residential, employment and community use development.

The masterplan documents also indicate how open space would be provided throughout the development. A primary school, three sports pitches with changing facilities and a local centre would form part of the development of the part of the site around Old Craighall Village and it is indicatively shown how a new road network around the existing village would take traffic away from the existing route of the B6145. SUDS infrastructure would be formed throughout the site

Pedestrian and cycle routes are indicated around and through the site, including part of the implementation of the East Lothian Segregated Active Travel Corridor as it would pass through the northern part of the site and to link the areas of the site together. These routes would be formed through the existing road and rail underpasses and rail overbridge to provide connectivity between the areas of the site and with Musselburgh to the north. Pedestrian and cycle links would also be provided alongside the B6145. Structural tree planting is proposed along parts of the boundaries with A1 and the railway lines.

The application is supported by, amongst other documents, an Environmental Statement, Pre-application Consultation Report, a Planning Statement, a Design and Access Statement, a Transport Assessment, a Flood Risk Assessment and a Tree Survey.

In March 2017 the Council issued a Scoping Opinion under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 as to what

required to be considered for an Environmental Statement for the proposals. An Environmental Statement has been submitted with the planning application. It contains chapters on landscape and visual impact, traffic and transportation, air quality, ecology, noise and vibration, cultural heritage, ground conditions, flood risk and drainage. Under the transitional arrangements of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, the application requires to be determined in terms of the 2011 Regulations as the Scoping Opinion was issued prior to the 2017 Regulations coming into effect on 16 May 2017.

The Scottish Government acknowledged receipt of copies of the Environmental Statement as a statutory recipient of it but makes no comment on it.

Since the registration of the application revised masterplan documents, a revised Design and Access Statement and additional Flood Risk Assessment documents have been submitted.

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 Development Plan 2018.

Policies 1B (The Spatial Strategy: Development Principles), 5 (Housing Land) and 7 (Maintaining a Five Year Housing Land Supply) of the approved South East Scotland Strategic Development Plan (SESplan) are relevant to the determination of the application.

Policies RCA1 (Residential Character and Amenity), EMP1 (Business and Employment Locations), DP1 (Landscape Character), DP2 (Design), DP3 (Housing Density), DP4 (Major Development Sites), DP8 (Design Standards for New Housing Areas), DP9 (Development Briefs), DC10 (Green Network, NH1 (Protection of Internationally Designated Sites), NH5 (Biodiversity and Geodiversity Interests), NH8 (Trees and Development), NH10 (Sustainable Urban Drainage Systems), NH11 (Flood Risk), NH12 (Air Quality), NH13 (Noise), CH4 (Scheduled Monuments and Archaeological Sites), CH5 (Battlefields), DEL1 (Infrastructure and Facilities Provision), HOU1 (Established Housing Land), HOU2 (Maintaining an Adequate 5 year Effective Housing Land Supply), HOU3 (Affordable Housing Quota), OS3 (Minimum Open Space Standard for New General Needs Housing Development), OS4 (Play Space Provision in new General Needs Housing Development), OS5 (Allotment Provision), T1 (Development Location and Accessibility), T2 (General Transport Impact), T4 (Active Travel Routes and Core Paths as Part of the Green Network Strategy), T8 (Bus Network Improvements), Policy T31 (Electric Car and Bus Charging Points, T32 (Transport Infrastructure Delivery Fund), DCN2 (Provision for Broadband Connectivity in New Development), SEH2 (Low and Zero Carbon Generating Technologies) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Proposals MH1 (Land at Craighall, Musselburgh), ED1 (Musselburgh Education Cluster), CF1 (Provision of New Sports Pitches and Changing Accommodation), T3 (Segregated Active Travel Corridor), T10 Platform Lengthening), T11 (Safeguard Land for Improvements to Musselburgh Station), T15 (Old Craighall A1(T) Junction Improvements), T16 (A1 Junction Improvements at Queen Margaret Drive Interchange), T17 (A1(T) Interchange Improvements), and T22 (Reopen Link to Vehicle Access at Queen Margaret Drive/Whitehill Farm Road) of the adopted East Lothian Development Plan 2018 are also material to the determination of the application.

The Council's approved Development Briefs Supplementary Planning Guidance supplement policy in the ELLDP 2018 and can be a material consideration in the determination of planning applications. They are a set of guiding principles, and indicative design, to be followed where possible. Policy DP9 of the ELLDP 2018 requires that development conform with the relevant brief.

The Development Brief for the MH1 allocation refers to the areas of the site and proposed forms of development within these as set out above. It also includes design guidance for access, internal connections, landscaping and layout and design.

The "Design Standards for New Housing Areas" Supplementary Planning Guidance was approved by the Council on 10 March 2008. A revised version was approved for consultation by the Council on 27 October 2018 and for further consultation on 26 February 2019. 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 type 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.

Also material to the determination of the application is Scottish Planning Policy: June 2014. One of the main 'Outcomes' of Scottish Planning Policy (SPP) is to create successful, sustainable places by supporting sustainable economic growth and regeneration, and the creation of well-designed, sustainable places.

This is reflected in paragraph 25 of SPP in which it is stated that the Scottish Government's commitment to the concept of sustainable development is reflected in SPP'S Purpose. It is also reflected in the continued support for the five guiding principles set out in the UK's shared framework for sustainable development. Achieving a sustainable economy, promoting good governance and using sound science responsibly are essential to the creation and maintenance of a strong, healthy and just society capable of living within environmental limits.

The principle in delivering this through the Development Management function is contained in paragraph 33 of SPP, in which it is stated that where relevant policies in a development plan are out of date or the plan does not contain policies relevant to the proposal, then the presumption in favour of development that contributes to sustainable development will be a significant material consideration. Decision-makers should also take into account any adverse impacts which would significantly and demonstrably outweigh the benefits when assessed against the wider policies in this SPP. The same principle should be applied where a development plan is more than five years old.

Paragraph 110 of SPP states that the planning system should identify a generous supply of land for each housing market area within the plan area to support the achievement of the housing land requirement across all tenures, maintaining at least a 5 year supply of effective housing land at all times.

East Lothian Council adopted its Local Development Plan on 27 September 2018 and as demonstrated by the 2017 Housing Land Audit has a 6.2 years effective housing land supply. The ELLDP 2018 sets out a development strategy for the future of East Lothian to 2024 and beyond, as well as a detailed policy framework for guiding development. It sets out the Council's settled view of where new development should and should not occur, including housing, education, economic and retail development, new transport links, and other infrastructure. The application site is an allocation of the plan which provides part of the plan's strategy and housing land supply. In this the proposal

complies with Policies 5 and 7 of the approved South East Scotland Strategic Development Plan (SESplan) and Policies HOU1 and HOU2 of the adopted ELLDP 2018 and with Scottish Planning Policy 2014.

A further material consideration is Scottish Government Policy Statement Designing Streets, and Planning Advice Note 67: Housing Quality. They provide an overview of creating places, with street design as a key consideration. They advise on the detail of how to approach the creation of well-designed streets and describe the processes which should be followed in order to achieve the best outcomes. PAN 67 states that the planning process has an essential role to play in ensuring that the design of new housing reflects a full understanding of its context in terms of its physical location and market conditions, reinforces local and Scottish identity, and 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.

Also material to the determination of the application are written representations. Three representations have been received in respect of the application, copies of which are contained in a shared electronic folder to which all Members of the Committee have had access.

The Dalrymple Trust comments that whilst it does not object to the principle of the mixed-use development as proposed, it considers that there remains little detail provided as to the boundary treatment proposed for the conjoined boundary of the proposed development site with the Newcraighall East (Edinburgh) site to the north. The Trust is of the view that this runs contrary to the requirements of the Council's Development Brief for the site and that further detail is required to demonstrate that cognisance has been taken of the consented landscape edge of the Newcraighall East Site and for the Dalrymple Trust to make a meaningful response to the planning permission in principle application.

The Trust comments also that whilst the Design and Access Statement sets out a 15-year phasing programme for the delivery of the residential element of the wider mixed-use development, there is no apparent equivalent for the business element of the proposed development including the proposed Area 5 – Innovation Park that is adjacent to the Trust land holding. This is an omission and requires to be rectified to give commitment to the Council, community and adjacent landowners.

Musselburgh Conservation Society objects to the proposal. It considers that the major development here will be very close to major development in Edinburgh at Newcraighall and in Midlothian at Shawfair, in its view turning the whole area into a cross border urban sprawl and effectively becoming an extension of Edinburgh's built up area. The Society takes the view that 1500 dwellings being proposed here would contribute to over urbanisation, with more than double the number of dwellings suggested in the Main Issues Report. The Society had suggested a figure of just over 1000 dwellings, recognising the advantage of development in a location that would allow generated traffic easy access onto the A1 rather than channelling it into Musselburgh town centre. The Society therefore requests that conditions be put in place to make the level of

housing proposed as acceptable as possible in terms of layout, design, amenities and access to walking and cycling routes and to public transport, including for access to Musselburgh Grammar School. The Society also has a concern that there is apparently no safeguarding for a route for tramline 3 from Newcraighall to Musselburgh Station.

Scott Hobbs Planning has commented on the application on behalf of Queen Margaret University and requests that these comments are taken into consideration by the Council in determining the application. The representation notes that, other than the QMU East site, the phasing of the development over the next ten years would see some 800 houses delivered at Old Craighall and New Monktonhall, accessed from the existing road network and served from the Old Craighall junction on the A1. It is stated that it is essential that the existing peak time problems experienced at this junction are not exacerbated by the proposed phasing of the development, and that appropriate mitigation measures are secured by the Council as part of the planning obligation. Further, it is stated that the University encourages the Council to require a mix of development in the first ten year phases, other than solely residential (was currently proposed). Further, it is noted that, in the absence of mitigation associated with the proposed phasing of the development including industrial/employment development and the early delivery of the grade separated junction at Queen Margaret University, the new junction is unlikely to be delivered until around 2029. The Council is encouraged to secure this mix, and associated infrastructure delivery, as part of the planning obligation. In respect of the applicant's Design and Access Statement the representation advises that page 85 refers to 'QMU Parkland' on the site of the University's proposed phase 2 development, and considers that this reference should be deleted. In respect of the applicant's Transport Assessment the representation states that it makes reference to committed development being sourced from the LOP Transport Appraisal (August 2016). This refers to committed residential and employment development only, and QMU would request that confirmation is provided from the applicant that the phase 2 development at the University has been included as committed development in assessing the impact of the proposed development on the existing and proposed infrastructure provision.

No comments have been received from Musselburgh Community Council as a consultee.

The Masterplan, Design and Access Statement, Planning Statement and other supporting design documentation submitted by the applicant shows indicatively how the site could be accessed and laid out to support the level of mixed use development proposed and seek to explain how the development complies with the Council's approved Development Brief for the site.

For Area 1 it sets out how a school, local centre, residential development, open space, three sports pitches with accommodation and SUDS could be laid out on this part of the site. Access would be taken from 3 points on the B6415, with a rerouting of traffic away from the existing village. The school would be located north of Old Craighall village and allow for accessibility from all residential areas of the overall site. The sports pitches would be located on the northern part of this area with woodland planting between them and the A1. This would mean the residential part of this area would be located away from the A1 to assist with noise mitigation.

Area 2 would be laid out with two accesses from the B6415 road with a residential street network, central and peripheral open spaces, an informal sports pitch, SUDS and woodland planting. This part of the site is the subject of application for planning permission 15/00337/PM for a detailed layout and design of the site and which is reported also on this Planning Committee agenda.

Area 3 is shown with access off an altered junction at the A1/Queen Margaret University, which would allow for access to this part of the site. Employment land is shown on the western part of the area adjacent to the Millerhill Marshalling Yards, with residential development and an indicative street network shown on the middle and east of this area and areas of open space on the northern, and southern parts of the area linked by a central open space. SUDS would be located on the northern and southern parts of the area.

Area 4 is indicatively shown as an innovation park, accessed from the A1 at the Queen Margaret University junction, with areas of development, open space and SUDS and with planting to the boundary with Newcraighall.

Area 5 is indicated as residential development and allowing for a potential relocation of the car park for Queen Margaret University, which has a masterplan proposal for redevelopment of the existing car park, though has not submitted an application for this at this point in time. Access to this could be from the road serving Queen Margaret University campus or potentially from Whitehill Farm Road.

Pedestrian and cycle links, including proposed provision for a part of the Council's Segregated Active Travel Network, are shown in and around the site and to the surrounding areas. These would utilise existing underpasses and an overbridge to the East Coast Main Line and rail freight loop and underpasses to the A1. These would include for access to the Monktonhall and Stoneybank areas of Musselburgh, to the railway station and Queen Margaret University and to Newcraighall, Old Craighall and potentially through to Fort Kinnaird and new development at Shawfair.

The Masterplan and the Design and Access Statement set out this form of development based on an analysis of the site and of the surrounding area, the ELLDP 2018 Proposal MH1 and the Development Brief through its draft stages.

In addition to how the site might be accessed and laid out for the relevant uses, the Masterplan also shows indicatively how the open space, landscaping and SUDS arrangements would be accommodated.

The indicative vehicle access routes into the site address the key principles of the Development Brief. The Council is preparing a detailed application for the design of the amended Queen Margaret University Junction on the A1 and intends to submit this shortly. Each of the accesses from the B6415 into the relevant areas of the site and the proposed rerouting of the main route through Old Craighall village would be subject to detailed design as part of the approvals of the layout and design of those parts of the development and this can form part of the conditions of any grant of planning permission in principle.

The indicated linkages around the site address the principles of pedestrian and cycle access required. In detail, the route shown for the Segregated Active Travel Corridor is shown deflecting to the existing cycle path to Newcraighall rather than being a direct route to Newcraighall as part of the new development on the land of Area 4 to the northwest of the University. An indicative route is shown to link up with Whitehill Road in the northwest of Area 3 (rail loop) which allows for a pedestrian and cycle link through to Fort Kinnaird, Edinburgh and there is clear scope to ensure that the detailed design of development on this part of the site provides an implementable link to the existing road, which remains adopted since the severance by the A1(T) of its original route through the site and across to the Stoneyhill area of Musselburgh. The applicant proposes a route from Area 3 (rail loop) to the B6415 via the existing rail overbridge and through Area 1 as access to the new school/local centre, fulfilling the requirement of the Development Brief for a route to the B6415. All of this essential connectivity requires upgrading of existing

paths and routes around the site in addition to the provision of new ones, including as they use the underpasses and overbridge which provide links. Additionally, the applicant proposes that land be safeguarded around the overbridge between Area 3 (rail loop) and Area 1 at Old Craighall should the Council consider that it may be beneficial in the future to have a vehicle route between those two areas. Conditions of any grant of planning permission in principle can require these routes and requirements to be fulfilled.

As regards built form, the Masterplan shows indicative road and block patterns of residential and employment areas based around a hierarchy of streets.

The Design and Access Statement provides further detail of development patterns, indicating that buildings in much of the site would be one or two storeys in height but that there are opportunities in the layout where feature buildings would be appropriate, which may be in terms of their architectural treatment or in certain locations three or four storey buildings. The design details of the Design and Access Statement should be pursued in detailed applications. In respect of the Council's Urban Design Standards these in part would apply to the detailed design of the development, however, in respect of the general layouts indicatively show in the application these would allow for appropriate streets and building relationships within the site and for amenity of the homes to be built.

In respect of Area 2 southeast of Queen Margaret University there is an existing planning permission (ref (ref 13/00211/P and 14/00468/P)) for a wind turbine on University land close to the boundary of the campus with the rail line and Area 2. This would result in shadow flicker and noise impacts which would be detrimental to the amenity of any properties constructed in Area 2 were both developments to proceed. However, the Council has received a legal undertaking from the University that it will not pursue development under that planning permission, and this binding agreement is sufficient to ensure that this situation would not arise.

The density of the proposed residential development areas with the proposed 1500 homes would be appropriate to the requirements of Policy DP3 of the adopted ELLDP 2018.

Landscape structure for the site is shown as being provided for by existing and additional tree planting alongside railway and A1 boundaries, by linear and semi natural open spaces and a wetland parkland area around the Cairnie Burn.

The Council's Landscape Officer advises that the Landscape and Visual Assessment (LVIA) submitted as part of the Environmental Statement which accompanies the application states that the Masterplan has been designed to minimise potential impacts including:

- Orientating main frontages to the A1
- Addressing public open space with housing frontage
- Series of green links throughout development to break up built form when viewed from a distance or from a raised viewing position.
- Blocks of woodland planting and raised mounds to break up strategic open space
- Extend Old Craighall north to focus on the existing Cairnie Burn
- Introduce pockets of open space within development areas to enliven routes through the site by offering internal glimpses and views of clusters of trees.

She advises that the masterplan image on page 10 of the LVIA gives a better indication of the proposals by showing woodland planting areas rather than just generic open space. The LVIA has been used to inform the design of the Masterplan and therefore she

considers that the Masterplan should reflect the LVIA image.

The Landscape Officer considers that it is important to provide green network habitat links through the site to include both woodland and waterways. She advises that the landscape framework proposed within the Masterplan has the potential to create connected green infrastructure on the site. She further advises that the design philosophy should include to create unique community areas throughout the site to create a sense of place and ownership and allow easy navigation throughout the development and that the use of higher feature buildings within the western section of the site could be considered to link with the scale of the surrounding development at QMU to the east and the energy from waste plant to the west.

She recommends that a strategy for structured landscaping should be developed to enable landscape including woodland planting, wildlife network, SUDS, wildlife reserve along the Cairnie Burn and pedestrian and cycling routes create a frame for the detailed development areas. She suggests that this be made a condition of any consent, to include details of implementation, maintenance and management of strategic landscaping prior to the granting of any detailed planning applications for the site. Scottish Natural Heritage (SNH) advises that the proposed landscape framework has the potential to provide an appropriate level of connected green infrastructure on the site and that detailed landscape proposals and commitments to maintenance and management be clarified and produced in advance of project implementation.

The Landscape Officer also advises that trees and woodlands shown on the Masterplan under the high voltage electricity cables that run north to south across the western section of the site may not be acceptable to Scottish Power and that the details of this should be confirmed should the high voltage cables be kept overhead and not underground. The applicant confirms that there can be no woodland planting under the pylons or within a 'sway leave' corridor. Therefore the detailed landscape strategy must take account of this so that species and planting on this part of the site is appropriate to it.

She further advises that open space should permeate through the site to allow safe and attractive routes to school.

The Landscape Officer further advises that the identification of a wetland parkland nature reserve along the Cairnie Burn to the south of the site, and the proposed opening of the culvert through the northern section of the eastern part of the site addresses a water infrastructure need of the green network. She considers that it would be preferable for the indicated SUDS basins to be ponds rather than dry basins or ponds as ponds would improve biodiversity and provide some biodiversity connectivity to the large SUDS pond at QMU to the north.

In terms of landscape and visual impact considerations, SNH recognises that this is a very important development site due to its size and its location at the nexus of three local authority areas. This site will form a 'gateway' to Edinburgh as well as a strategically vital link between Edinburgh and East Lothian in terms of active travel and green networks. The strategic location of the site on the current urban fringe also presents an opportunity to create a "gateway" of built development and landscape between Edinburgh City and East Lothian.

The Council's Access Officer advises that he is happy to see a reasonable amount of open space in the development with good path connections through and around the site.

The Council's Principle Amenity Officer has given consideration to allotment provision

and is of the view that it would not be viable to require on site provision due to the relatively small number of plots this would mean, even on a site of this size. However, he does require that a commuted sum be paid for future allotment provision arising as a result of the development and for this site this would be a contribution of £18,742.50, which could be required through the Section 75 agreement for any grant of planning permission in principle.

In respect of play provision the detailed design of the development would require to meet the Council's standards for provision and accessibility. For formal sports provision, the Council's Sport, Countryside and Leisure service advises that the proposed level of sports provision by way of three pitches and a changing pavilion would be appropriate for the development. This could be provided by the developer to a specification agreed, and transferred to the Council on completion, or otherwise subject to a developer contribution of £555,000 for the 3 sports pitches and £960,000 for a 6 team pavilion.

This can be made subject to provisions of a Section 75 agreement for the required contribution.

On matters of landscape and placemaking, SNH commented on some differences of land uses and landscape framework between the Development Brief and the submitted masterplan in relation to a reduction in the width of planting area along the western boundary of the site with Millerhill Marshalling Yards, an increase in the set back of development from the A1, in relation to on-site roundabout infrastructure, a large area of linear open space included as part of a way-leave for the pylons which are to be retained, as well as a wide green corridor either side of the watercourse in the southern sections of the site. SNH assumes these changes have been made on grounds of technical information related to noise, flooding or other ground conditions and the natural evolution of placemaking ambitions for the site. In respect of these matters, Area 3 in the freight rail loop will be subject to detailed design considerations and the development area shown in the Masterplan for employment development is appropriate and conditions of any grant of planning permission in principle can control how that is developed out. The green corridors and areas shown in this area do not conflict with the Development Brief, which leaves the design of them open, however, they are indicated in the masterplan on the basis of the Flood Risk Assessment for this part of the site and to provide green connections through it. Increased set backs of residential development in relation to the A1 reflects the output of junction design work and noise studies and the approved Development Brief allows for this.

SNH further advises that there are risks in respect of the more prominent and more elevated areas of the site along the eastern boundary of the marshalling yards if there were to be poorly sited, poorly scaled, or poorly co-ordinated built form in these locations. It advises that further information should be sought on the parameters for built development in these locations including siting, scale, massing and colour of built form, as well as the landscape planting or mitigation which may help to visually integrate built form. These matters can be required by condition as part of the landscape strategy for the site as a whole and detailed design for the development of that part of the site.

In respect of its connectivity considerations, SNH notes the proposed connections between parts of the site but that there are no such provisions for crossing the rail line between the area within the rail loop and Old Craighall and the B6415. SNH suggests there should be clear and direct linkages across the rail line at the southern end of the proposed development to directly link the future Craighall community to the wider Shawfair development, which includes important neighbourhood and transport facilities, however, this is provided for by the link over the existing overbridge and routes to the north of the rail loop, as set out earlier in this report.

SNH also questions the route of the Segregated Active Travel Corridor in respect of the Development Brief, specifically in respect of its route from Newcraighall through to Musselburgh Rail Station, which seeks to utilise existing sections of the NCN1 cycle path, while creating new connections through the north-east corner of the development. SNH considers this to be a “wandering” route. The Council’s Access Officer notes that the Segregated Active Transport Corridor is marked on the masterplan documents though is not sure all is shown in the correct location within the site, referring to the route shown in the adopted ELLDP 2018. That route is shown indicatively in the ELLDP 2018 and the Access Officer acknowledges it should be parallel with the railway as it passes through the site, which is where it is shown in the detailed application (15/00337/PM) reported on this Planning Committee agenda.

In terms of approved plans for development at Newcraighall within the Edinburgh boundary, to the north of the site, the approved and proposed plans for that area show a street pattern and key routes which could connect with the link indicatively shown on the Development Brief between that site and Area 4 (Innovation Park). A direct route along the northeastern boundary of Area 4 may provide for a link through at part of Newcraighall boundary of Area 4 through an underpass in the disused railway embankment there, however an active travel link should also be provided through Area 4 to the new development at Newcraighall and provide a link there also. This would allow the Segregated Active Travel Highway to pass from Brunstane in Edinburgh through new development at Newcraighall and into East Lothian through new development at Craighall without a significant detour around to the NCN1 path at the west end of Newcraighall.

As referred to earlier in this report, the route can be made a condition of any grant of planning permission in principle as can the specification of the paths required, including widths, as provided by Road Services consultation response further development at Newcraighall and Craighall. The more peripheral route or routes through Stoneyhill may have to provide for development prior to the development of Area 4.

SNH also raises the consideration of active travel connections in the north-west area of the site. As referred to earlier this can be provided for.

Amendments have been made to the Masterplan to address issues and concerns arising from consultees and, together with appropriate conditions of any grant of planning permission in principle and any required developer contributions, these would ensure successful development of the site conforming with the Development Brief.

On those matters of design, layout, street hierarchy, building heights, access, open space and connectivity the proposals are in accordance with the Development Brief and, subject to appropriate conditions to ensure suitable development and connectivity during and after the development of the site, would result in a form of built development which would be appropriate for its place. In respect of these matters the proposals comply with Policies 1B of the approved South East Scotland Strategic Development Plan (SESplan) and DP1, DP2, DP3, DP4, DP8, DP9, DC10, OS3, OS4, and OS5 and Proposals MH1, CF1 and T3 of the ELLDP 2018, with the Council’s approved Development Briefs Supplementary Planning Guidance, Developer Contributions Framework, Urban Design Standards and with Scottish Planning Policy 2014 and with Scottish Government Policy and guidance Designing Streets and PAN 67.

In respect of Policy SEH2 of the adopted ELLDP 2018 all new buildings, with certain exceptions, must include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each

separate building. These requirements can be made a condition of any grant of planning permission in principle for the proposals.

In respect of the Forth Special Protection Area (SPA) interests, Scottish Natural Heritage (SNH) initially advised that on the basis of the information available it would be unlikely to produce a robust appropriate assessment. However, subsequent to further work carried out by the applicant in respect of the linkage of the site to the SPA, SNH advises that the final version of the supporting 'Newcraighall Habitat Regulations Screening Request' presents a clear case that the site is actually unsuitable as a resource for these bird species. As such SNH confirms that no further assessment of impacts upon the SPA is required, and that an 'appropriate assessment' is not needed.

The Council's Biodiversity Officer advises that the habitat survey identified that the majority of the area was either arable or species-poor grassland, that the species lists indicated that there were no significant habitats or plant species on site and that the site has limited value for protected species, such as otter, water vole and bats. He considers that arable fields generally have limited habitat value although they can be used by some species that are listed in the citation for the Firth of Forth Special Protection Area. He notes that, accordingly, bird surveys were carried out between December 2017 and March 2018, to augment surveys carried out the previous year and that these demonstrated that Curlew was the only species of note observed on site, and this was only in relatively small number. Nonetheless the Biodiversity Officer advises that he would have preferred survey work to have included September, October and November as although the phrase 'wintering birds' is commonly used with regard to the SPA, the winter season extends from about September to March, inclusive, and some species tend to arrive earlier and thus may not be observed by later surveys. However, he considers the survey work to show with sufficient confidence that the site has limited ecological connection with the Firth of Forth SPA, reflecting similar conclusions with other large arable areas around Musselburgh being developed or proposed for development. He advises that as SNH are the statutory agency governing Natural 2000 sites he will support their recommendation.

In respect of the matters raised by SNH and the Council's Biodiversity Officer, the proposals comply with Policies NH1, NH5 and NH8 of the adopted ELLDP 2018.

Historic Environment Scotland (HES) advises that it is content that sufficient information has been provided to assess the planning application and that it does not object to the proposed development. In its EIA scoping comments it noted the potential for impacts on archaeological remains which may contribute to the special qualities of the Inventory Battlefield known as the Battle of Pinkie. In respect of the Environmental Statement submitted with the application HES is content that these potential impacts have been assessed using an appropriate methodology for its interests. It welcomes the fact that the assessment has considered the potential for impacts on the area of the battlefield which may contain remains of the Scottish camp the night before battle. Whilst HES notes that the impact is considered to be moderate, and therefore significant it is content that, should suitable mitigation measures be identified, the impact will not be significant for its interests and that the assessment identifies the potential for a mitigation strategy to be informed by archaeological investigation as advised by the Council's archaeological services. In this HES is content that an appropriate scheme would successfully mitigate any significant impacts for its interests and HES therefore does not consider the proposals likely to have a significant impact on the landscape characteristics of the battlefield.

HES further advises that it is content that other impacts on its interests will not be significant.

The Council's Heritage Officer advises that the site contains cropmarks of potential prehistoric features and it is known that this was an area of early historic mining, which could potentially date back to the medieval period. Some of the infrastructure of this early mining is still in place particularly the historic mining tramways around and across parts of the site. The Heritage Officer therefore advises that a Programme of Works (evaluation by archaeological trial trench) be carried out and the mining tramways be investigated to assess their extent and potential for inclusion in the design of the development.

In respect of the interests of Historic Environment Scotland and the Council's Heritage Officer the proposals accords with Policies CH4 and CH5 of the adopted ELLDP 2018, with Scottish Planning Policy June 2014 and with Planning Advice Note 2/2011.

The Council's Economic Development and Strategic Investment Service supports the proposals on the basis that they will create jobs, generate economic benefit and promote East Lothian as an area for investment.

The Coal Authority raises no objection to the proposals but advises that it concurs with the recommendations made in the reports submitted on behalf of the applicant by Mason Evans Partnership Ltd that coal mining legacy potentially poses a risk to the proposed development and that both further intrusive site investigations and remedial works should be undertaken prior to development. It therefore recommends that the Council impose a Planning Condition should planning permission in principle be granted for the proposed development requiring these works prior to commencement of development. This should include for the undertaking of an appropriate scheme of intrusive site investigations for those mine entries not already located on the site and for future detailed applications submissions in terms of gas monitoring, definition of any no build areas, treatment of any mine entries and remediation for shallow coal workings, together with details for implementation of any measures required.

In respect of this the Council's Environmental Protection Manager advises that extensive site investigation works and detailed risk assessments have already been carried out on the 5 areas of this site, with very little contamination detected. Likewise gas monitoring was undertaken with no issues being found. As the contamination that was identified will require remedial works to be undertaken, so he therefore recommends planning conditions be used to secure a remediation strategy and a validation report confirming any required works have been carried out, including for additional up to date gas monitoring.

The Council's Environmental Protection Manager also advises on a number of matters in respect of the application. He raises no objection to the proposals, but given the scale and likely duration of development on the site requires that planning conditions be used to control areas of consideration.

In respect of construction phase noise, vibration and dust he advises that any grant of planning permission in principle be subject to a condition requiring a Construction Method Statement for noise, vibration and dust monitoring to prevent any nuisance arising, with due reference to the relevant British Standards. He also recommends reference to Planning Advice Note (PAN) 50 "Controlling the environmental effects of surface mineral workings: Annex B – The control of dust at surface mineral workings" as although the proposed development is a Construction Site, the principles of impacts and mitigation remain the same and he advises that if these standards are adopted and managed correctly, will ensure that operations at the site will not constitute a nuisance to residential receptors within the vicinity of the construction work.

As regards noise impacts to the occupants of the development, the Environmental Protection Manager advises that proposed residential receptors may experience noise impacts from road and rail traffic and that a good acoustic design layout will be required to ensure garden noise levels can comply with the upper guideline value for daytime garden noise levels (55dBLAeq,T). He advises that this will likely involve properties located on boundaries with the road and rail network being oriented so that they face or front the noise source with gardens being located to the rear and exposed edges of the boundaries being shielded by the building envelope, with gaps between buildings minimised. He recommends that upgraded specifications for glazing and ventilation will likely be required to protect internal amenity and ensure compliance with daytime and night-time internal noise levels, with reference to the relevant British Standard. In addition he advises that mitigation measures may also be required to adequately protect amenity of proposed sensitive receptors due to commercial sound arising from Millerhill Marshalling Yards and other existing and proposed commercial premises west of the site. Again, he recommends assessments and mitigation in respect of British Standards for the operation of commercial properties and the use of a standard NR25 noise condition.

In respect of air quality issues the Environmental Protection Manager has appraised the technical assessment of air quality submitted with the application and confirms he is satisfied that the development, including in conjunction with other committed developments in the Musselburgh cluster, will not have a significant impact upon local air quality, including on the Musselburgh High Street Air Quality Management Area. He advises that no exceedences of Air Quality Objectives are predicted to arise when the development becomes operational. He does recommend that principles of good practice described in the Environmental Protection Scotland/Royal Town Planning Institute Scotland guidance document "Delivering Cleaner Air for Scotland, January 2017" be incorporated into the design of the development, the provisions of which are generally met by Road Services and Building Standards requirements.

On these matters of noise, air quality and amenity the recommendations of the Environmental Protection Manager can be made conditions of any grant of planning permission in principle, subject to which the proposals comply with Policies RCA1, NH12 and NH13 of the adopted ELLDP 2018.

The Scottish Environment Protection Agency (SEPA) initially objected to the proposals in respect of flood risk. However, subsequent to the submission of additional flood risk information including a full Flood Risk Assessment, and discussions between SEPA and the applicant's consultants, SEPA has withdrawn its objection, subject to any permission in principle being granted, planning conditions in respect of the following matters should be attached:

- * Before any development can commence on site, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with SEPA.

- * Before any development commences on each phase of the site, the phases being land to south of QMU, the land to the north of QMU, the land adjacent to Old Craighall and the land in the Millerhill rail loop, a detailed site layout for that phase shall be provided which clearly demonstrates that no development or landraising is proposed within the agreed functional floodplain extents as determined in the most recent masterplan (01 March 2019).

- * Finished floor levels for properties are set a minimum of 600mm above the predicted

flood level.

Subject to the use of such conditions, SEPA is satisfied that the proposals would not increase the risk of flooding on site or to other sites.

The Council's Team Manager for Structures, Flooding and Street Lighting has considered the applicant's Flood Risk Appraisal and raises no objection to the proposals.

Scottish Water raises no objection to the proposal. It advises in respect of water supply that there is currently sufficient capacity in the Glencorse Water Treatment Works although further investigations may be required to be carried out once a formal application has been submitted to it. Scottish Water also advises that there is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works although further investigations may be required to be carried out once a formal application has been submitted to us.

Subject to the use of relevant conditions on detailed SUDS design, on flood risk and on drainage considerations the proposals accord with Policies NH10 and NH11 of the adopted ELLDP 2018 and with SPP 2014.

Transport Scotland raises no objection to the proposals, subject to the use of a planning condition limiting the number of residential units to 1500 and that East Lothian Council will secure appropriate and proportionate financial contributions from this site to address the cumulative impact on the strategic transport network arising from development. The basis for the financial contributions will be as set out in the Council's 2018 Developer Contributions Framework, and will include contributions towards improvements at the Old Craighall, Salter's Road and Bankton trunk road junctions.

The Council's Road Services raise no objection to the proposals. It advises that the proposed site is included within the adopted ELLDP 2018 and was included within the East Lothian Council Transport Appraisal to determine the cumulative impacts of development on both the strategic and local road network. The model highlighted that the development of this site will have a cumulative impact on the wider strategic road network, however, it can be accommodated within the local road network in terms of road capacity.

The Council's Transport Appraisal (TA) informed the Council's Developer Contributions Framework (DCF) and has been produced in conjunction with the Local Development Plan TA so that Road Services can assess the cumulative impacts of the Local Development Plan allocations on the Transport Network. The TA has identified a number of hot spots on the network which require interventions to mitigate against the Local Development Plan and was included within the East Lothian Council Transport Appraisal setting out the appropriate contribution levels for each of the Local Development Plan sites.

For the Craighall MH1 site the requirement for developer contributions towards each intervention as identified through the above process is as follows (the works are detailed in the Transport Appraisal, references given here are to the ELLDP 2018 proposals, for information on the types of works). For the residential aspect of the proposals these are as follows:

- Proposal T15 improvements to Old Craighall junction - £12,145
- Proposal T17 improvements to Salters Road Interchange and Bankton Interchange - £16,011 and £19,827
- Proposals T8 and T10 improvements to the rail network - £206,340

- Proposal T21 Musselburgh town centre improvements - £2,535
- Proposals T27 and T28 Tranent town centre improvements – £4,380
- Segregated Active Travel Corridor £681,750

For the employment aspect of the proposals, developer contributions are assessed on the level of floorspace to be created. As the full floorspace likely to be formed from the development cannot be definitively calculated at this time, the contributions are assessed per 100 square metres of development and full assessment will be deferred to detailed applications at the following rates, based on likely floorspace calculations:

Area 4 Innovation Park northwest of Queen Margaret University

- Proposal T15 improvements to Old Craighall junction (£22 per 100 sqm)
- Proposal T17 improvements to Salters Road Interchange (£11.43 per 100sqm) and Bankton Interchange (£6.70 per sq m)
- Proposals T8 and T10 improvements to the rail network (£205.68 per sqm)
- Proposals T27 and T28 Tranent town centre improvements (£2.39 per 100 sqm)
- Segregated Active Travel Corridor (£136.35 per 100sqm)

Area 3 employment land in rail freight loop

- Proposal T15 improvements to Old Craighall junction (£2.43 per 100 sqm)
- Proposal T17 improvements to Salters Road Interchange (£3.20 per 100 sqm) and Bankton Interchange (£3.97 per sqm)
- Proposals T8 and T10 improvements to the rail network (£41.27 per sqm)
- Proposal T21 Musselburgh town centre improvements – (£0.51 per sqm)
- Proposals T27 and T28 Tranent town centre improvements (£0.88 per 100 sqm)
- Segregated Active Travel Corridor (£136.35 per 100sqm)

The total contribution required for transportation improvements resulting from cumulative impacts of the residential development is therefore £942,988 and for the employment development will be, per 100 square metres floorspace developed, £384.55 for Area 4 and £188.61 for Area 3.

Road Services advises further on matters required to be considered for the detailed development of the site, including its recommendations for conditions of any grant of planning permission in principle in respect of access/driveway construction and other details.

In respect of the primary school and safe routes to school, Road Services advise that the new primary school should be made accessible by a high quality segregated foot and cycle path to all proposed residential areas and that pupil drop off by 'school run' should be discouraged through careful design of the new school and its road access.

In respect of this, conditions of a grant of planning permission in principle can require that in the phasing of the development each part of it connects to an appropriate path network linking to the primary school. Road Services advises that it must be required that no house within any phase of development is occupied until a route from each area to such a path network is available. Road Services recommend that such path network links to the school be in place prior to development commencing with street lighting prior to occupation. However, completion of a full primary path network prior to commencement of development of a residential phase of a development would be unreasonable and not meet the tests of a planning condition. Therefore, it would be appropriate to require that the appropriate path network required for the relevant phase of development and any necessary links to it, be completed prior to any occupation. A phasing plan can be

required to demonstrate how this would work for each phase of the development and in relation to school provision.

In respect of discouraging vehicle 'school run', Road Services advise that a careful design of the new primary school can help to avoid issues of congestion, inconsiderate or dangerous parking and vehicle manoeuvring with the associated safety issues for children. Road Services would be consulted on an application for the detailed layout and design of the primary school and this matter can be appropriately addressed at that stage.

Road Services advises that the route of the East Lothian Council Segregated Active Travel Corridor will be partly be routed within the Masterplan site via areas 2 and 4, passing through Area 5 and that the standard of provision for this route is for a continuous 4.0 metre wide path with street lighting. It is also advised that where the applicant is able and willing to implement the works for the Segregated Active Travel Corridor within their site then the relevant developer contribution could be appropriately reduced.

In respect of other matters for each Area of the site, Road Services comments as follows.

Area 1 - It is proposed to re-route the B6415 public road via this area, bypassing the existing Old Craighall village main street. Whilst this proposal is accepted, it is advised that further consideration will be required with regard to the treatment and status of the existing road, specifically to retain access to existing properties. This can be required by condition.

Area 3 - Road Services recommends that development in this area be subject to completion of the altered A1 junction, which can be made a suspensive condition of any grant of planning permission in principle. Road Services advises that further improvements to vehicular access could be made by providing a vehicular access connection between Areas 3 and 1. The masterplan proposals show an area that would be safeguarded for the provision of a potential link. However, provision of a vehicle link here could encourage car use rather than pedestrian and cycle travel in relation to the new primary school and the local centre. Therefore it is not considered appropriate to require a vehicle access link to be provided. The Council's Public Transport officer expresses concerns that there is no direct pedestrian link from area to the B6415 road west of Old Craighall village, and that without this connection, residents and in particular school children will have no direct access to bus routes on the B6415. Road Services therefore advise that this should be addressed by provision of a footbridge or underpass connecting Area 3 to the north side of the B6415. This is provided for by the proposed route using the existing overbridge between Area 3 and Area 1, which would be upgraded.

Area 4 - A bus gate should be provided at the northern part of Area 4 where it would link to development at Newcraighall, Edinburgh, which could be used to prevent through traffic other than public transport.

Area 5 – vehicular access to the proposed residential development and/or a relocated Queen Margaret University car park should be via an extension of the Queen Margaret University Drive with re-configuration of the existing bus gate arrangements as may be required. This would not prejudice the potential in the future to open up access to Whitehill Farm Road at this point.

Outwith the site itself, at the B6415/Monktonhall Place/Ferguson Drive junction Road Services advise that the current 4 arm mini-roundabout is not adequate for its role in

providing for this part of the route of the Segregated Active Travel Corridor, and therefore recommends that this junction is converted to traffic signal control to enable pedestrian and cycle crossing of the B6415 at this point. Given this requirement is to improve an existing deficiency it would not be reasonable to require the developer to provide for this in full or for a contribution over and above their required payment towards the Segregated Active Travel Corridor.

As Areas 2 and 3 of the site adjoin the B6415, with a significant section of the B6415 realigned through Area 3, Road Services advise that the change in character to this road is such that it is recommended that a 30 mph speed limit be in place over the full extent of the B6415 from the western extent of development to the existing 30 mph limit near Old Craighall Services. This can be achieved through the use of a Traffic Regulation Order by the Council; as the development would provide street frontage to the B6415 then it is within the Council's policy to pursue this.

On a general point, Road Services notes that the proposals should take cognisance of legislation restricting sale of new petrol and diesel engine cars and therefore advise that the site should therefore be designed to facilitate the use of electric vehicles and the associated vehicle charging requirements. A condition can be used to require the inclusion of provision of charging points in detailed applications.

In respect of public transport the applicant has submitted indicative proposals on how bus access could be accommodated as the build out and construction of the application site proceeds. Road Services advises that this 'routing' plan is accepted and should be consolidated within road design and locating bus stops at appropriate points and with due regard to build phasing. This should endeavour to ensure that as build and occupation progresses, all households have access to, and are within 400 metres of a bus stop / route. To support this, Road Services advises that road design should ensure that bus routes be constructed to appropriate width, that bus shelters can be accommodated off footway, road width is available to provide pedestrian refuges (where required), traffic calming ramps (where provided) can accommodate buses and a bus turning facility is provided if a 'loop' is not available.

Road Services also advise that the area of land safeguarded would enable future improvements to be carried out at Musselburgh railway station and recommends that this is consolidated as a condition on any consent granted.

Road Services notes that officers have investigated whether the City of Edinburgh Council (CEC) has any proposals to extend the Edinburgh Tram Network to Musselburgh/QMU and if so, if a route or alignment had been identified. It is confirmed that there are no proposals to develop this route at present and that it is not possible to safeguard a defined route or alignment for a future tram extension. However, it would be prudent to safeguard the potential for that purpose in respect of the line into Area 4 of a disused railway line that previously connected to the ECML and that follows an alignment over Newcraighall Road (within City of Edinburgh) via a now dismantled overbridge.

Network Rail raises no objection to the proposal subject to a Section 75 agreement, taking account of its recommendations, being concluded prior to planning permission in principle being granted. It advises that it welcomes the approach taken by the Council in Policy DEL1 of the adopted ELLDP 2018 and in its Developer Contributions Framework in mitigating impacts from developments on transport network capacity and contributing to sustainable economic growth.

For background, development by Network Rail is informed by the rail industry's Long-Term Planning Process which takes a high-level view of funder and market requirements

over a 30 year planning window. This in turn is informed by the connectivity aspirations set out in Scottish Government transport policy comprising the Infrastructure Investment Plan; the National Transport Strategy; Scotland's Railways; and the Strategic Transport Projects Review.

The process is also influenced by Network Rail's forecast of rail demand on individual corridors and the capacity constraints that are likely to arise as a result of increases in passenger and freight demand. This long-term, high-level view informs the more detailed work required to make investment decisions in the short and medium terms. Because Network Rail is funded and regulated in five year Control Periods this process typically has a ten year window. The next Control Period (CP6) runs from April 2019 to March 2024. Following the Rail Industry initial response to Scottish Ministers 'Scotland's Rail Infrastructure' consultation the High Level Output Specification was published in July 2017. Further work is being done to develop some of the interventions proposed in the Scotland Route Study as Choices for Funders in CP6 and CP7 (2019-2029). Network Rail's Scotland Route Study 2016 and its Market Study identify, for the routes between North Berwick, Drem and Edinburgh Waverley, that ScotRail services will exceed 100 per cent of seating capacity (assumed to be six carriage trains) in the peak hour by the time they reach Edinburgh Waverley. The provision of improved infrastructure would support local passenger services improvements and contribute to accommodating the cumulative demand by either running longer services or increasing the frequency of services or undertaking additional operational activities to improve reliability and capacity. In the context set by the adopted Local Development Plan, there is an identified need to improve capacity by extending platforms at stations, including Musselburgh Station. This is reflected in East Lothian Council's adopted Local Development Plan and Developer Contributions Framework, and Network Rail therefore seeks a developer contribution of £206,340 for the housing element of the proposal towards the delivery of these works. Network Rail understands that the employment related rail contributions will be confirmed when employment AMSC applications come forward for the site. Further Network Rail requires the contribution to be gathered, managed and disbursed in accordance with the protocol described in the Developer Contributions Framework.

Network Rail also confirms its requirements for conditions on fencing along its boundaries with the site, that any SUDS installation be located at least 10 metres from the railway boundary, that planting take account of potential leaf fall on the railway line and a noise impact assessment in respect of impacts of railway noise and mitigation.

The developer contributions towards the required transport interventions of £942,988 and for the employment development, per 100 square metres, £384.55 for Area 4 and £188.61 for Area 3 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 these transport interventions the proposal is consistent with Policy DEL1 of the adopted ELLDP 2018, which stipulates that new development will only be permitted where appropriate provision is made for infrastructure required as a consequence of the development.

All of the above requirements of Transport Scotland, Road Services and Network Rail can be the subject of conditions and developer contributions as appropriate and subject to this the proposals accord with Policies T1, T2, T4, T8, T31 and T32 and Proposals MH1, T3, T10, T11, T15, T16, T17 and T22 of the adopted ELLDP 2018 and with the Council's Developer Contributions Framework.

Policy DEL1 of the adopted East Lothian Local Development Plan 2018 stipulates that

new development will only be permitted where appropriate provision for infrastructure required as a consequence of the development is made. This includes funding necessary school capacity.

The Council's Depute Chief Executive (Resources and People Services) informs that the application site is located within the school catchment area of the new Craighall Primary School and Musselburgh Secondary Education zone as set out in Appendix 1 of the adopted ELLDP 2018.

The allocation of the MH1 site for mixed use development in the adopted ELLDP 2018 includes a requirement for the new Craighall Primary School. The site of the proposed school lies on land in the ownership of the applicant, who is willing to transfer the land at nil value to ensure the delivery of the new school.

The Depute Chief Executive (Resources and People Services) advises that he would not object to the proposals in respect of nursery and primary school provision subject to the transfer of the land for the primary school at nil value and a financial contribution to the Council of £8801 per housing unit (£13,201,500) for the costs of primary and nursery provision by way of the new Craighall Primary School.

The Depute Chief Executive (Resources and People Services) also informs that some development can take place in advance of completion of the new Craighall Primary School, enabled by temporary Education capacity for pupils from the development provided by means of a temporary 'hosting' arrangement at Stoneyhill Primary School for a limited period of 36 months. He advises that, in respect of the applicant's proposed phasing for housing completions, there will be sufficient capacity within Stoneyhill Primary School to accommodate the pupils arising from this development until the end of the academic year 2022/2023 – i.e. until June 2023.

In respect of secondary education provision the Depute Chief Executive (Resources and People Services) advises that secondary education capacity can be provided for the proposed development subject to a financial contribution to the Council of £4282 per unit (£6,423,000) towards additional school accommodation in the Musselburgh Secondary Education zone and a contribution towards required secondary school land of £419 per unit (£628,500).

The transfer of the required land and the required financial contributions of a total of £13,502 per unit (£20,253,000) for Craighall Primary School and the Musselburgh Secondary zone 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 DEL1 and Proposals MH1 and ED1 of the adopted East Lothian Local Development Plan 2018.

In accordance with Policy HOU3 of the adopted East Lothian Local Development Plan 2018 a grant of planning permission in principle would require to be subject to provision of 25% of all housing units to be developed as affordable housing i.e.375 units. They should be provided on site either by transfer of units or serviced land. If it can be demonstrated to the Council that onsite provision is not practicable, then off-site provision will be considered. If this is not practicable, then a commuted sum will be required in lieu of on or off site provision. this, or the off-site provision of the required affordable units is not practicable, a commuted sum payment should be made to the Council in lieu of such an on or off-site provision.

The applicant has submitted a programme of proposed completions, including for completions of affordable housing throughout the timescale of the development. This includes for the completion of 118 homes in the first phase of site development and further completions thereafter in the other site phases.

The terms for the provision of this affordable housing requirement can 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 Obligations and Good Neighbour Agreements. Subject to the Council securing the affordable housing requirement, which the applicant confirms they are willing to do, the proposal would be consistent with Policy HOU3 of the adopted East Lothian Local Development Plan 2018.

The National Health Service was consulted in respect of the cumulative impacts of the ELLDP 2018 and in respect of this application and has no requirements for capital contributions to infrastructure as a result of the proposals.

The applicant's Planning Statement sets out a commitment to the provision of appropriate broadband connectivity throughout the phases of the development and in this the proposals comply with Policy DCN2 of the adopted ELLDP 2018 and with Scottish Planning Policy 2014.

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 conditions 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 until 2014. 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 15 years of 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 15 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) A financial contribution to the Council of £942,988 in respect of the 1500 residential development and of £384.55 for Area 4 and £188.61 for Area 3 employment development, each per 100 square metres of employment related development, for the provision of transport infrastructure interventions as detailed in the adopted East Lothian

Local Development Plan 2018;

(ii) Either provision in kind of three community sports pitches and a six changing room facility, to be transferred to the Council at no cost or a financial contribution to the Council of £1,515,000 for provision of the same facilities;

(iii) The transfer at no cost 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 and servicing requirements;

(iv) A financial contribution to the Council of £13,201,500 towards the provision of the new Craighall Primary School, and £6,423,000 and £628,500 towards the provision of secondary education capacity and land in Musselburgh;

(v) A financial contribution to the Council of £18,742.50 towards allotment provision.

(vi) A financial contribution to the Council of £23,590 towards the upgrading of the B6415 roundabout; and

(vii) The provision of 375 affordable housing units within the application site or if it can be demonstrated to the Council that this, or the off-site provision of 375 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;

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 transport infrastructure, community sports pitches and related changing facilities, a lack of sufficient nursery, primary and secondary school capacity, and the lack of provision of affordable housing contrary to Policies DEL1 and HOU3 of the adopted East Lothian Local Development Plan 2018.

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 Craighall Masterplan drawing dated 1 March 2019 and docketed to this planning permission in principle, other than as required by Scottish Government Policy Designing Streets and the Council's Design Standards for New Housing Areas, and as subject to the following conditions and shall address the following requirements:

a) Other than as proposed in the Design and Access Statement docketed to this planning permission in principle, or unless otherwise justified as an exceptional design feature, buildings on the site shall be no higher than two storeys;

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) Where a building is located on a corner of more than one street, it shall have enhanced gable(s) to ensure it has an active elevation to each street it faces;

d) Notwithstanding that shown in the Indicative Master Plan docketed to this planning permission in principle there shall be no integral garages, unless they can be justified as an exceptional design feature, or where the housing unit would not be on the primary frontage of a street;

e) 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 Scottish Government Policy Designing Streets;

f) The external finishes of the residential, community and employment units and all hard surfaces shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote stone, reconstituted stone or render as the

predominant finish to the walls of the residential units. This shall include for a variety of render colours where render is to be used;

g) The front, rear and side boundary treatments of each residential, community and employment unit shall be in accordance with a detailed boundary treatment scheme which shall provide for wall, hedge or railing boundary treatments where those boundaries face public spaces and for other appropriate boundary treatments between individual properties where not facing public spaces;

h) 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;

i) Unless otherwise agreed in writing with the Planning Authority, parking for the residential, local centre, primary school and sports pitch facilities 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". This shall include for cycle parking;

j) 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. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

k) 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. All courtyard parking areas, other than those with bin stores accessible from the roadside shall be accessible to Refuse Collection Vehicles, constructed to adoptable standard and with a T-shaped turning area of 23.5 metres length if that is where bin presentation points are located;

l) 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.;

m) The use of stone chippings for private driveways is not approved. Driveways shall be hard surfaced with permeable pavements or a surface to be agreed in writing with the Planning Authority for at least the first 6 metres of their length from the public roadway or footpath;

n) All access roads within the development, other than as required by the above conditions, 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. This shall also comply with ELC Design Standards for New Housing Areas and a detailed plan of street trees and street lighting to reduce forward visibility and traffic speeds within the development;

o) Road surfaces shall be blocks (permeable or non-permeable) on straight sections of road and corners shall be constructed with asphalt finish with coloured chip or with thermoplastic screed (i.e. 'Imprint' or similar);

p) The primary path network shall be lit (street lighting) and of a standard to allow shared use with cyclists (3.0 metres wide).

q) A Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to the housing being occupied and /or the business units coming into operation;

r) Cycle parking for flatted residential properties 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;

s) Provision within Area 3 (Millerhill Rail Freight Loop) of the application site, as denoted in the Council's approved Development Brief, of at least 20 hectares of employment land for Class 4, 5 and 6 uses of the Town and Country Planning (Use Classes) (Scotland) Order 1997;

t) Electric vehicle charging points shall be provided at proposed community facilities such as schools, recreation and retail/employment areas and for flatted developments and groups of housing units with no private driveway. Details to be agreed with the Roads Authority.

u) Charging points for electric buses shall be provided subject to bus routes, bus types in service and as assessment of demand carried out in consultation with the Roads Authority;

v) Provision of recycling facilities within the development. Details to be agreed with the Council's Waste Services;

Development shall not commence on each area of the site (1-5) as denoted in the Council's approved Development Brief, unless and until all of the details specified above have been submitted to and approved in writing by the Planning Authority for that area of the site, and development shall thereafter 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 and rail safety.

- 2 Notwithstanding compliance with condition 1 of this grant of planning permission in principle, the detailed design of the development of the innovation park denoted as Area 4 of the Council's approved Development Brief shall include for:

- a) The safeguard of land around Musselburgh Rail Station as shown on the Plan on Page 10 of the Design and Access Statement docketed to this planning permission in principle;
- b) A detailed route for the Segregated Active Travel Corridor, to be agreed in writing with the Planning Authority and Roads Authority, taking account of assessment of the links which can be implemented to new development at Newcraighall;
- c) Safeguarding of land to allow for a potential Tram link via the disused Newcraighall railway embankment;
- d) Details of bus gate provision to control through traffic from Newcraighall to this area, to a specification and timings for implementation to be agreed with the Roads Authority;
- e) Landscaping and planting design taking account of the detailed landscape design of the southeastern and northeastern boundaries of adjacent development at Newcraighall, Edinburgh the subject of planning applications 10/03506/PPP, 15/04112/AMC and any variations thereof.

Reason:

To ensure the provision of an adequate land safeguard in compliance with Proposals T3, T9 and T11 of the adopted East Lothian Local Development Plan 2018, the provisions of the Council's approved Development Briefs Supplementary Planning Guidance and in the interests of the visual amenity of the area.

- 3 The details to be submitted pursuant to condition 1 shall include delivery schedules 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, the Segregated Active Travel Corridor, footpaths and cycleways and Safer Routes to School to ensure occupants of each part of the development can access the path network, external transport works such as offsite path links, the junctions of the site with the B6415 road, the provision of the junction alterations to the A1(T) trunk road. 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 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.

- 4 Development of each area of the site, denoted as Areas 1-5 in the Council's approved Development Brief, or of any phase of development as approved in terms of Condition 3 above, shall not commence unless and until a Programme of Works (evaluation by archaeological trial trench) has been undertaken and reported upon in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the planning authority.

The Programme of Works shall include for investigation of the historic mining tramways that are extant upon the site to establish their extent and appraise options for their retention and incorporation into the landscaping and connectivity of the site, in agreement with the Planning Authority.

Reason:

In the interests of the cultural heritage of the area.

- 5 Before any development commences on site, all flood risk assessment (FRA) documents submitted shall be consolidated to include all information provided throughout the consultation, for the approval of the planning authority in consultation with the Scottish Environment Protection Agency and thereafter all phases of development shall be carried out in accordance with the consolidated flood risk assessment, unless otherwise agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency.

Reason:

To ensure that all agreed information shall be carried forward within the approved FRA and that site construction shall be carried out in accordance with the conclusions of the FRA about parts of the site at flood risk, which includes the preservation of flood plain and flow pathways in perpetuity.

- 6 Prior to the commencement of development of each area of the site (1-5) as denoted in the Council's approved Development Brief, a detailed site layout for that area shall be submitted to and agreed in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency. The details shall:
- a) clearly demonstrate that no development or landraising is proposed within the agreed functional floodplain extents as determined in the approved indicative masterplan dated 1 March 2019 and docketed to this planning permission in principle.
 - b) include details of SUDS provision and any required flood risk attenuation measures;
 - c) provide that finished floor levels for properties shall be set a minimum of 600mm above the predicted flood level; and
 - d) provide that the Sustainable Drainage Scheme not be sited within 10 metres of the railway boundary and should be designed with long term maintenance plans which meet the needs of the development.

Thereafter the development of each area so approved shall be carried out only in full accordance with such approved details.

Reason:

In the interests of flood risk management, management of the water environment and to protect the stability of the adjacent railway and the safety of the rail network.

- 7 Prior to the commencement of development within the areas denoted as Area 3 in the Council's approved Development Briefs, a Sustainable Energy and Heat Report update shall be provided. The report update shall review the feasibility of options for a district heat network for the Craighall/Millerhill area and if feasible shall set out an options appraisal, including viability considerations.

Reason:

In the interests of sustainable development and and compliance with Policy SEH1 of the adopted East Lothian Local Development Plan 2018.

- 8 All new buildings shall include Low and Zero Carbon Generating Technologies (LZCGT) to meet the energy requirements of Scottish Building Standards, Compliance with this requirement shall be demonstrated through obtaining an 'active' sustainability label through Building Standards and submission of calculations indicating the SAP Dwelling Emissions Rate (DER) or SBEM Buildings Emissions Rate (BER) with and without the use of the LZCGT. LZCGT shall reduce the DER/BER by at least 10%, rising to at least 15% for applications validated on or after 1 April 2019. For larger developments, encouragement is given to site-wide LZCGT rather than individual solutions on each separate building.

Reason:

In the interests of sustainable development and compliance with Policy SEH2 of the adopted East Lothian Local Development Plan 2018.

- 9 A Construction Method Statement (CMS) or Construction Environmental Management Plan (CEMP) shall be submitted for approval prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief. The CMS or CEMP shall outline measures to be taken to minimise impacts upon existing and proposed sensitive receptors due to noise and dust. Unless otherwise approved in writing by the Planning Authority these shall include compliance with:

a) "Best Practice Guidance" as recommended BS5228-1: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part 1:Noise".

b) "Best Practice Guidance" as recommended BS5228-2: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites - Part2: Vibration"

c) Planning Advice Note (PAN) 50 "Controlling the environmental effects of surface mineral workings: Annex B - The control of dust at surface mineral workings"

d) The Construction Method Statement or Construction Environmental Management Plan 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. It shall also provide details of utility/service drainage connections.

Notwithstanding the above, applications for approval of matters specified in conditions or for

planning permission which are submitted shall include Construction Method Statement or Construction Environmental Management Plan addendums which make recommendations in respect of how pedestrians and school children can safely access Stoneyhill Primary School and/or Craighall Primary School as during construction works on the area of the site in which they reside.

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

Reason:

In the interests of the amenity of existing and future residents of the area and in the interests of road safety.

10 Applications for approval of matters specified in conditions or for planning permission for each area of the site (1-5) as denoted in the Council's approved Development Brief shall include:

- a) a report of findings arising from the intrusive site investigations, including the results of any additional gas monitoring undertaken;
- b) a layout plan which identifies appropriate zones of influence for the recorded mine entries on site, and the definition of suitable 'no-build' zones;
- c) a scheme of treatment for the recorded mine entries;
- d) a scheme of remedial works for the shallow coal workings;
- e) timescales for the implementation of those remedial works;
- f) A Remediation Strategy detailing and quantifying any works which must be undertaken in order to reduce any contamination risks to acceptable levels;
- g) A noise assessment, including of railway noise, with details of mitigation measures demonstrating compliance with the upper guideline value for daytime garden noise levels (55dB LAeq,T) specified in paragraph 7.7.3.2 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings" and details of any required upgraded specifications for glazing and ventilation to protect internal amenity and ensure compliance with daytime and night-time internal noise levels specified in Table 4 of BS8233:2014 "Guidance on sound insulation and noise reduction in buildings."

Reason:

In the interests of the safety and amenity of future residents and occupiers of the development.

11 Prior to any approved building being occupied, a Validation Report shall have been submitted to the Planning Authority confirming that the remedial works have been carried out on that part of the site in accordance with the Remediation Strategy; and 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 to determine if any additional remedial measures are required.

Reason:

In the interests of the safety and amenity of future residents and occupiers of the development.

12 The Rating Level, LArTr, of noise associated with the operation of existing or proposed commercial operations (when measured 3.5m from the façade of any proposed residential property) shall be no more than 5dB (A) above the background noise level, LA90T. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound."

Noise from plant and equipment associated with existing and proposed commercial sources shall not exceed Noise Rating curve NR25 at any octave band frequency within any existing or proposed residential property. All measurements to be made with windows open at least 50mm.

Reason:

In the interests of the amenity of future residents of the development.

13 The number of residential units hereby permitted within the development shall not exceed 1500.

Reason:

To ensure that the scale of development does not exceed that assessed by the supporting

Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network and to ensure adequate provision of education capacity.

14 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 2019/20	30 residential units
Year 2020/21	60 residential units
Year 2021/22	100 residential units
Year 2022/23 to 2024/25	120 residential units per annum
Year 2025/26 to 2033/34	100 residential units per annum
Year 2034/35	50 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.

15 Where not already provided the developer shall provide a suitable trespass proof fence of at least 1.8 metres in height adjacent to Network Rail's boundary and provision for the fence's future maintenance and renewal should be made. Details of the proposed fencing shall be submitted to the Planning Authority for approval before development is commenced and the development shall be carried out only in full accordance with such approved details.

Reason:

In the interests of public safety and the protection of Network Rail infrastructure.

16 Prior to the commencement of development on any area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority. This shall show the landscape and planting structure for the whole of the site and must demonstrate:

a) how structured landscaping, woodland and tree planting (including specimen trees), SUDS and water features and walking and cycling routes (including safe routes to school) will be carried out throughout the development and how these will link with routes and green infrastructure around the edges of the site

b) an appropriate design for any landscaped and planted areas beneath overhead power lines

c) how the landscape structure would be implemented, maintained and managed during and after the development of the site, including details of what is expected to be adopted by the Council, what would be factored and how this will be implemented

d) 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:

In the interests of the visual amenity of the area and its surroundings and to ensure compliance with the Council's approved Development Brief.

17 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a detailed landscape plan for that area shall be submitted for the approval of the Planning Authority. The detailed landscape plans shall include for the provisions of the landscape and planting structure to be approved in terms of condition 15 above and shall include that:

a) The detailed landscape plan 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 and with the freight rail loop. Details shall include timescales for implementation;

b) Where trees/shrubs are to be planted adjacent to the railway boundary these shall be positioned at a minimum distance from the boundary which is greater than their predicted mature height. Certain broad leaf deciduous species should not be planted adjacent to the railway boundary;

c) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in full accordance with such approved details in the first planting and seeding season following the occupation of buildings in that part of the development (unless otherwise approved in writing by the Planning Authority), 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, to ensure compliance with the Council's approved Development Brief and to control the impact of leaf fall on the operational railway.

- 18 The open space to be provided in the development shall generally accord with the indicative Craighall Masterplan drawing docketed to this planning permission in principle.

Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, details of and a timetable for the provision of the open space, play equipment and sports pitches, as required within that area, and of how the areas of open space, equipped areas and sports pitches within it are to be maintained, shall be submitted to and approved in advance by the Planning Authority. These shall include details of equipped and informal play areas to a specification to be agreed with the Planning Authority.

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

Reason:

To ensure the timely provision of an appropriate amount of open space, play provision and sports provision and to ensure the satisfactory maintenance of open space, equipped play areas and sports pitches in the interests of the amenity of the area.

- 19 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a strategy for the new speed limits and alternative travel modes within that part of the development and on the existing road network as affected 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 This shall extend into the site to offer 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.

- 20 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, 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.

- 21 Prior to the commencement of development, a general, overarching travel plan framework for the whole development (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.

- 22 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, details of accommodation of bus access in respect of that area shall be provided, the details of which shall accord with the applicant's submitted indicative proposals, which is accepted as a basis of road design and location of bus stop. The details so submitted shall demonstrate how all households will have access to, and be within 400 metres of, a bus stop/route.

Reason:

In the interests of transport accessibility.

- 23 Prior to the commencement of development on each area of the site (1-5) as denoted in the Council's approved Development Brief or of any phase of development as approved in terms of Condition 3 above, a strategy to establish how traffic regulation orders and parking restrictions will be needed, particularly in the local 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.

- 24 Development of the application site shall be carried out in accordance with the following requirements:

a) Details of the implementation and design of infrastructure works onto the B6415, including realignment at Old Craighall village, 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.

b) No development shall commence in the parts of the site denoted as Area 3 and 4 in the Council's approved Development Briefs Supplementary Planning Guidance prior to the completion of the proposed alterations to the junction of the A1 as indicatively shown on the drawings docketed to this planning permission in principle, to the satisfaction of the Planning Authority.

c) Prior to the commencement of development a detailed condition survey of the construction access route 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.

d) Wheel washing facilities must be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres;

Reason:

In the interests of road safety and transport accessibility.