

**REPORT TO:** Planning Committee  
**MEETING DATE:** Wednesday 4 March 2020  
**BY:** Head of Development  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **18/01123/PPM**

Proposal Planning permission in principle for holiday lodge development, ancillary buildings with associated access, landscaping and infrastructure works

Location **Whitekirk Golf Club  
Whitekirk  
North Berwick  
East Lothian  
EH39 5PR**

Applicant Whitekirk Hill Ltd

Per Apt Planning & Development Ltd.

**RECOMMENDATION** **Consent Granted**

## **REPORT OF HANDLING**

### **BACKGROUND**

The development proposed in this application is, under the provisions of The Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009, defined as a major development and thus it cannot be decided through the Council's Scheme of Delegation. It is therefore brought before the Planning Committee for a decision.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 17/00017/PAN) and thus of community consultation prior to this application for planning permission being made to the Council.

As an outcome of that, and as a statutory requirement for major development type applications, a pre-application consultation report is submitted with this application. The report informs that a total of some 70-80 people attended two pre-application public exhibitions, which were both held at Whitekirk Village Hall; one on Friday 23rd March 2018 between 3.00pm and 8.00pm and the second held on Saturday 24th March 2018 between 10.00am and 2.00pm, and that fourteen feedback questionnaires were completed and returned (a return of approximately 20%). A finding of the returned questionnaires is that some ninety percent of attendees of the pre-application public exhibition who provided

feedback forms live in the local area.

Based on the responses received in the feedback questionnaires, the applicant informs that there were mixed responses to the principle of the proposed holiday lodge development of the former golf course land, with some attendees registering support for the refurbishment of the clubhouse building and noting the potential economic benefits and quality of the proposed holiday lodge development, while others questioned the need for the holiday lodge development and raised concerns about access, transportation/road safety, landscape and visual impact, the scale of development, and the impact on the existing flora and fauna of the site.

As a result of the public consultation it is stated in the pre-application consultation report that the proposed development has been amended to:

- \* Reduce the number of holiday lodges from 200 to 150, which was the basis of the Environmental Impact Assessment (EIA);
- \* A transportation impact assessment has been carried out as part of the EIA; and
- \* A landscape and visual impact assessment has been carried out.

The development for which planning permission is now sought is generally of the same character as that which was the subject of the community engagement undertaken through the statutory pre-application consultation of the proposal. It should however be noted that since the application was first submitted the number of holiday lodges has been further reduced from 150 to 41.

The application site, which has an area of some 35.80 hectares, is located in the countryside, to the north and northeast of Whitekirk.

The application site is bounded to the north and east by farmland. To the west it is bounded in part by a public right of way, which is part of the John Muir Way, and is known at this location as 'Becky's Strip' and by further farmland. Beyond the public right of way, further to the west, is further farmland. To the south the application site is bounded in part by the remaining land of the former Whitekirk Golf and Country Club and in part by farmland.

The A198 classified public road, which runs north-eastwards from Whitekirk towards North Berwick, runs through the application site, bisecting it into two parts. The land within the north-western part of the application site (on the northwest side of the A198 classified public road) was last in use as a golf and leisure use, under the operation of the Whitekirk Golf and Country Club, and comprises the majority of the land of the 18 hole golf course of the former Whitekirk Golf and Country Club, excluding the former club house and leisure facility building and its associated car parking, practice area, and the maintenance building and compound. An irregular shaped area of land of the application site is located on the south side of the A198 classified public road. That area of land comprises areas of road verge and a rectangular shaped area of land that was formerly part of an agricultural field but presently appears vacant and overgrown. The Environmental Impact Assessment identifies this part of the site as containing a settlement tank and reed bed associated with the drainage of the golf club site.

The application site comprises the majority of Whitekirk Hill, which forms the highest point within the application site. A primarily coniferous plantation known as Whitekirk Covert is located on the northern side of Whitekirk Hill, immediately adjacent to parts of the former golf course. The south-eastern part of the application site on the south side of the A198 road is lower lying than the part of the application site that is to the northwest of the A198 road.

The majority of the application site is within the Whitekirk and Balgone Outcrops Special Landscape Area (16) defined in the adopted East Lothian Local Development Plan 2018.

The application site is outwith but immediately to the north of the Whitekirk Conservation Area.

There is a burial cairn on Whitekirk Hill, outwith the application site area, that is an ancient monument scheduled under the Ancient Monuments and Archaeological Areas Act 1979. There are three scheduled ancient monuments located outwith, but within 1km of the application site, to the southeast.

Other than for the trees of the Whitekirk Covert, there are only small hedgerow trees sporadically along some lengths of the boundaries of the site. There are also trees outwith the site on land adjacent to the clubhouse building and its car parking area.

The Tynninghame Inventory Garden and Designed Landscape is located outwith the application site some 220 metres away to the southeast, Balgone House Inventory Garden and Designed Landscape is located outwith the application site some 1 mile away to the northwest, and Leuchie Inventory Garden and Designed Landscape is located outwith the application site some 0.8 of a mile to the northwest.

Newbyth House, Seacliff and Leuchie Local Gardens and Designed Landscapes are located outwith the application site respectively some 850 metres away to the southwest, some 0.8 of a mile away to the northeast, and some 650 metres away to the northwest.

There are no listed buildings within the application site. There are however a number of listed buildings in the area, including: Whitekirk Parish Church (Category A listed), Tithe Barn (Category A listed), Whitekirk Manse (Category B listed), Whitekirk Primary School (Category C listed), Whitekirk Mains Farmhouse (Category B listed), and New Mains Farmhouse (Category B listed).

## **PLANNING HISTORY**

In June 2011 planning permission in principle 08/00078/OUT was granted for the development of a 100 bedroom hotel, a new clubhouse, the relocation of the groundsman's compound, an 18 hole golf course, 21 holiday lodges, 42 houses and associated works on an area of land measuring some 138 hectares and including the land of the current application. Planning permission in principle 08/00078/OUT was granted following the conclusion of a S75 legal agreement to secure: (i) a financial contribution of £777,588 towards the provision of additional educational capacity at Law Primary School and North Berwick High School; (ii) a control on the phasing of the proposed development such that there be no commencement to the development of any part of the housing component until a commencement has been made to each of the other three components of the proposed development, and moreover that there be no commencement to the development of any part of the housing component of the proposed scheme of development until the hotel building (less the internal fitting out of it) has been completed; and (iii) a restriction on the occupancy of the holiday lodges to short term letting, time sharing or some other form of limitation on duration of stay to defined short periods of time.

Subsequently, the planning obligation on planning permission 08/00078/OUT has been amended by the following grants of modifications of planning obligations:

- 12/00001/OBL: Modification of Clause 3.1 of the planning obligation on planning permission 08/00078/OUT to amend the phasing for the commencement of development of the housing component of the scheme of development;

- 12/00007/OBL: Discharge of part 3.1(a) of Clause 3 of the planning obligation on planning permission 08/00078/OUT to allow commencement of development of the housing component of the development without the commencement of development of the holiday lodges and new golf course; and

- 13/00001/OBL: Modification of Clause 5 of the planning obligation on planning permission 08/00078/OUT to allow a change in the amount of education contributions to a total of £620,256 with consequent changes to the amounts paid in the agreed phased instalments and date for consideration of percentage increase of Tender Price Index.

In April 2013 planning permission 13/00229/AMM was granted for alterations and extensions of golf club house to form a 100 bed hotel and golf club house, the erection of a greenkeeper's shed and compound, club store/trolley store, alterations to golf course and associated works on a larger area of land measuring some 66 hectares in area and including the land of the current application (Ref. 18/01123/PPM).

In April 2013 planning permission 13/00245/P was granted for the erection of golf driving range building and associated works on an area of land of the Whitekirk Golf and Country Club. Works have not commenced on site and thus, planning permission 13/00245/P has now lapsed.

In March 2016 planning permission 15/00094/PPM was granted for planning permission in principle for the erection of 21 holiday lodges and 40 houses on two areas of land measuring (together) some 16 hectares in area and including part of the land of the current application (Ref. 18/01123/PPM). No subsequent application for matters specified in conditions of planning permission in principle 15/00094/PPM has been received and planning permission in principle 15/00094/PPM has now lapsed.

In July 2018 2018 planning permission 18/00312/P was granted for alterations, extensions and change of use of the existing golf clubhouse building to form a leisure club, restaurant, bar and cafe facility with additional indoor and outdoor children's play area and associated works. Works have commenced on site and the leisure club, restaurant, bar and cafe facility with children's play area, which is known as 'Whitekirk Hill', is now operational on the site.

In October 2019 advertisement consent 19/00780/ADV was granted for the display of illuminated signage at the vehicular access to 'Whitekirk Hill' from the A198 public road.

## **PROPOSAL**

This application seeks planning permission in principle for holiday lodge development of part of the application site, and for ancillary buildings with associated access, landscaping and infrastructure works.

The application drawings indicate how 41 holiday lodges could be erected on the northeast part of the site, comprising of 6no two-storey lodges, 3no two-storey split lodges, 16no 1.5 storey lodges and 16no single storey lodges.

The application drawings also indicatively show how a network of access roads and roundabouts could be laid out on the northeast part of the site to provide access to each of the indicatively shown proposed holiday lodges.

A phasing plan submitted with the application indicates how the development of the northeast part of the site could be undertaken in four phases.

The following supporting reports and statements have been submitted with the application:

- Design and Access Statement;
- Economic Impact Assessment;
- Demand and Supply Assessment;
- Woodland Survey Management Recommendations and development Potential for Whitekirk Covert;

- A Draft Travel Plan;
- Pre Application Consultation Report; and
- Drainage Strategy Plan.

Also submitted with the application but on a confidential basis, are:

- Financial information in the form of Profit and Loss, Cash Flow and Balance Sheet information for Whitekirk Hill Limited;
- Key Financial Assumptions Statement; and
- Assumed Profit and Loss Statement for Whitekirk Hill Limited.

Since the application was registered it has been amended to:

- reduce the number of holiday lodges proposed for the northeast part of the site from 47 to 41;
- remove from the proposals 26 pods that are indicatively shown to be erected within the area of Whitekirk Covert;
- remove the indicatively shown holiday lodge positions from the southwest part of the site and instead show only indicative cluster areas for the proposed lodges;
- reduce the heights of some of the indicatively shown holiday lodges on the northeast part of the site;
- indicate that all of the indicatively proposed holiday lodges on the southwest part of the site would be single storey in height with habitable roof space;
- remove the indicatively shown cluster areas from the southwest part of the site and instead only propose development on the northeast part of the site; and
- correct errors on the application drawings.

These changes have been shown on amended indicative application drawings.

The supporting Design and Access Statement explains that the Applicant, Whitekirk Hill Ltd, has purchased the site and buildings of the former Whitekirk Golf Club with the intention of redeveloping the redundant facility in a manner appropriate to this Special Landscape Area.

The Statement explains that due to the worldwide financial crisis the previous planning permission for the development of a 100 bed hotel, new clubhouse, second golf course, 21 lodges and 42 houses on the land of Whitekirk Golf Club was not implemented.

The Statement sets the context within which the proposed development site sits in terms of the surrounding landscape and features, and its accessibility by road and footpath.

The Statement goes on to describe the design concept, being that of a luxury lodge development that would create a locally appropriate high quality environment by responding to the site context and character of the surrounding area. The Statement explains how the holiday lodges would be arranged in small building groups and clusters, would be contained by the landform, and would be set below major ridge lines. The overall masterplan proposals include for the refurbishment and expansion of the existing clubhouse building, enhanced site access arrangements, internal roads, parking and pedestrian routes, landscaping, infrastructure and drainage work, maintenance and services facilities, improved informal recreation, enhanced public accessibility and improved setting to existing buildings and car parking.

The Statement explains that each of the proposed holiday lodges would be provided with its own parking space, and the lodges would be traditional in form and would feature sustainably sourced materials to reflect the character of the local area and large areas of glazing to their south elevations. A mix of standing seam and sedum roofs are proposed for the proposed

lodges. The Statement goes on to explain that the lodges would be single, 1.5 storey or 2 storey in height, with the single storey lodges located on the highest and most visible areas of the site, and with the 1.5 and 2 storey lodges located on the lower level areas.

The Statement further explains that if planning permission in principle were to be granted the development of the whole site would be phased over some ten years.

The Statement concludes that the proposed redevelopment of the former golf course land at Whitekirk Hill would result in changes to the lower and mainly northern parts of the site with the upper slopes remaining unchanged for use as a resource for countryside recreation, but that the design approach is 'landscape led' with key points of the Landscape and Visual Impact Assessment taken into consideration.

It should be noted that the Design and Access Statement (Issue No.3) has not been amended to reflect the removal of the proposed pods from the Whitekirk Covert, the lowering of the height of the indicatively shown proposed holiday lodges on the southwest part of the site and the subsequent removal of those holiday lodges from the southwest part of the site, and the changes to the indicatively shown positions and the heights of the indicatively shown proposed holiday lodges on the northeast part of the site.

The Demand and Supply Assessment, which is based on the provision of some 150 holiday lodges, concludes that there is demand for this type of luxury holiday lodge development within East Lothian and that, based on the business case and financial figures, the proposed holiday lodge business would be a viable business in the long term that would create investment in East Lothian, generate new jobs and would have a long term sustainable outlook.

It should be noted that none of the supporting statements have been amended to take account of the changes that have been made to the proposed development.

## **DEVELOPMENT PLAN**

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

The development plan is the approved South East Scotland Strategic Development Plan (SESplan) and the adopted East Lothian Local Development Plan 2018.

There are no relevant policies of the approved South East Scotland Strategic Development Plan (SESplan).

Policies DC1 (Rural Diversification), DC9 (Special Landscape Area), NH3 (Protection of Local Biodiversity Sites and Areas), NH8 (Trees and Development), CH1 (Listed Buildings), CH2 (Development affecting Conservation Areas), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP1 (Landscape Character), DP2 (Design), T1 (Development Location and Accessibility) and T2 (General Transport Impact) of the adopted East Lothian Local Development Plan 2018 are relevant to the determination of the application.

Material to the determination of the application is Scottish Planning Policy: June 2014.

Paragraph 79 of Scottish Planning Policy states that a local development plan should generally seek to support economic activity and diversification including, where appropriate, sustainable development linked to tourism and leisure while ensuring that the distinctive character of the area, the service function of small towns, and natural and cultural heritage are protected and enhanced.

Scottish Planning Policy states that development outwith a conservation area that would impact on the setting of the conservation area should in terms of its design, materials, scale and siting be appropriate to the setting of the conservation area.

Also material to the determination of the application are Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building or its setting given in Scottish Planning Policy: June 2014.

Scottish Planning Policy echoes the statutory requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that in considering whether to grant planning permission for development which affects a listed building or its setting a planning authority shall have special regard to the desirability of preserving and enhancing the building, its setting and any features of special architectural or historic interest which it possesses.

It is further stated in Scottish Planning Policy: June 2014 that planning authorities have a role in protecting, preserving and enhancing gardens and designed landscapes of national importance that are included in Historic Scotland's Inventory of Gardens and Designed Landscapes. The affect of a proposed development on a garden or designed landscape should be a consideration in decisions on planning applications. Change should be managed to ensure that the significant elements justifying designation are protected or enhanced.

It is stated in the Historic Environment Scotland Policy Statement June 2016 and Scottish Planning Policy: June 2014 that scheduled monuments are of national importance and that they should be preserved in situ and within an appropriate setting. Where works requiring planning permission would affect a scheduled monument, the protection of the monument and the integrity of its setting are material considerations in the determination of whether or not planning permission should be granted for the proposed development.

## **REPRESENTATIONS**

One hundred and thirty six representations to the application have been received. Of those representations, one hundred and thirty one raise objection to the proposals and the grounds of objection as summarised are:

1. harmful to wildlife and ecology, which should be preserved and there is nothing in the proposals that shows wildlife habitats would be protected;
2. over-development of the area that would be out of scale with the character and size of the local village and inappropriate for this countryside location/rural area, and harmful to the village, resulting in excess traffic and pollution;
3. unsuitability of the local road infrastructure to cope with the development;
4. harmful to local residents;
5. insufficient information in the application to allow assessment of its impacts on the surrounding area (i.e. no details provided for buildings, landscaping, infrastructure, drainage, roads, footpaths, lighting);
6. significant visual impact on this sensitive landscape;
7. holiday accommodation use would have a 'deadening' effect on the local community out of season;

8. how can it be concluded that these proposals would have no significant impacts on the surrounding road network when 150 holiday units are proposed;
9. reference in EIA 6.108 to 'Riccarton Mains Road', what relevance does this have;
10. what happens if the 150 lodges prove to be commercially unviable in years to come? Would this become a housing complex? There would need to be stringent safeguards to prevent this happening;
11. town centre first principle should be considered as plans to build 140 holiday homes would draw tourists away from towns centres where existing holiday homes are not fully occupied throughout the year and struggle to attract enough visitors;
12. the use is not proven to be viable and the applicant's proposals to build only 20 or so units at a time suggest they intend to test the market and limit their exposure to risk;
13. will only generate seasonal jobs and workers will struggle to reach the site due to poor public transport links. This development does not encourage high quality sustainable employment in our towns;
14. the proposals would be an overdevelopment of the site that would be out of character and scale for the landscape and historic rural settlement of Whitekirk, and would dominate and ruin the character of the village with a very negative impact on the local community and infrastructure;
15. increased traffic associated with the proposals and its construction would increase noise, pollution and dominate the roads through the village, and cause problems on roads in the wider area through movement and parking especially in the summer months;
16. the development would be poorly served by public transport;
17. 10 year construction period phased from east to west with construction traffic inevitably, after the completion of the clubhouse and phase 1, entering the site from Becky's strip and so coming through the village resulting in the village being overwhelmed and the roads damaged;
18. harmful to the area with no benefit to the community;
19. the public benefits don't match the harm to the environment;
20. would be harmful to the special landscape character of the area;
21. the development should be considered in the context of all of the other development happening around East Lothian and our villages and towns simply cannot cope with any more development;
22. a similar holiday/golf resource previously failed even when people tried to support it, the white elephant that remained does not need another chance to fail;
23. contrary to policies T1, T2, TC1, CH2, DC4, DC9, OS1 and RCA1 of the adopted ELLDP 2018;
24. local tourist areas cannot cope with existing parking and traffic demands at present, nevermind with the increase in vehicles associated with this proposal;
25. the proposals promote car based travel contrary to the types of development that should



take place in coastal areas and diverse countryside where public transport services are infrequent;

26. although not in the Conservation Area it is so close so will impact on what is designated a rural area with special landscape features particular to East Lothian;

27. noise and light pollution, including from events, will be harmful to the amenity of the area and visually intrusive;

28. this development is too large and inappropriate for the setting, will adversely impact on the habitat, wildlife and nature of the area which draws people to live and visit East Lothian;

29. no links to existing footpath network and distances would be too far for people to actually travel by this method, so travel will be by car;

30. local infrastructure (roads, waste management, local services, parking) is insufficient to cope with the additional demand and useage;

31. this will only benefit one family;

32. detrimental impact on achieving climate change targets;

33. detrimental impact on road network, most customers will arrive by car and travel by car to shops and visitor attractions with the likely result of reduced pedestrian amenity and increased accidents;

34. East Lothian needs low cost affordable housing not more holiday developments, when existing, more sustainably located, holiday accommodation is under-occupied;

35. public benefits are unproven and lack economic credibility;

36. the former golf course is now a well-used local recreation facility and is part of a larger green network connected by the John Muir Way that helps to promote healthy lifestyles, community integration, and physical and mental wellbeing, and this will become inaccessible to the community during the ten years of construction and probably thereafter as well;

37. Whitekirk is relatively removed from typical tourist attractions and therefore the proposal would need sufficient critical mass and substantial services offer to attract paying guests;

38. there has not been any genuine engagement with the local community on the proposals;

39. increase road safety hazards on the surrounding road network;

40. a Trojan horse for future housing development;

41. a clear majority of local residents oppose the development;

42. the land should be retained as a country park or open access green space/wildlife area;

43. the inappropriate scale and size of the proposed holiday lodges, some 150 in total that will dwarf the village in comparison which has some 50 houses;

44. the proposals would be harmful to the character and appearance of the Whitekirk Conservation Area and its setting, and the listed buildings of the village;

45. no demonstrable need for a development of this scale and type;
46. in breach of the Environmental Protection Act 1990 (section 79);
47. proposals would be contrary to the Council's new open space strategy, which identifies the importance of parks and access to green and leisure areas, and these proposals would develop a valuable green space for commercial gain;
48. the development proposals would act as a catalyst for further building schemes;
49. the landscape is scenic and dramatic and the proposals would be harmful to the Whitekirk and Balgone Outcrops Special Landscape Area;
50. views of the development would be detrimental to the enjoyment of the unspoilt natural area that is visible in many walks throughout the area including the John Muir Way;
51. this would be unsustainable development that would promote car based travel patterns and would suburbanise the countryside;
52. the proposes would fail to protect conserve and enhance the natural heritage and the development would create an urban sprawl in a rural area and would be harmful to the environment and species of the area;
53. if East Lothian Council feels strongly about the importance of green spaces and leisure areas as was quoted in the East Lothian Courier of 22nd November 2018 this proposal cannot be approved when it proposes the loss of valuable green space for commercial gain;
54. there are few naturally wild areas in this part of East Lothian with the majority of land being used for intensive agriculture, the proposals would result in the loss of natural habitat for local wildlife, more and more of our countryside is under threat from development;
55. employment will be largely only low paid seasonal work with no long lasting benefit for the community and with staff having to access the site by car;
56. demand for such form of accommodation is hugely speculative and should not be allowed to dominate this Special Landscape Area (SLA);
57. the SLA is designated for its character as a scenic area of volcanic outcrop of Whitekirk Hill, a dramatic wooded landform with rocky outcrops, contrasting with the surrounding fertile arable lands, and the proposals are inappropriate in their scale and nature in this sensitive rural landscape, would not respect the existing settlement pattern and would therefore have an adverse impact on the SLA which is not outweighed by any public benefits;
58. this is self-catering, find-your-own-fun holiday accommodation, how long will it take for the developer to recover his capital outlay, if ever, or how long before financial failure threatens? What will be left; Dereliction or houses?;
59. how will sewage be dealt with? The nearby watercourses are not adequate to cope with outflow from this number of properties;
60. the proposals will result in the loss of publicly accessible open natural space;
61. the development has the potential to threaten existing businesses (hotels/holiday accommodation) in the North Berwick area;

62. although possibly in a minority, there is likely to be a harmful impact of the proposed tourists on farming activities (i.e. leaving gates open, loose dogs, climbing on bales, etc.);

63. any benefits locally would be likely to be negligible as visitors to the site would be encouraged to spend money at the on-site facilities;

64. Scottish Wildlife Trust has identified lowland grasslands and the species they support as needing to be protected against the growing threat of suburban sprawl;

65. if the council supports this proposal, controls should be in place to prevent the use of the buildings as houses if the business fails and a bond should be put in place to secure the reinstatement of the site;

66. this site is proven to be a financially unworkable location for leisure, with a failed golf club and leisure business and an unsaleable hotel enterprise;

67. current infrastructure cannot support the scale of development proposed; and

68. the EIA documents understate the presence of badgers on the hill.

One of the one hundred and thirty one public objections to the application is in the form of a petition containing 1216 signatures, which raises objection to the proposed development and the grounds of objection as summarised are:

(1) that ELC is asked to resist all attempts to develop the site of the former golf course and to preserve the character, setting and identity of this designated Special Landscape Area, securing its value as a haven for wildlife and as an open space, amenity area for local people;

(2) the proposals would destroy this beautiful landscape for what is speculative private development; and

(3) the development, in terms of its character, scale, density and layout, is entirely inappropriate in a countryside location and flies in the face of the protection afforded to the landscape by its designation as a SLA.

Four of the remaining five representations express support for the proposed development, and the grounds of support as summarised are;

1. no loss of privacy to the village;

2. the development won't be visible from the village, all contained by existing landform;

3. green roofs will benefit wildlife;

4. landscape improvements will enhance cover and habitat;

5. public access will be maintained, enhanced, and encouraged with links to existing routes and new provision through the site;

6. at present the golf course land is overgrown, and there are no protected or notable flora and fauna species on the site, and a habitat management plan will be introduced that will positively enhance habitats;

7. this is a high quality development that can only benefit the abandoned golf course and will bring tourism to the local area with benefit to the local economy and ecological interest of the

site;

8. development is concentrated onto the former fairways of the golf course which are of negligible ecological interest and shows provision of new areas of woodland habitat, pond habitat and enhanced public access;

9. the development would be very positive for both the local area and East Lothian in general insofar as its potential to attract a number of holiday makers to a unique venue in the central belt of Scotland which will bring financial benefit for local businesses and provide good quality long term employment in what is a rural area;

10. the development would be sympathetic to any of the historic and wild areas of Whitekirk Hill and the additional planting and ponds can only enhance the natural habitat and lead to greater diversity;

11. the siting of the units will minimise visual intrusion to an acceptable level; and

12. Since the closure of the golf course the hill is only used by a small group of dog walkers and is not accessed by the general public.

The one remaining representation neither objects to nor supports the proposed development but comments that the EIA document is understated in certain aspects.

In respect of some of the grounds of objection, the reference in section 6.108 of the EIA to 'Riccarton Mains Road' is an error by the author of the report.

The proposed development is for the principle of a holiday lodge accommodation development within the countryside at Whitekirk Hill. It is not for retail, commercial, leisure, office and other development proposals that would attract significant footfall. Thus, the 'town centre first principle' of Local Development Plan Policy TC1 is not relevant in the determination of this application.

The matter of commercial competition with other existing holiday letting accommodation within the locality and wider area is not a material consideration in the determination of this application for planning permission in principle.

The application site is located within the countryside and as such Local Development Plan Policy DC1 is relevant. Local Development Plan Policy RCA1 identifies areas of predominantly residential character and amenity within the adopted East Lothian Local Development Plan 2018. As the application site is not within such an area, Policy RCA1 is not relevant in the determination of this application.

The proposed development is for the principle of a holiday lodge accommodation development. It is not for the principle of the erection of residential dwellinghouses. If planning permission in principle were to be granted for holiday lodge accommodation and subsequently the developer wished to change the use of any such holiday lodges to use as residential dwellinghouses, such change of use would be a material change to the use of the buildings, which would require a further application for planning permission and thus would be the subject of further assessment under relevant policies at that time.

## **COMMUNITY COUNCIL COMMENTS**

**Dunpender Community Council**, as a consultee on the application, raises objection to the planning application on the grounds that both local and wider communities have clearly given evidence that they are not in favour of the development proposals via a survey of Whitekirk residents and a petition of 1200 signatories (Facebook). Conversely, Dunpender Community

Council comment that they have had no representations of support for this application from the general public either as individuals or as groups.

Dunpender Community Council agrees with the objection of the Association for the Protection of Rural Scotland that the proposed development is inappropriate in its scale and nature in this sensitive rural landscape, that it does not respect or retain the existing settlement pattern, and that it will therefore have an adverse impact on the Special Landscape Area (SLA) which is not outweighed by any public benefits. It therefore does not accord with the Statement of Importance for the SLA, and so contravenes both LDP Policy DC9 and ELC's SPG relating to development in SLAs.

Dunpender Community Council also raises objection on the grounds that the planning application is too large scale and feels this will have a negative impact on the local area of Whitekirk and its environs, particularly in relation to impacts on the local community through the effects of noise, light pollution, and impacts on wildlife.

**North Berwick Community Council** comments that whilst the application site is outwith their area of concern, they are generally supportive of the project, which appears to be a sensitive development of the site that in their opinion would benefit Whitekirk. They have however raised a couple of points with the Agent, Tony Thomas, when he attended one of their meetings to present details of the application to them. The areas of concern raised to the Agent were on the use of log burning fires and the impact of the increase in traffic.

## **ENVIRONMENTAL IMPACT ASSESSMENT**

Under the provisions of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017 the proposed development falls within the category of a Schedule 2 Development, being one that may require the submission of an Environmental Impact Assessment (EIA). On 5th February 2018 the Council adopted a Screening Opinion that an Environmental Statement was required and a subsequent Scoping Opinion (dated 10th May 2018) setting out the matters to be considered in the Environmental Statement, including biodiversity/ecology, traffic and transportation, air quality, noise nuisance, landscape and visual impact assessment, geology, hydrology and hydrogeology, land contamination, and Cultural Heritage matters.

An Environmental Impact Assessment (EIA) was submitted to the Council on 30th October 2018 and has been duly advertised and consulted on.

The submitted EIA contains chapters on the method and approach to preparing the EIA, the planning policy context, landscape and visual assessment, cultural heritage, traffic and transportation, ecology, noise, air quality, water resource/hydrology and drainage, flood risk, ground conditions, and conclusions and mitigation.

Subsequent to the EIA being submitted, and being advertised and consulted on, it became apparent that some text was missing from the EIA. The missing text was submitted and the EIA was again duly advertised and consulted on.

There are errors in the EIA, with Chapters 6 and 7 being wrongly labelled and identified in the contents list.

The EIA is based on a proposal for a holiday village comprising some 150 holiday lodges of various types and sizes, a clubhouse/administrative complex with café/restaurant/bar and leisure facilities, and formal/informal open space and wider public access throughout the site. Planning permission 18/00312/P has already been granted for the clubhouse/administrative complex with café/restaurant/bar and leisure facilities. The proposal for the refurbishment and development of the clubhouse/administrative complex with café/restaurant/bar and leisure

facilities was separately screened and was not considered to be EIA development.

As required by Regulation 5(5)(b) of the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, to ensure the completeness and quality of the EIA, the applicant has submitted with the EIA a statement outlining the relevant expertise or qualifications of the project team that has contributed to the EIA.

Based on this submitted statement, it can be reasonably concluded that the authors are suitably qualified. On this matter, Scottish Natural Heritage (SNH), Historic Environment Scotland (HES), Scottish Environment Protection Agency (SEPA) and the Council's Road Services each advise that, based on the expertise or qualifications statement submitted with the EIA, in respect of the part(s) of the EIA within their remit, they are satisfied that the authors of those respective parts of the EIA are suitably qualified and/or experienced.

Regulation 4(2) and 4(3)(a) to (d) require that an EIA must identify, describe and assess in an appropriate manner, in light of the circumstances relating to the proposed development, the direct and indirect significant effects of the proposed development on the factors and the interaction between those factors, and the factors are – (a) population and human health; (b) biodiversity; (c) land, soil, water, air and climate; and (d) materials assets, cultural heritage and the landscape.

In line with the Scoping Opinion, the EIA has considered the likely significant effects from construction and operation of the proposed development on transportation, ecology and biodiversity, cultural heritage, air quality, noise, landscape and visual, geology, hydrology and hydrogeology and land contamination.

The EIA finds that:

- \* Transportation – construction impacts of the development would be temporary and could be managed through the controls of a Construction Traffic Management Plan and that the development once complete and operational, would have no significant impact on the surrounding road network, would have the added provision of additional bus stops on the A198 classified public road, and would encourage visitors to use sustainable modes of transport to access nearby attractions;
- \* Landscape and visual – there would be significant changes to the lower parts of the site whilst upper slopes, which for a significant portion of the site, will remain unchanged, and that by locating the proposed development in this manner the character of the setting of Whitekirk Village and its listed buildings would be protected and otherwise development of the site would be located to protect important views and there would be no significant effects on the wider landscape surrounding the site subject to the proposed landscape planting;
- \* Cultural Heritage – there would be minor, minor-moderate, negligible and neutral level effects have been identified on the setting of Whitekirk Hill Cairn however none of these effects are considered to be significant, and furthermore there would be no significant effects on any of the other heritage/cultural assets in the locality;
- \* Ecology – there is no evidence of protected species breeding on the site, there would be no significant effects on feeding, foraging and access across the site for species foraging and commuting, mitigation measures would be put in place through the employment of an Ecological Clerk of Works and a Habitat Management Plan, including protection from disturbance of a badger sett;
- \* Noise – there would be no significant effects on Noise Sensitive Receptors (NSRs) from the proposed holiday lodge development;
- \* Air Quality – there would be negligible and therefore not significant impacts on local air quality sensitive receptors;
- \* Water resource, Hydrology and Drainage – mitigation measures to minimise construction and operational impacts would be secured through CEMP and CMS and thus residual effects are anticipated to be of negligible significance;

\* Flood Risk – the elevated nature of the site means that it is not susceptible to coastal flooding and the proposed development would not be susceptible to off-site flows, and a drainage strategy would mitigate for flow and capture of surface water from the proposed development;

\* Ground Conditions – preliminary risks are considered to be minor and a detailed geotechnical investigation would be carried out in the areas of the proposed holiday lodges to establish suitable foundation options for each location. Thus, overall the environmental risk is minor/moderate.

The Environmental Impact Assessment (EIA) concludes that subject to the relevant mitigation the proposed development would not have any significant effects.

## **PLANNING ASSESSMENT**

### **PROPOSED USE**

The proposal is for a tourism accommodation use comprising 41 holiday lodges, associated parking, hardstanding, turning areas, and roads. The masterplan drawing originally submitted with the application indicated some 143 holiday lodges across the site and the Environmental Impact Assessment (EIA) is based on some 150 lodges. However, the application drawings have been amended and now indicatively show 41 holiday lodges on the northeast part of the site only.

Supporting statements have been submitted with this application.

In the supporting statements submitted with the application it is explained that the applicant is seeking to develop the site by expanding on the authorised use of the site as a golf and leisure facility, and to develop it in a not dissimilar manner to that which approved a 100-bed hotel and 21 holiday lodges on the land of Whitekirk Golf and Country Club. There would however be a significant difference in that the proposals would not be focussed around an on-site golf course. It is explained that the proposed development would provide luxury holiday lodges of varying sizes within a rural countryside location to appeal to customers seeking a short break in high-quality accommodation set in a rural location, close to walking and cycling routes and within accessible distances to local attractions as well as the on-site leisure club facilities that would be provided in the altered and extended former Whitekirk Golf and Country Club building, which was approved by the grant of planning permission 18/00312/P.

The Council seeks where possible, in principle, to support new business enterprises in East Lothian where they would not otherwise be contrary to development plan policies. One of the key aims of the adopted East Lothian Local Development Plan 2018 is to assist the development of tourism and its contribution to the economic prosperity of East Lothian. The Local Development Plan seeks to ensure through appropriate policies that a balance is found between the encouragement of tourism and the economic benefits it provides, and the protection of, for example, important landscape and nature conservation interests. Proposals for all tourism related development, including holiday accommodation, should be assessed against relevant Local Development Plan policies.

Economic development is a key priority for East Lothian and is at the forefront of the East Lothian Partnership Plan 2017-27, and the East Lothian Community Planning Economic Development Strategy (EDSI) 2012-22 is a reflection of the priority placed on economic development and acts as a guiding framework for future activities. Two major strategy goals of the EDSI are to increase the number of businesses in East Lothian with growth potential and to increase the proportion of East Lothian residents working in and contributing to East Lothian's economy and to increase East Lothian's jobs by an additional 7,500.

The EDSI 2012-22 outlines the importance of tourism to the East Lothian economy with the objective "to become Scotland's leading coastal, leisure and food and drink destination". It

identifies tourism as a key sector in terms of employment opportunities and bringing visitors and visitor spend into the local economy, and seeks to increase the numbers of visitors to the area through strong transport links and high quality accommodation to encourage day visitors to stay overnight.

The Economic Impact Assessment report (November 2018) submitted with the application states that the development would be marketed as an eco-resort with accommodation types to appeal to a wide range of visitors, and it is anticipated that it would create a new type of accommodation offering for East Lothian that would attract a new group of visitors to East Lothian, adding to overall numbers rather than detracting from existing providers. The Report states that the East Lothian Tourism Action Plan highlights one of the weaknesses in the tourism economy as being the availability of accommodation, and that the proposed development would assist in addressing this shortfall.

The Report, which is based on a development proposal of 143 holiday lodges rather than the now proposed 41 holiday lodges, goes on to state that the redevelopment of the leisure club building and the construction of the holiday accommodation and associated infrastructure is expected to require an investment of some £20 million and it is anticipated that there would be 10 direct jobs over a 10 year construction phase. The Report also states that it is estimated that direct on-site employment for the operational mature development would be some 84 full-time posts, including jobs within the leisure club building (not subject to this planning application), the holiday accommodation and general site operations. Those associated specifically with the holiday accommodation amount to 28 jobs. It is stated that due to the location of the proposed development it is likely to attract local labour but that wages will need to be competitive to attract staff. It is also anticipated that the number of employees will be higher as many of the job roles will be made up of part-time workers. The Report also anticipates that the proposed development would result in indirect and induced employment from visitor spend elsewhere in East Lothian. The Report goes on to explain that attempts will be made by the proposed development to support and promote local businesses and suppliers. Whilst the economic benefits would not be so significant as those set out above, as the development is now for 41 units rather than 143, the proposed development of 41 units would nevertheless make a material economic contribution.

The application site is in a countryside location within East Lothian and is part of a much larger area that is identified in the adopted East Lothian Local Development Plan 2018 as the Whitekirk and Balgone Outcrops Special Landscape Area (SLA).

By being within the countryside, the land of the application site is covered by Policy DC1 of the adopted East Lothian Local Development Plan 2018. The Local Development Plan does not allocate the land of the site for development. However, Local Development Plan Policy DC1 sets out controls for development in the countryside, including criteria for the assessment of need for a new business development to be in the countryside where it is not for agriculture, horticulture, forestry, infrastructure or countryside recreation. It is for the Planning Authority to decide if the proposed business demonstrates an operational need to be located in the countryside.

There is no evidence that a suitable site of the size required for the proposed holiday lodges could exist within an existing business or industrial area or any other built-up area within East Lothian. In fact, the proposed holiday lodges development is premised on its customers seeking a short break in high-quality accommodation set in a rural location, close to walking and cycling routes and within accessible distances to local attractions as well as the on-site leisure club facilities.

The existing golf course land the subject of this application, and the former clubhouse building, which is outwith the application site and is now in use as a leisure facility known as 'Whitekirk



Hill' are both, former or current, established leisure and tourism uses in their countryside location. Although the golf course use ceased to operate in 2016, it and the leisure facility building, did and do, contribute to the tourism economy of East Lothian. The proposed holiday accommodation use is promoted as being a similar use to the development approved for the site by the grant of planning permission 08/00078/OUT.

**The Council's Economic Development and Strategic Investment Service** has considered the Economic Impact Assessment report (November 2018) and acknowledges that the Report is based on a larger development proposal of 143 holiday lodges rather than the now proposed 41 holiday lodges. The Council's Economic Development Manager advises that although what is now indicatively shown would be a smaller development proposal, it would nonetheless create jobs during construction and eventually during operation. The Economic Development Manager confirms that the proposal meets the aims of the East Lothian Tourism Action Plan 2016 - 2018 by creating a new form of accommodation offer and by focusing on the family market, which is a target market for East Lothian, and that the proposals would also encourage local spend on food and drink and in visitor attractions. In conclusion, the Economic Development Manager is supportive of the proposals as they would generate increased visitor numbers to East Lothian, create new jobs and add value to the local visitor economy.

In assessing previous planning permission in principle 08/00078/OUT, the Planning Committee considered the long term economic viability of the 100 bedroom hotel and the requirement for the building of 42 houses as enabling development in support of that business use at the then Whitekirk Golf and Country Club. It would therefore prudent for the Planning Authority to consider the viability of the now proposed holiday accommodation development at the former Whitekirk Golf and Country Club.

Furthermore, a number of the objections received to this application for planning permission in principle express doubt about the long term viability of the proposed holiday accommodation unit, and about whether the proposed holiday accommodation lodges would be used as such or whether they are in fact intended to be used as permanent residential dwellings.

In light of this, the Council commissioned Cushman & Wakefield to provide an independent appraisal of whether or not there would be demand for the type and scale of the proposed holiday accommodation offer, and whether or not the long term operation of the proposed holiday accommodation lodges would be economically viable. Cushman & Wakefield are international consultancy providing specialising in real estate including asset services, investment management, valuation and advisory, and project and development services. Cushman & Wakefield's report on the demand for and viability of the proposed holiday accommodation development was informed by their knowledge of the area and the commercial marketplace, as well as a review of all documents supporting this application for planning permission in principle.

Cushman & Wakefield initially provided an appraisal report based on the larger development proposal of 143 holiday lodges. In that report they conclude that, subject to it being appropriately priced, well marketed and being of sufficient quality, the proposed holiday lodge accommodation appeared to be well-placed to fill a niche segment of the market and thus that there is likely to be demand for this type of holiday accommodation, and that the proposed development has the potential to become highly profitable over the long term but that there is a significant likelihood that the business would require an injection of further resources between 2024 and 2027 to overcome potential short-term liquidity challenges.

The Council sought a reassessment of the demand for and viability of the revised proposals for only 41 holiday lodges. The Council commissioned Stantec, an international consultancy involved in a wide variety of design, engineering, asset services, valuation and advisory, and

project and development services, to carry out this reassessment, however the same Economic Analyst, who was the author of the Cushman & Wakefield appraisal is also the author of this second assessment.

On the matter of demand for the type and scale of the proposed holiday accommodation offer, Stantec advise that, although the supporting information is based on a larger number of units, the assessment of demand for overnight visitor accommodation in East Lothian carried out by the applicant is robust. Stantec conclude that based on an assessment of accommodation providers within a 30 minute off-peak drive time of the application site, the proposed development, to provide primarily high quality lodge accommodation, would appear to be well-placed to fill a niche segment of the market, subject to the proposed holiday lodge accommodation being appropriately priced, well marketed and being of sufficient quality.

Stantec note that, although based on the larger development proposal of 143 holiday lodges, the demand and supply assessment undertaken by 'Hospitality Advice' on behalf of the applicant remains relevant to the smaller proposal for 41 units. They note that this study examined accommodation trends in the local area across all types of property and also contained Scotland-wide assessment, looking at total capacity, average rates and occupancy levels. They agree that the figures provided are well researched and note that they have a degree of caution applied to them (for example, a lower occupancy rate assumption than the VisitScotland figure for Edinburgh & Lothian region has been applied in recognition that occupancy rates in East Lothian are generally lower than those in the City of Edinburgh). These assumptions have been accepted. However, Stantec note that these assumed occupancy figures differ from those presented in WHL's cashflow projection.

Stantec note that the larger development proposal for 143 holiday lodges estimated that, once fully completed, 28 full-time equivalent staff would be employed to manage the proposed holiday accommodation development.

On the matter of the viability of the proposed development, Stantec note that there are several significant inconsistencies between the figures provided in the 'profit and loss update' document submitted with the application and the figures provided in the 'key assumptions document'. They have therefore considered the viability of the proposed development based on two financial scenario models: Model A (based on WHL Assumptions) and Model C (Stantec Sensitivity). Stantec advises that under both models the proposed development has the potential to become profitable over the long term.

In summary, Stantec provide qualified support for the revised proposals for 41 holiday lodges at 'Whitekirk Hill', noting that while the area offers visitors a wide choice of accommodation types, the availability of luxury lodges is quite limited compared to other parts of Scotland and therefore the proposed development is likely to address an existing gap in the market, and that the proposed holiday lodges development has the potential to become profitable over the long term.

Having regard to the findings of the Stantec report, it can be concluded that there is a demand for the type of holiday lodge accommodation proposed and that there is a reasonable prospect that the proposed holiday lodge development could be operated on an economically viable footing.

In respect of the proposed business, Policy DC1 of the adopted East Lothian Local Development Plan 2018 states that development, including changes of use, will be acceptable in principle within the countryside where it is for agriculture, horticulture, forestry, infrastructure and countryside recreation uses. Other business use will also be acceptable where there is an operational requirement for a countryside location, including tourism and leisure uses.

In this instance, the principle of a proposed holiday lodge accommodation use would not be directly related to agriculture, horticulture, forestry, infrastructure or countryside recreation. However, it would be a tourism and leisure use. Whilst a holiday accommodation use could be accommodated within an urban area, the applicant's supporting statement explains that they are seeking to create high quality accommodation for those wanting to stay in the East Lothian countryside, close to existing walking and cycling trails, and that the facilities offered at the on-site leisure club facilities would include bicycle rental and repair services, and that nearby cultural attractions and outdoor activities would be promoted. The supporting statement explains that the applicant is keen to attract a variety of different groups, including couples, small family groups through to larger extended family groups, and groups of friends. The proposed holiday accommodation development would operate in conjunction with, and use the facilities of, the recently reopened leisure facility building at 'Whitekirk Hill'.

The applicant has confirmed in writing that the proposed holiday lodges would be mainly a short stay destination (3 nights to two weeks) and that the proposed holiday lodges would be managed under a single ownership and operation by 'Whitekirk Hill Ltd' and that there is no intention to sell the holiday lodges or offer fractional ownership.

The principle of the proposed holiday letting accommodation use of the site would serve to provide accommodation for tourists wishing to benefit from a stay in the East Lothian countryside. Holiday accommodation lodges erected on the site would be within easy reach of the on-site leisure club facilities at 'Whitekirk Hill', which were approved by the grant of planning permission 18/00312/P. They would also be within relatively easy reach of many of the tourism and leisure attractions of East Lothian.

Accordingly, taking account of the findings of the Stantec report, in principle, based on the supporting information that the indicatively proposed holiday lodges would seek to provide holiday letting accommodation close to outdoor activities, there is justification, in principle, for the holiday letting accommodation use in this rural location and the particular type of holiday accommodation could not reasonably be accommodated within an existing urban or allocated area. It is not unreasonable to assume that such holiday accommodation development would be likely, in turn, to positively contribute towards the tourist industry of East Lothian. Accordingly, the proposed holiday accommodation use of the site, in principle, would not conflict with Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Although the indicatively shown proposed holiday lodges are promoted as holiday letting accommodation they would nevertheless be capable of being used as permanent residential dwellinghouses. As units of holiday letting accommodation, their use would be consistent with development plan policy. However, if they were used as houses without a clear operational requirement for a countryside location that cannot be reasonably accommodated within an existing urban or allocated area the proposed holiday lodges would be unacceptable and contrary to Policy DC4 of the adopted East Lothian Local Development Plan 2018. However, the proposed holiday lodges are not promoted for use as houses. Rather they are promoted for use as short stay holiday letting accommodation. In their use as holiday letting accommodation, the people occupying them would only be staying for relatively short periods of time. Therefore, if planning permission in principle is to be granted for the principle of the use of the proposed holiday lodges then it should be subject to the occupancy of them being restricted to short term letting.

To prevent the proposed holiday lodges from being used as separate permanent independent residential accommodation, the occupation of them should be restricted solely to short term lets of not more than 28 days and each holiday lodge should not be re-let to the party who last occupied it anytime within a period of two months after that previous time of occupancy. This control can be imposed as a condition attached to a grant of planning permission in principle.

Moreover, the applicant's agent has confirmed in writing that the holiday lodges would remain in the ownership of 'Whitekirk Hill Ltd' and would be under the control of a single operator ('Whitekirk Hill Ltd'), and the supporting financial and demand assessment documents submitted with the application are based on this form of operation. Such form of operation of the proposed holiday lodges would be likely to make a greater degree of contribution to the East Lothian economy through jobs created than would the proposed holiday lodges were they to be sold as individual holiday homes, and would serve to ensure that the proposed development would best deliver the economic and employment benefits identified in the supporting information and on which the independent economic appraisal has been based, and to best deliver the unified use of the site that the applicant has indicated.

In order to secure that the proposed holiday lodges and associated land would remain in a single ownership and be operated by a single unit (i.e. as one facility) under a central management process, the principle of the siting of the indicatively shown 41 holiday lodges and associated development on the site should be subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to: (i) secure that the proposed holiday lodges, and any ancillary buildings and development on the site would remain in the ownership of one operator and be operated as a single unit (i.e. as one facility) under a central management process, and shall not be sold separately.

Furthermore, the proposed holiday lodge accommodation is promoted in association with the existing leisure club facilities at 'Whitekirk Hill', which were approved by the grant of planning permission 18/00312/P, and which are in the ownership and control of the applicant. With a holiday lodge accommodation development of the numbers proposed, there would be an expectation for on-site facilities to be offered such as those that are provided from the existing leisure club facilities at 'Whitekirk Hill', and indeed in the supporting information submitted with the application, the proposed holiday lodges and the existing leisure club facilities at 'Whitekirk Hill' appear to be promoted together as a unified tourism offer. In light of this, if planning permission were to be granted for the principle of the proposed holiday lodges then it should be subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to: tie the holiday lodge development in ownership with the existing leisure club facilities at 'Whitekirk Hill'.

It would also be prudent for the Council as Planning Authority to seek to secure that the proposed holiday lodges on the site would be operated as a single unit (i.e. as one facility) under a central management process. This control can be imposed as a condition attached to a grant of planning permission in principle.

Thereafter, the considerations in this case are whether, having regard to national, strategic and local planning policies, guidance and other material considerations, the proposed holiday lodge development would be of an appropriate scale and character for this countryside location, whether the proposed development would result in harmful impacts to the landscape character of the area including the special character of the Whitekirk and Balgone Outcrops Special Landscape Area or to the setting of the Whitekirk Conservation Area, whether the proposed development would result in harmful impacts to the Scheduled Ancient Monument of Whitekirk Hill Cairn or its setting, whether the proposed development would be harmful to the setting of any nearby heritage assets in the form of listed buildings, scheduled monuments or Inventory or Local Gardens and Designed Landscapes, whether the proposed development would result in harmful impacts to the amenity of neighbouring properties or users of the nearby public rights of way, whether the proposed development would have a harmful impact on the trees that are on or adjacent to the site and whether the development could be suitably serviced, and provided with a satisfactory means of vehicular access and provision for on-site parking.

The application site is located in the countryside at Whitekirk Hill to the northeast of the village of Whitekirk. It forms part of the Whitekirk and Balgone Outcrops Special Landscape Area. The application site covers some 51 percent of the area of land known as Whitekirk Hill, and the indicatively shown proposed holiday lodge development is located on the northeast part of the site only. The southern highest part of Whitekirk Hill around the location of the scheduled monument of Whitekirk Hill Cairn and the part of the Hill that is within the Whitekirk Conservation Area are outwith the application site.

Although the application drawings indicate that the applicant has an intention to seek planning permission for development on the western part of the application site, the development on that part of the site does not form part of the assessment of this application for planning permission in principle and rather it might be the subject of a separate application(s) for planning permission at some point in the future.

Whitekirk and Balgone Outcrops Special Landscape Area (SLA) extends to an area of some 675 hectares. Whitekirk Hill is part of the eastern area of the Whitekirk and Balgone Outcrops SLA and although it is only a small part of the Special Landscape Area, it is a distinctive part of that Special Landscape Area. The Statement of Importance for the Whitekirk and Balgone Outcrops SLA describes its character as a scenic area of the volcanic outcrop of Whitekirk Hill, dramatic wooded landform of the Heughs and cliffs and lake at Balgone, contrasting with the surrounding fertile arable fields. The Statement of Importance identifies Whitekirk Hill as being a notable landmark in the surrounding area, from which there are long range panoramic views on all sides, and it describes the land surrounding the volcanic outcrops as being largely arable, with often small scale fields separated by stone walls and hedges. Whitekirk Hill is identified as being a larger volcanic outcrop feature within the SLA and where rock shows through skeletal soil, which is both a typical feature of the area and unusual within it. The SLA Statement of Importance also describes mature trees as being important in the area, including the area of woodland that is Whitekirk Covert. On the matter of buildings in the SLA, the Statement of Importance identifies that farm buildings and steading that lie within this area are mainly traditional in style and materials. Buildings either "sit quaintly within the landscape"..."providing a focal point in the scene" or are "hidden within landform and trees". The Statement of Importance explains that views from the area include those from and of Whitekirk Hill. Among the guidelines for development set out in the Statement of Importance are:

- Any proposed development must not harm the core agricultural character of the area;
- Any proposed development must respect and retain the existing settlement pattern of development in generally small-scale, single storey, linear and small groups of buildings typical of farm settlements, farm workers cottages and steading conversions and support use of traditional building materials or traditional components and styles of design in new buildings;
- Any proposed development must not harm the landscape character of the area by prevention of large, widely-visible development that reduces the scale and contrast of the landscape form and detracts from the natural qualities of the area;
- In cases where solar panels are not permitted development they should not be placed on publicly visible roof elevations of traditional buildings or buildings in traditional and historic settings where they would harm the historic nature and scenic value of the area;
- Any proposed development must not impact detrimentally on: open views from the minor road from Congalton to Whitekirk and Whitekirk Hill to the east, the Heughs to the north and the Lammermuirs and Traprain Law to the south; views to Waughton Castle; views from the The Bratt (minor road from Westgate Lodge to Old Waughton) south to Traprain Law and the Lammermuirs; open views from Whitekirk Hill;
- Any proposed development must not harm the contrast of small-scale topographic diversity and contrast of rocky outcrops and fertile fields; and
- Any proposed development must not harm the small-scale rural character of the roads, including characteristic features such as hedges and walls.

The application site is set within a largely agricultural landscape of arable fields. Whitekirk Hill with its rocky outcrops stands out as a distinctive visual feature of this landscape. The application site is laid out as a golf course with the fairways and greens being located between the rocky outcrops and with gorse, woodland and open space in between the formal course areas. Since the closure of the golf club in 2016, the land is now overgrown, though the fairways and greens are still clearly identifiable. Gorse is particularly concentrated in the areas of the site where there are significant rock outcroppings. The exception to this is the area of woodland of Whitekirk Covert which is located in the north centre of the site. Artificial ponds are located on the northeast and northwest parts of the site. A single stone boundary wall crosses the majority of the site on a north south alignment from the area near the southeast corner of Whitekirk Covert in a southerly direction, bisecting part of the site to the east of the Covert.

Policy DC9 (Special Landscape Areas) states that development within or affecting Special Landscape Areas (SLAs) will only be permitted where: (1) it accords with the Statement of Importance of the SLA and does not harm the special character of the area; or (2) the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

When the application was first received by the Planning Authority the indicative masterplan drawing proposed 143 holiday lodges dispersed across the site in six phases. Phases 1, 2 and 3 being on the north and east parts of the site including the Whitekirk Covert and phases 4, 5 and 6 being on the north and west parts of the site. The phases comprised the following numbers of units, and indicative footprints and heights were also provided:

- Phase 1: 16 units of which 5 would be 2-storey, 8 would be 1.5 storey and 3 would be single storey;
- Phase 2: 20 units of which all 20 would be 1.5 storey;
- Phase 3: 37 units of which 11 would be single storey and 26 would be woodland pods;
- Phase 4: 13 units of which 8 would be 2 storey and 5 would be 1.5 storey;
- Phase 5: 25 units of which 13 would be 1.5 storey and 12 would be single storey; and
- Phase 6: 32 units of which 6 would be 2 storey, 13 would be 1.5 storey and 13 would be single storey.

Following concerns raised by Planning, Landscape and Heritage Officers, the applicant has agreed to amend the application to reduce the number of indicatively shown holiday lodges and change their positioning and layout on the site. These changes have resulted in all of the development being removed from the western part of the site. Instead the indicative layout now shows a total of 41 proposed holiday lodges on the northeast part of the site, largely clustered to the north and west of the existing leisure facilities building.

The indicatively shown proposed 41 holiday lodges would now consist of six clusters of lodges, which would be dispersed across the northeast part of the site and are generally shown to be positioned on the lower areas of land that were used as the golf course fairways between the higher rocky outcrops. Of these indicatively shown proposed 41 holiday lodges, nine are proposed to be two storeys or two storey split in height, sixteen would be one and a half storey in height and sixteen would be single storey in height.

There are extensive views from Whitekirk Hill and the Scheduled Ancient Monument (Whitekirk Hill Cairn) located close to its summit in all directions, towards the Scheduled Ancient Monuments of North Berwick Law and the coast, including Tantallon Castle, and in land towards Traprain Law, and similarly Whitekirk Hill with its rocky outcrops is readily visible and identifiable in views from around East Lothian.

By virtue of their indicatively shown size, heights and positions the 41 proposed holiday lodges would be visible in their landscape setting.

In the indicative positions shown for them, and due to the lower level of the village of Whitekirk and the intervening higher land of the southeast part of Whitekirk Hill, the indicatively shown proposed 41 holiday lodges on the northeast part of the site would not be readily visible from the village of Whitekirk to the south of the site and the A198 classified public road to the southeast of the site. However, in the indicative positions shown and at the indicative heights shown, some parts of the upper walls and roofs of the most southerly and southeasterly of the proposed holiday lodges would be likely to be visible above the southeast ridge of Whitekirk Hill.

The indicatively shown proposed 41 holiday lodges would however be readily visible in long range views from the A198 classified public road further to the north and northeast, and would be partially visible in longer range views of Whitekirk Hill from further afield from public roads and higher ground, including the unclassified public road to Glenhornie Farm and Cottages, and from the public right of way/John Muir Way (Becky's Strip) that passes to the west of the application site.

A Landscape and Visual Impact Assessment (LVIA), based on the original larger proposal for 143 holiday lodges being dispersed across the whole site, has been submitted with the application. The LVIA and Chapter 5 of the EIA consider the landscape and visual impacts of the indicatively shown proposed development from a number of viewpoints in the surrounding area and further afield in East Lothian. The EIA and LVIA conclude that subject to new planting in specific locations the development of the site for the indicatively shown proposed holiday lodge development would not have any harmful significant effects in terms of landscape and visual impact.

In their consultation response, on the matter of landscape and visual impacts, Scottish Natural Heritage (SNH) advise that set within the wider context of the flatter arable landscape, Whitekirk Hill with its more elevated topography and its rugged and rocky outcrops is a prominent and characterful feature of the area.

SNH's consultation response was based on the original proposal for 143 units. They advise that the Stage 2: Landscape Design Statement for the siting and design of buildings on the site sets out a coherent approach for minimising landscape and visual impacts from the scale of the development indicatively proposed. They advise that if the Council is minded to grant planning permission in principle based on the information submitted that the guiding principles of the proposed layout strategy should be adopted, and that further details of the proposals should be produced to ensure that the overall mitigation of landscape and visual impacts can be successfully secured and delivered. On this matter some of the guiding principles are no longer relevant, as they relate to the original proposal for 143 units therefore a separate condition should be imposed setting out the relevant guiding principles for development.

SNH further comment that whilst the application is for planning permission in principle, the extensive and dispersed nature of the original proposals for 143 units across the site has the potential for adverse landscape and visual impacts to arise from the proposed development and to be experienced by the surrounding areas, due to the overall cumulative impact of buildings and ancillary infrastructure (e.g. tracks, signage, night-time lighting) and the inevitable change that the dispersed footprint and overall quantum of the proposed development would bring to the relatively undeveloped and distinct character of the existing hill landscape.

SNH further advise that there is a lack of information with regard to key aspects of detail that would ensure successful delivery of the strategy. SNH suggest that further information should include key details about the protection and enhancement needed to avoid direct impacts on the existing topographic and vegetation features of the hill, design layouts illustrating the location of built form in relation to existing topography and other landscape features, along

with approaches which illustrate the co-ordination of layout, massing, frontages and rooflines between buildings within and between groups and to ensure a well-considered appearance and landscape accommodation to the overall development. SNH also advise that detailed information to minimise light pollution from night-time lighting, as well as matters relating to other ancillary aspects of the proposals such as paths, tracks and signage should be considered. On this matter, there is sufficient information to enable a determination of the application to be made, although if planning permission in principle were to be granted further details of the design, layout, access, and landscaping would need to be submitted for the prior approval of the planning authority.

SNH further comment that specification of planting and seeding should assist with the visual accommodation of the built form whilst maintaining the overall character of existing vegetation, and that measures should be put in place for the overall financing and delivery of long term site maintenance and management should be put in place to ensure successful growth and management of vegetation and to co-ordinate and reduce landscape and visual impacts over the longer term.

**The Council's Landscape Officer's** initial consultation comments are based on the original larger proposal for 143 holiday lodges being dispersed across the whole site. On that larger development for 143 holiday lodges, the Landscape Officer raises concerns that based on their indicative heights and positioning, the indicatively shown proposed 143 holiday lodges would be highly visible from the southeast of the site, and would be prominently positioned on the elevated land, and would create a wall of development against Whitekirk Hill when viewed from the north and northeast. Further concerns are raised that the indicatively shown proposed access roads would be very steep (in many cases 1 in 3 or 1 in 4), cutting into the existing ground levels, and that the resulting visual intrusion of such roads would be exacerbated by external lighting. The Landscape Officer continues to advise that the proposals as indicatively shown would result in significant change in the character and visual intrusion, which does not align with the statement of importance for the SLA.

In respect of the principle of the development of the site for the now proposed 41 holiday lodges that are indicatively shown to be positioned on the northeast part of the site, the Landscape Officer has advised that the proposed indicatively shown scheme of development for 41 holiday lodges and associated works does not accord with the Statement of Importance of the Whitekirk and Balgone Outcrops Special Landscape Area, including the criteria that require that the proposed development:

- \* must not harm the core agricultural character of the area.
- \* must respect and retain the existing settlement pattern of development of generally small-scale, single storey, linear and small groups of buildings typical of farm settlements, farm workers cottages and steading conversions,
- \* must not harm the landscape character of the area by prevention of large, widely-visible development that reduces the scale and contrast of the landscape form and detracts the natural qualities,
- \* must not harm the contrast of small-scale topographic diversity and contrast of rocky outcrops and fertile fields.
- \* must not harm the small-scale rural character of the roads, including characteristic features such as hedges and walls.

However, the Landscape Officer also advises that whilst the proposed indicatively shown scheme of development for 41 holiday lodges and associated works cannot be supported on landscape grounds due to its impact on the SLA, he acknowledges that the impact of the buildings and associated development on the landscape and the Special Landscape Area has to be weighed against other relevant planning considerations, including the economic and tourism benefits that the proposed development would be likely to bring as a tourist and employment enterprise in East Lothian.



The Landscape Officer advises that, if the proposed 41 lodges development were to be supported under the terms of part 2 of Policy DC9, the scale and size of the proposed lodges and the extent of the access roads and hardstanding areas should be designed so as not to have a detrimental impact on the current visual experience of the site within the wider land form, whether during the day or at night.

The proposed landscape planting detailed in the EIA and the LVIA is based on the original larger proposal for 143 holiday lodges being dispersed across the whole site. On the matter of proposed landscape planting the Landscape Officer notes that the Stage 1: Landscape Appraisal and Stage 2: Landscape Design Statement refer to these areas as extending the existing planting with the same species, and he comments that this would generally be the sensible approach to maintain species consistency both visually and for adequate establishment. However, he advises that whilst some parts of the proposed landscape planting would be likely to help to screen parts of the now proposed 41 lodges development, the landscaping was designed for the original larger proposal for 143 holiday lodges and it would not be an appropriate form of planting to maintain the existing landscape character of the SLA, and would introduce another element to the SLA that is not natural to the areas proposed. He therefore advises that the proposed planting is not supported and that any new planting should be kept to a minimum to work with the architectural style of the lodges as an enhancement rather than a screen, and that the proposed lodges should be designed and positioned so that building design, heights and positioning would be sensitive to the area to reduce visual intrusion.

The Landscape Officer has also considered the tree report of Whitekirk Covert that has been submitted with the application. Whilst the Landscape Officer welcomes proposals to manage the trees of Whitekirk Covert, he raises concerns about the impact of development within the woodland area of Whitekirk Covert and that there was a likelihood that such development would result in significant tree loss within the woodland area whether as a result of the proposed development or from subsequent wind-blow that could result in the loss of the woodland area and the detrimental impact that this would have on the character of the SLA. However, due to the changes that have been made to the proposals to reduce the number of proposed holiday lodges to a total of 41 and to remove all development proposals from the Covert, there would now be no direct impacts on the trees of the Whitekirk Covert.

There are also a number of heritage assets on and in the area surrounding the application site.

The Scheduled Ancient Monument of Whitekirk Cairn is located roughly at the highest point of Whitekirk Hill and is outwith the application site. At its nearest point the application site is some 170 metres away from the Whitekirk Cairn, on the lower parts of the slopes of Whitekirk Hill. A further Scheduled Ancient Monument of the Remains of Pilgrim's Houses around Tithe Barn is located at the Tithe Barn in Whitekirk village.

Application site is outwith the Whitekirk Conservation Area but in places is immediately adjacent to its northern edge.

The listed buildings of Whitekirk Tithe Barn and Pilgrim's Houses (Category A), Whitekirk Parish Church (Category A), Lady's Field (formerly Whitekirk Manse) (Category B), Whitekirk Mains Farmhouse (Category B), Whitekirk Primary School (Category C), and 1 (Post Cottage) and 2 Farm Cottages (Category C) are located in the village of Whitekirk. The listed building of New Mains Farmhouse (Category B) is located some 300 metres away to the northeast of the application site.

Further afield to the northwest of the site are the listed buildings of Leuchie House (Category A) and Stables (Category C), Balgone House (Category A), South Pavillion (Category A) and Coach House (Category B), and the Inventory Gardens and Designed Landscapes of Leuchie

House Garden and Designed Landscape and Balgone House Garden and Designed Landscape.

Chapter 7 of the EIA considers the potential direct and indirect impacts resulting from the proposed holiday lodge development on heritage and cultural assets, including listed buildings, scheduled ancient monuments, conservation areas, inventory gardens and designed landscapes, inventory battlefields and world heritage sites.

**Historic Environment Scotland (HES)** advise that, as the proposed development does not raise historic environment issues of national significance, they raise no objection to the principle of the proposed holiday lodge development.

On the matter of the EIA, HES advise that they are satisfied that a comprehensive cultural heritage assessment has been carried out, and they agree with the conclusions of the EIA that none of the impacts on the heritage assets would be significant adverse.

Their key interest is the potential impact on the Whitekirk Hill Cairn, which is a Scheduled Ancient Monument located along the ridgeline of Whitekirk Hill near its summit. The Whitekirk Hill Cairn is located outwith the application site but on land that is also within the ownership or control of the applicant. Based on the viewpoints provided, HES comment that in general the proposed holiday lodges would not be visible from the cairn. They note however that an area of proposed lodges to the west would be visible from the cairn as the topography slopes down in this direction. However, they comment that the proposed development is predicted to result in a low magnitude of impact and a minor-moderate level of effect (which is not considered significant in EIA terms).

HES advise that overall they are content with the description of the indirect impacts given in section 7.90 of the EIA and consider that a fair assessment of the impact of the development on the Scheduled Ancient Monument. Where intervisibility would occur to the west, HES advises that they do not consider this intervisibility would have a significant impact on the setting of the Scheduled Ancient Monument. Likewise, the distance between the indicatively shown proposed development and the Scheduled Ancient Monument means that aspects associated with the construction and use of the proposed holiday lodge accommodation development such as noise, light and other sensory factors would be unlikely to have a major impact on the sense of place of the Scheduled Ancient Monument.

HES welcome the mitigation proposed to enhance the understanding, appreciation and experience of the cultural heritage assets in and around the proposed development site. They also welcome and support the statement that the provision of such information could also be used to encourage responsible and sympathetic access to the Scheduled Ancient Monument.

Scottish Planning Policy states that planning authorities should protect archaeological sites and monuments as an important finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. Planning Advice Note 2/2011: Planning and Archaeology similarly advises.

It is stated in Scottish Planning Policy: June 2014 that archaeological sites and monuments are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If

archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them. Planning Advice Note 42: Archaeology similarly advises.

**The Council's Heritage Officer** advises that Whitekirk Hill is visually prominent from many heritage assets and the rugged nature of the hill significantly adds to the historic character of the wider area. He adds that broadly the historic character of this area is that of small clusters of farm buildings in an open landscape which is punctuated by historic designed landscapes and he highlights the importance of the interrelationships between Traprain and North Berwick Laws and Whitekirk Hill (i.e. volcanic hills, ridges and knolls), and the context in which these features sit and the patterns of past use in the landscape and settlements, and that these are elements that the council seeks to protect, conserve and enhance through the Local Development Plan policies.

The Heritage Officer's initial consultation comments are based on the original larger proposal for 143 holiday lodges being dispersed across the whole site. On that larger development for 143 holiday lodges, the Heritage Officer advises that the Historic Environment assessment of the EIA is in general terms and does not fully reflect the Historic Environment impacts. He raises concerns that, due to their size, height, massing, and positions, the 143 holiday lodges and associated development would have a high potential for significant indirect impacts upon the historic character of the area and the setting of individual assets. He goes on to comment that there may be design options (i.e. colour/materials/form/etc.) which could mitigate this but that further information would be needed.

In respect of the principle of the development of only the northeast part of the site in the manner indicatively shown for a maximum of 41 holiday lodges, the Heritage Officer advises that the proposed 41 holiday lodges would be potentially visible from a number of receptors within the wider area however, with the exception of the six two-storey lodges proposed close to the northwest boundary of the site, they would not be particularly prominent in their landscape setting. He further advises that the realignment of the proposed 41 holiday lodges into small irregular clusters is more in keeping with the 'clusters' of traditional farm buildings in the general area. The Heritage Officer goes on to advise that for the most part the indicative positions shown for the proposed 41 holiday lodges would not be prominent and that while roof lines and some lodges will still be seen they would be adjudged to not be overbearingly intrusive. The Heritage Officer advises that overall while there would be some indirect impacts upon the Historic Environment arising from the principle of the development of the site for 41 holiday lodges as indicatively shown, it is considered that on balance the proposals would not unduly impact upon the special qualities of the area in terms of the Historic Environment.

In respect of direct impacts, the Heritage Officer advises that the application site, which sits towards the northern side of an undulating and rocky outcrop that is almost unique in the East Lothian landscape and where the presence of significant remains from prehistoric and medieval periods have been found, has experienced little development and thus there is potential for further remains to have survived. Accordingly, the Heritage Officer recommends a Programme of Works (Archaeological Evaluation by trial trench and Monitored Strip) to mitigate the impacts of the proposed development on the Historic Environment. This can be secured through a condition attached to a grant of planning permission for the proposed development. This approach is consistent with Scottish Planning Policy: June 2014, Planning Advice Note 42: Archaeology and with Policy CH4 of the adopted East Lothian Local Development Plan 2018.

Although visible in public views from the surrounding area, as indicatively shown to be positioned on the northeast part of the site only, in such views, the local undulating landform and the trees of the Whitekirk Covert would give some degree of visual containment and backdrop to the majority of the proposed holiday lodges. If located on the lower areas of land

(i.e. the former fairways) of the undulating northeast part of the site, and if appropriately designed in small cluster groups with heights, positioning and footprint sizes being not dissimilar to that indicatively shown, and if appropriately designed and with external finishes appropriate to their rural location, it should be possible to design a layout for the majority of the proposed holiday lodges so that they would not appear as overly dominant features within their landscape setting, would not dominate the skyline of Whitekirk Hill, and would not be intrusive, incongruous or exposed features, harmful to the landscape character and visual amenity of the area.

The creation of an effective landscape setting for the proposed holiday lodges and a limitation on the size and height of them could be secured through conditions imposed on a grant of planning permission in principle.

However, the exception to this is the six indicatively shown proposed two storey holiday lodges that would be located close to the northwest boundary of the northeast part of the site. Although they would be positioned on the lower slopes of the northeast part of Whitekirk Hill, the proposed six two storey holiday lodges that are indicatively shown to be located close to the northwest boundary of the northeast part of the site would be the largest of the proposed holiday lodges and are intended to be suitable for large groups. Their indicative footprints measure between some 170 square metres and 200 square metres in area. These indicatively proposed six holiday lodges would be of significant massing and scale and would be out of keeping with the scale of the buildings of this part of the Special Landscape Area and as such would appear overly dominant and intrusive within their landscape setting. However, if these indicatively proposed six holiday lodges were to be no more than single storey in height, although still of significant scale in terms of their indicatively shown footprint sizes, they would be sufficiently reduced in scale and massing so as to not be out of keeping with the scale of the buildings of this part of the Special Landscape Area and as such would not appear overly dominant and intrusive within their landscape setting. The requirement for the indicatively proposed six holiday lodges adjacent to the northwest boundary of the northeast part of the site to be no more than single storey in height could be controlled by a condition imposed on a grant of planning permission in principle.

Subject to the aforementioned planning controls regarding their design and positioning, and subject to any excavation works required to site the proposed holiday lodges and the associated development not impacting detrimentally on the rocky outcrops of Whitekirk Hill and any excavation or land build-up, and vegetation removal being minimised, the indicatively shown proposed 41 holiday lodges, in their small cluster groupings and being predominantly single or one and a half storeys in height, and with buildings of varying footprint sizes would be sufficiently similar to the groupings of rural buildings and houses of the area so as not to appear overly dominant and intrusive within their landscape setting.

The indicatively shown holiday lodges would primarily be positioned on the northern side of Whitekirk Hill, and thus would be outwith the Whitekirk Conservation Area. As so positioned, they would not directly impact on the character and appearance of the Conservation Area. However, some of the indicatively shown proposed holiday lodges on the south/southeast part of the northeast part of the site may be partially visible in public views of and from the Whitekirk Conservation Area and in such position they would be viewed in the context of the setting of the Conservation Area. Subject to the aforementioned planning controls regarding their design and positioning, although some parts of the indicatively shown proposed holiday lodges would be visible in views of the setting of the Whitekirk Conservation Area it should be possible to design the proposed holiday lodge development so that it would not have a detrimental impact on the character and appearance of the setting of the Whitekirk Conservation Area.

If located on the site in the manner indicatively shown, the proposed holiday lodges would be only on the northeast part of the site and as such would be some 300 metres away from Whitekirk Hill Cairn. At such distance, the holiday lodge development would not have a direct impact on the cairn. Although the western most of the indicatively shown holiday lodges would be likely to be partially visible in views from the cairn, they are shown to be some 300 metres away from the cairn and it should be possible to design the proposed holiday lodge development so that it would not have a detrimental impact on the character and appearance of the setting of the Whitekirk Hill Cairn.

If located on the site in the manner indicatively shown, and subject to the aforementioned design controls, the proposed holiday lodges would be sufficient distance away from nearby listed buildings and other cultural and heritage assets so as not to have a detrimental impact on those cultural and heritage assets or their settings and designations.

Although the application is for planning permission in principle, the Design and Access Statement includes indicative visual images of lodges, explaining that the lodges would be designed with a traditional form and would feature sustainably sourced materials, including timber cladding, and the use of standing seam or 'green' roofing, and would have expansive areas of glazing to south facing elevations.

A Lodge Pattern Book has been made available by the Applicant's Agent however he has confirmed that the document is not formally submitted as part of this application for planning permission in principle.

The Agent has subsequently submitted a Design Booklet as part of the application, which explains that the proposed holiday lodges would be designed to Passivhaus Standard and that the relationship between the lodges and the landscape is critical to the success and cohesiveness of the overall development, with the massing and materials being developed and selected carefully so the lodges would nestle into the landscape. The Booklet further explains that the lodges would be designed to go well beyond any energy and sustainability regulatory compliance.

The Booklet expands on the detail provided in the Design and Access Statement and explains that the proposed lodges would be a contemporary rendition of a well-established typology, defined by a number of reference to the historic long-house vernacular, as well as referencing the simple agricultural buildings and sheds seen throughout the local East Lothian landscape. It is further explained that all of the proposed lodges, regardless of size, would be based on two basic modules; either a long-house or gable house, with these modules being paired and multiplied to create the larger lodges. The modules would have symmetrical or asymmetrical roof forms depending on the module, with the use of a simple materials palette, including green roofs, the use of cor-ten steel, black corrugated metal or corrugated aluminium, with materials selected to either weather naturally over time or blend back into their surroundings.

The use of naturally weathering or coloured materials that will blend with the colours of the surrounding landform and agricultural landscape will help to integrate the proposed holiday lodges into their landscape setting so that they would not appear harmfully prominent and intrusive within their landscape setting.

Whitkirk Hill is within what could be termed as a 'dark skies' landscape with little artificial light evident during the hours of darkness other than for the small groupings of buildings of the surrounding agricultural landscape and the village of Whitekirk. Furthermore there are long range views towards the Hill from the wider landscape. Reducing the amount of artificial light emitting from the proposed development and the amount of reflection/glare from glazing is therefore a consideration. In terms of any external lighting of the lodges and the access roads on the site, this should be kept to a minimum and should be both low level and low key.

Limiting the amount of glazing and recessing large areas of glazing on the lodges as well as the use of non-reflective/anti-glare glass would all help to reduce the impact on the surrounding landscape. It should be possible to design the lighting and glazing of lodges, and the lighting of their layout and associated roads in such a manner so that the artificial lighting and glazing of the development would not be harmful to the landscape character of the area. Details of any external lighting of the lodges and roads and the type of glass to be used in the lodges could be required to be submitted for approval of the Planning Authority.

In order to ensure that the proposed holiday lodge development would not have a harmful visual impact, it would also be prudent to impose design controls on the proposed associated development (i.e. roads, parking areas, external lighting, etc), which if not appropriately designed, positioned and finished would have the potential to result in detrimental visual impacts.

Controls relating to external finishes, the positioning, form and surface finishes of the access roads, parking and turning areas and footpaths, and the height, form, appearance and external finish of external lighting could be controlled by conditions imposed on a grant of planning permission in principle.

Based on the foregoing assessment of landscape and heritage assets, the number of holiday lodges should be restricted to a total of 41 units to be located in similar positions to those indicatively shown on the northeast part of the site only in order to minimise visual impact on the character and appearance of the area.

Notwithstanding the foregoing assessment of landscape and heritage assets, the indicatively shown proposed 41 holiday lodge development would form a noticeable built feature on Whitekirk Hill and in views of Whitekirk Hill and this part of the Special Landscape Area (SLA) from the north and east and to a lesser degree from the west and south. Such visual impacts would be likely to have a negative impact on the character of this part of the SLA. However, the application site is only a small part of the SLA and such visual impacts would be localised in specific views of the application site and of this part of the SLA and on balance there would be little overall impact on the special character of the wider SLA.

On balance, due to the limited and localised nature of the visual impact on the SLA, and that it should be possible through the aforementioned planning controls to design a layout and form of development for 41 holiday lodges on the northeast part of the site that would minimise detrimental impact on the landscape setting, the benefits that would accrue to the local economy, tourism and employment are sufficient to outweigh the localised harm to this part of the SLA.

#### **PRIVACY AND AMENITY INCLUDING NOISE IMPACT AND AIR QUALITY**

The nearest neighbouring residential properties to the proposed indicatively shown holiday lodges are at New Mains Cottages and New Mains Farm some 0.2 of a mile away to the northeast. By virtue of its distance away from nearby residential properties, the indicatively shown proposed development would not result in any harmful overlooking or loss of sunlight or daylight to any existing residential properties.

Furthermore, the proposed development is for short term holiday letting accommodation and thus, the proposed holiday lodges are not assessed as having a requirement for amenity the same as would a permanent residential house.

Chapter 9 of the EIA considers potential noise and vibration arising from the proposed holiday accommodation development on the site both during construction and when the development is operational. The EIA explains that potential noise impacts are evaluated in the context of existing Noise Sensitive Receptors (i.e. existing private dwellings) as well as proposed Noise

Sensitive Receptors (proposed holiday lodges).

On the matter of noise, **the Council's Senior Environmental Health and Trading Standards Officer** advises that he has considered the technical assessment on noise and accepts the conclusion that the three proposed holiday lodges closest to the existing clubhouse/leisure facility building (approved by the grant of planning permission 18/00312/P) may suffer some loss of amenity due to noise breakout from windows of the building between 23.00 hours and 07.00 hours. However, he further advises that the proposed lodges would be holiday accommodation rather than permanent dwellinghouses, and thus are not subject to the same level of protection of amenity that would be afforded to a permanent dwellinghouse, and therefore, no formal mitigation is required.

Accordingly, the Council's Senior Environmental Health and Trading Standards Officer is satisfied that there would be no harmful impacts to existing Noise Sensitive Receptors from potential noise nuisance associated with the construction or operational phases of the proposed holiday lodge development.

Chapter 10 of the EIA considers the potential impacts of the proposed development on local air quality during the construction phase, from traffic and wood burning stoves installed in all of the indicatively shown proposed lodges.

On the matter of air quality, the Council's Senior Environmental Health and Trading Standards Officer advises that he has considered the technical assessment on air quality and accepts the conclusion that no air quality objectives would be exceeded as a consequence of the proposed development, including emissions from wood burning stoves.

However, the Senior Environmental Health and Trading Standards Officer further comments that while the provision of wood burning stoves would not result in exceedances of Air Quality Objectives, as stated above, there is potential for smoke, including the smell of smoke, to cause nuisance to existing sensitive receptors and the applicant should be aware of the potential for smoke nuisance due to the significant number of stoves that may be provided. Any such nuisance from smoke or the smell of smoke, is covered by existing Environmental Health and Trading Standards powers to deal with Statutory Nuisance contained in the Environmental Protection Act 1990 (as amended). As it is covered by legislation other than planning the matter of nuisance from smoke, including the smell of smoke, is not a material consideration in the determination of this application for planning permission in principle. This information has been sent by email to the applicant's agent.

The Senior Environmental Health and Trading Standards Officer further advises that in order to mitigate against impacts from dust during the construction phase, a Construction Method Statement that outlines the mitigation measures to be taken to minimise the impacts of dust during construction should be submitted for the prior approval of the Planning Authority. This requirement can be controlled by a condition attached to a grant of planning permission in principle. The Senior Environmental Health and Trading Standards Officer advises that many of the measures to be taken have been highlighted in Appendix 10.4 of the EIA.

The mitigation measures recommended in the EIA include the provision of a Construction Environment Environmental Management Plan (CEMP) for the site. The requirement for this document to be submitted for the approval of the planning authority and thereafter for the construction works to be carried out in accordance with it could be controlled by a condition of a grant of planning permission in principle. The Construction Environment Environmental Management Plan (CEMP) should include amongst other matters, mitigation for the control of dust during the construction phase.

Subject to the aforementioned planning controls the principle of the development of the site for 41 holiday lodges and associated works would not have a harmful impact on amenity.

Chapter 13 of the EIA considers ground conditions on the site and potential contamination sources. Potential contamination sources are identified as being the existing clubhouse/leisure facilities building outwith the site to the east, and the former green keeper's maintenance shed outwith the site to the southwest.

The Council's Environmental Health and Trading Standards Officer (Contaminated Land) advises that after considering the Ground Conditions chapter of the EIA he is satisfied with both the assessment of the potential pollutant linkages and the overall contamination risk on the site. He agrees with the recommendations that targeted investigations should be carried out to better evaluate specific areas of potential contamination relating to possible accumulation of asbestos, heavy metals and hydrocarbons and recommends that the following matters be controlled by conditions:

1. Prior to any development works commencing a suitable targeted Geo-Environmental Assessment must be carried out, with the Report being approved by the Planning Authority. The investigation should include details of the following:
  - A Site Investigation – incorporating a site survey (ground investigation, sample analysis and gas monitoring) and risk evaluation.
  - A Remediation Strategy – based on the findings of the Site Investigation (data and risk assessment), the Strategy should detail and quantify any works which must be undertaken in order to reduce the contamination risks to acceptable levels.
2. Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.
3. The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

These requirements could be controlled by a condition(s) attached to a grant of planning permission in principle.

## **TRANSPORTATION**

In the EIA it is stated that the application site benefits from excellent access to the road and rail network, with the A1 trunk road some 6 miles away to the south and with railway stations at North Berwick some 5 miles away and Dunbar some 8 miles away. It is also stated that the site benefits from links to the surrounding footpath network for pedestrians and cyclists. It is further stated that new bus stops would be created to serve the proposed development.

The EIA concludes that the proposed development would have a negligible impact on the surrounding road network, either as a result of construction or operational traffic and that the new development would provide additional bus stops on the A198 adjacent to the application site.

A draft Travel Plan (June 2018) has been submitted with the EIA application. It includes information on alternative travel options, car sharing, the health benefits of active travel along with a monitoring and reporting regime to assess the impacts of the proposed plan on travel patterns at the site.



Access to the proposed holiday lodge development would be via the existing access road and the existing vehicular access on the northwest side of the A198 classified public road. The application drawings do not propose any change to that existing access road and vehicular access, other than the removal of some of the vegetation. As the development is for planning permission in principle no details have been provided to indicate the number of on-site parking spaces that would be provided. The application drawings indicatively show a road layout on the site.

The EIA and draft Travel Plan (June 2018) state that additional parking areas would be formed to serve the proposed holiday lodges, with small car parking areas located close to the proposed lodges.

By its geographic countryside location, the proposed development would inevitably result in a high proportion of visits using private cars.

There is an existing bus service which operates along the A198 between Dunbar and North Berwick and also serves the village of Whitekirk. The closest designated bus stop to the site is within the village of Whitekirk.

The grant of planning permission 18/00312/P for the alterations and extensions to the clubhouse/leisure facility building includes the provision of a 128 car park with the formation of a new car park extension to accommodate a further 75 parking spaces.

The Traffic and Transport section of the EIA and the supporting information consider the nature of trips associated with the proposed development, including staff journeys, local visitor journeys and visitors to the proposed holiday lodge accommodation. These documents acknowledge that the proposed development would result in a change in the volume and composition of traffic accessing the site both during construction and once operational. However, they conclude that neither the construction nor operational phases of the proposed development would have a detrimental impact on the surrounding road network in terms of capacity or safety.

**The Council's Road Services** have considered the documents submitted with the application. They confirm that they have no concerns that the trips generated by the proposed development would be significantly more than the existing uses, and would be well within the capacity of the surrounding road network. Road Services advise that they raise no objection to the principle of the proposed holiday lodge development subject to the following matters being controlled by conditions:

1. A 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 construction commencing. Additionally the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan. The development shall thereafter be carried out in accordance with the Travel Plan;
2. As described in the Transport chapter of the Environmental Impact Assessment, bus stops shall be provided on both sides of the A198 close to the site entrance and a safe walking route shall be provided from the bus stops into the site;
3. As described in the Transport chapter of the Environmental Impact Assessment, high quality walking and cycle route connections shall be made to the surrounding path infrastructure to allow easy access for pedestrians and cyclist from all directions. A Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development shall be submitted and approved by the planning authority prior

to construction commencing, and this Audit shall be reviewed after construction is substantially complete and the developer required to make good any issues; and

4. A Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority prior to the commencement of development. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times) and shall include hours of construction work. The development shall thereafter be carried out in accordance with the approved Construction Method Statement.

On the matter of on-site parking provision, Road Services advise that each of the proposed holiday lodges should be provided with on-site parking at a rate of 1 space for up to 5 habitable rooms and 2 spaces for 6 or more habitable rooms. Road Services advise that any parking overspill above this provision would be likely to be capable of being absorbed by the existing on-site parking for the leisure club building. If planning permission in principle were to be granted this matter could be controlled by a condition.

Subject to the aforementioned planning controls, Road Services are satisfied that the principle of the development of the site for holiday lodges in the manner indicatively proposed would not have a detrimental impact on road safety and could be provided with a safe means of vehicular and pedestrian access, and it should be possible to provide a satisfactory provision of on-site parking for the proposed holiday lodges. Thus, the principle of the holiday lodge development of the site is not inconsistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

It would also be prudent for a wheel wash facility to be provided on the site during the construction phase. This matter could be controlled by a condition of a grant of planning permission in principle.

#### **FOOTPATHS AND ACCESS**

Core Path 74 (also known as Becky's Strip) bounds the application site to the west. There are other public footpaths in the area, although none directly bound the application site.

Although it is private land, there has been public access to Whitekirk Hill for pedestrians and walkers. The EIA explains that the linkages to Core Path 74 (known as Becky's Strip) will be maintained and enhanced as part of the wider layout and landscape management of the site, and that thus public access to the site will continue. The EIA also explains that visitors to the holiday accommodation development will be actively encouraged to access nearby attractions without the use of a private car by using the surrounding public footpath network.

In his initial response, **the Council's Outdoor Access Officer** advises that he is generally supportive of the public access provision shown on the indicative drawings for the application. However, he advises that traditionally people using Core Path 74 (also known as Becky's Strip) have entered the golf course land at the western most corner of the site, just north of the irrigation ponds, and that this access has allowed for a circular route back into Whitekirk. The Outdoor Access Officer recommends that public access to the application site should be maintained at this location and that a formalised footpath route should be provided across the site to provide a circular route back to Whitekirk. He further advises that this would enable the continuation of the existing public access across the site, and that such access and formalised footpath route would also provide a link for the users of the proposed development to access Whitekirk and the John Muir Way.

The applicant's agent has indicated that the applicant would be agreeable to providing public access to the site at this location but that a formalised footpath would not be provided across

the site until the development reaches that western part of the site.

As holiday accommodation does not have the same requirements for privacy and amenity as would a private residential property, it should be possible to form a footpath route across the site without having a harmful impact on the use and operation of the proposed holiday lodges.

The requirement for the provision of public access to the site from the western corner at Becky's Strip and for the provision of a formal footpath across the site to form a circular route back to Whitekirk could be controlled by a condition of a grant of planning permission in principle.

### **SCOTTISH WATER AND FLOOD RISK**

Chapters 11 and 12 of the EIA consider potential impacts from the proposed holiday lodge development on water resource, hydrology and drainage, and flood risk.

No water courses cross the site. The nearest water courses are the Peffer Burn, which is some distance away to the south and the Pilmuir Burn, which is some distance away to the north. There are four small artificial ponds located at points along the northwest boundary of the site and a further artificial pond located to the northeast of the vehicular access onto the A198 classified public road. The Masterplan drawing indicatively shows that the four ponds close to the northwest boundary would be enlarged considerably as part of the landscaping of the site so that they would extend along much of the northwest boundary of the site.

In the EIA it is stated that during construction the proposed development could have moderate to major significant impacts on water supplies and discharges into the water network. However, these moderate to major significant impacts could be mitigated against, including through the use of Construction Environmental Management Plan (CEMP) to include, amongst other matters, measures to protect watercourses and ground water and a Construction Method Statement to include, amongst other matters, use of best practice to prevent run-off into the water network. Subject to mitigation, the EIA concludes that effects on the water network would be reduced to negligible and minor significance.

**Scottish Water** has been consulted on the application for planning permission in principle and in respect of the Environmental Impact Assessment. They advise that they have no objection to the principle of the proposed holiday lodge development at the site. They note that according to their records, the development proposals may impact on existing Scottish Water assets and that the applicant should identify any potential conflicts with those assets and contact Scottish Water's Asset Impact Team to discuss. A copy of Scottish Water's response has been forwarded to the applicant's agent for their information.

Parts of the application site, predominantly along its northwest boundary are susceptible to surface water flooding. This may be the reason for the creation of the artificial ponds along the northwest boundary.

In their initial response, **the Scottish Environment Protection Agency (SEPA)** raise objection to the principle of the proposed holiday lodge development due to the lack of information on the collection, treatment and disposal of foul drainage. SEPA advises that during pre-application correspondence relating to foul drainage they expressed concerns to the applicant that there may be insufficient dilution in either the Peffer Burn or the Pilmuir Burns to accept an effluent discharge from this development and that in order to determine if this is an option, discharge modelling would be required. Furthermore, in relation to the effluent quality standards that SEPA would require they advised that this would depend on the flow and load in the discharge and an assessment of the effect on the receiving watercourse.

On the matter of surface water drainage, SEPA advise that the levels of treatment proposed as demonstrated by the Simple Index Tool Approach would be satisfactory.

The applicant's agent subsequently submitted a Drainage Strategy Plan (dated December 2019, Project no. P14514), which has been sent to SEPA and the Council's Structures Flooding and Street Lighting Team Manager.

**The Council's Structures Flooding and Street Lighting Team Manager** advises that, after considering the content of the EIA and the Drainage Strategy Plan, he concurs with SEPA's comments regarding surface water and advises that the SuDS elements of the Drainage Strategy are acceptable in principle. Thus, he raises no objection to the principle of the development of the site for a proposed holiday lodge development. The requirement for the details of the SuDS to be submitted for approval of the Planning Authority could be controlled by a condition of a grant of planning permission in principle.

The Scottish Environment Protection Agency (SEPA) have considered the Drainage Strategy Plan (December 2019) and advises that there is potentially a consentable solution for foul drainage at the site. Thus, SEPA advise that they withdraw their objection to the application for planning permission in principle for a holiday lodge development subject to a suspensive condition being imposed requiring that site investigation and drainage modelling is undertaken to the satisfaction of the planning authority in consultation with SEPA and that thereafter the foul drainage of the site is implemented in accordance with that site investigation and drainage modelling. This requirement can be made conditional of a grant of planning permission in principle.

#### **ECOLOGY AND HABITAT IMPACT**

Chapter 8 of the EIA consider potential impacts on ecology and biodiversity. This chapter is informed by an ecological baseline report of flora and fauna and habitats. The EIA concludes that, subject to the mitigation set out in chapter 14 of the EIA, including employing an Ecological Clerk of Works, there would be no significant effects on ecology and biodiversity.

**The Council's Biodiversity Officer** concurs with the findings of the EIA that there is unlikely to be any negative effect on local species including bats, bird species and badgers during the construction and operational phases, and is happy that additional surveys would be undertaken prior to construction starting to ensure that no species would be impacted, and that a robust monitoring plan would be put in place as part of a Habitat Management Plan (HMP) to measure the impact of the management strategy.

The Biodiversity Officer advises that a HMP for the site should include robust measures to manage the impact of visitor pressure on the calcareous grassland.

The Biodiversity Officer advises that at the time of the Scoping Opinion, and through consultation with Scottish Natural Heritage, it was agreed that an Appropriate Assessment was not required for the proposed development as it was not expected to have a likely significant impact on the Firth of Forth Special Protection Area.

Accordingly, the Biodiversity Officer raises no objection to the principle of the holiday lodge development on the site.

**Scottish Natural Heritage (SNH)** advise that the application site lies some 2.5km away from the Firth of Forth Special Protection Area (SPA) designated for its wintering wildfowl and waders, and that thus the site is unlikely to be important for SPA geese due to its lack of habitat and being outside of core pink-footed geese feeding areas. Thus, the proposals are unlikely to have a significant effect on the SPA.

On ecology matters, SNH note the findings of the ecological baseline survey and concur with the recommendations of Chapter 8 with regard to protected species.

Subject to the mitigation measures recommended in Chapters 8 and 14 of the EIA, which include, amongst other matters, the employment of an Ecological Clerk of Works and a Habitat Management Plan being in place, it should be possible to develop the site for the principle of the holiday lodge development without harmful impact on any biodiversity interest.

## **CONCLUSION**

In conclusion, although the proposed holiday lodge development would result in detrimental impacts on the special character of this part of the SLA, such harmful impacts would be localised and would have little overall impact on the character of the wider area and SLA. On balance whilst there would be an impact on the character of this part of the SLA, in principle the proposed holiday lodge development would make a direct and positive contribution to the tourism sector in the county, which would be sufficient to outweigh the localised harm to this part of the SLA.

Based on the planning assessment given above and subject to the aforementioned planning controls, the principle of the development of the northeast part of the site for a maximum of 41 holiday lodges would not, on balance, conflict with Policies DC1, DC9, NH3, NH8, CH1, CH2, CH4, CH6, DP1, DP2, T1 and T2 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.

The submitted EIA report provided sufficient information to assess the impacts on the environmental or human receptors, and subject to the mitigation measures to be secured through the recommended conditions, to grant planning permission in principle only, and any subsequent approval of matters specified in conditions application(s) sought must provide the details that are specified in the conditions of this permission.

As proposed, the principle of the siting of the indicatively shown 41 holiday lodges and associated development on the site should be subject to the prior conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 designed to: (i) secure that the proposed holiday lodges on the site would remain in the ownership of one operator and be operated as one facility under a central management process.

In accordance with the Council's policy on time limits for completion of planning agreements the decision also is 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. The reason for refusal being that without an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, restricting the proposed holiday lodges remaining in the ownership of one operator and being operated as one facility under a central management process, development of the site would be contrary to Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Reasoned conclusion on the significant effects of the development on the environment (Regulation 29 of the EIA Regulations 2017).

This assessment has taken account of all relevant information and it is considered that the proposal can be supported having regard to the nature and impact of the principle of the proposed holiday lodge development of the site, that its location is appropriate in local and national planning policy terms. The EIA covers topics by chapter considering the (1) Introduction; (2) The Proposed Development; (3) Approach to EIA; (4) Planning Policy Context; (5) Landscape and Visual Assessment; (6) Cultural Heritage; (7) Traffic and Transportation; (8) Ecology; (9) Noise; (10) Air Quality; (11) Water Resource, Hydrology and Drainage; (12) Flood Risk; (13) Ground Conditions; (14) Schedule of Mitigations; and (15)

## Conclusions.

There is nothing to demonstrate that the information gathered is not up to date. The EIA Report provides sufficient information to allow the consideration of the principle of the development, and suitably addresses matters that will be further defined at any further detailed consenting stage.

This assessment has considered, fully and carefully, the environmental information as presented and concludes that the development would not give rise to any significant adverse environmental effects, and that the proposal incorporates the necessary environmental design and mitigation measures to minimise such effects and impacts. These include measures to address impacts upon biodiversity (wildlife and ecology), cultural heritage (archaeology), traffic, transportation and drainage.

In the absence of any unacceptable or significant environmental impacts and subject to the recommended conditions, the proposal is acceptable in EIA terms. Where consultees have proposed conditions to mitigate/monitor impacts these have been secured by conditions attached to the consent.

## RECOMMENDATION

That planning permission in principle be approved subject to:

1. the undernoted conditions; and
2. the satisfactory conclusion of an agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997 to:
  - (i) secure that the proposed holiday lodges on the site would remain in the ownership of one operator and be operated as one facility under a central management process; and
  - (ii) secure that the proposed holiday lodges would be tied in ownership with the existing leisure club facilities at 'Whitekirk Hill'.

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 of the holiday lodges, ancillary buildings, the means of access to them, the means of any enclosure of the boundaries of the site and other subdivisions of the site and the landscaping of the site and those details shall generally accord with the Indicative Master Plan drawing no. A\_SITE 000 rev D docketed to this planning permission in principle, and shall address the following requirements:

a. There shall be no more than 41 holiday lodges positioned on the site generally in accord with the Indicative Storey Heights Site Plan drawing no. A\_SITE 001 rev E.

b. Notwithstanding the indicative masterplan, and with the exception of the 6 holiday lodges that are indicatively shown to be adjacent to the northwest boundary of the site, the detailed form, footprint and height of each of the remaining 35 holiday lodges shall be no greater than that indicatively shown on the Indicative Storey Heights Site Plan drawing no. A\_SITE 001 rev E. Holiday lodges shall be predominantly single storey in height.

c. Notwithstanding the indicative masterplan, the 6 holiday lodges that are indicatively shown to be adjacent to the northwest boundary of the site shall be no more than single storey in height and otherwise the detailed form and footprint of each of those 6 holiday lodges shall be no greater than that indicatively shown on the Indicative Storey Heights Site Plan drawing no. A\_SITE 001 rev E.

d. the 41 holiday lodges shall generally be positioned on the lower ground levels of the site so as to be below ridge lines.

e. the 41 holiday lodges shall be positioned so as to keep excavation and build-up of ground levels to a minimum and vegetation removal around each holiday lodge shall be kept to a minimum.

f. the holiday lodges shall be designed to minimise and reduce light spill from the windows of them and shall consider the use of non-reflective and tinted glazing.

g. The external finishes of the holiday lodges shall be in accordance with a coordinated scheme of materials and colours that shall respect the layout of the development and shall promote natural finishes, including 'green' or sedum roofs, natural timber and dark coloured finishes.

h. The access roads of the site shall be no wider than 3.7 metres and shall include provision of passing places.

i. The surface finish of the roads, parking and turning areas and footpaths shall be designed and coloured to minimise visual intrusion.

j. Unless otherwise agreed in writing with the Planning Authority, parking for the holiday lodge development hereby approved shall be provided at a rate of one space for a holiday lodge of up to 5 habitable rooms and two spaces for a holiday lodge of 6 or more habitable rooms. Parking spaces shall be a minimum of 2.5 metres by 5 metres.

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

Reason:

To enable the Planning Authority to control the development in the interests of the amenity of the wider environment, and in the interests of road and pedestrian safety, and in the interests of flood prevention and environmental protection, and in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 2 Prior to the commencement of development a long term landscape and habitat management plan shall be submitted to and approved in writing by the Planning Authority.

The landscape and habitat management plan shall include, but not exclusively:

- management of neutral/calcareous grassland, including mowing or grazing and mitigations to reduce visitor pressures;
- management and enhancement of woodland habitats;
- management and diversification of aquatic habitats;
- management and enhancement of gorse scrub and measures to enhance the habitat for wildlife;
- enhancement of broadleaved plantation woodland, through understorey planting and ground layer species of local provenance, where available;
- diversification of species poor grassland, including mowing and seeding;
- provision of bat and bird boxes;
- minimising the use of fertilisers and pesticides, including the delineation of zones where the use of fertilisers and pesticides will be controlled; and
- enhancement and management of the site to facilitate for high quality wildlife experience for visitors to the site.

The habitat management plan shall include a robust monitoring programme and a timetable for the implementation of the habitat management plan.

The approved long term landscape and habitat management plan shall thereafter be implemented in accordance with the details so approved unless otherwise agreed by the Planning Authority.

Reason:

To maximise the ecological potential of the proposed development.

- 3 No development shall take place on the site until details of a Construction Method Statement, designed to minimise construction works and the impact of the movements of construction traffic to and from the application site, and also designed to minimise the impacts of dust during construction has been submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development on the site. The Construction Method Statement shall include measures to minimise the impact of construction activity on the amenity of the area to control construction traffic, noise, dust, surface water, hours of construction work and wheel washing facilities and their use, and any recommended mitigation measures for their control, which shall, as may be applicable and as respectively relevant, be implemented prior to the commencement of development, during the period of development works being carried out on the application site, and once the use of the holiday lodge development hereby approved has commenced.

Thereafter the measures of the Construction Method Statement so approved shall be implemented throughout the period of construction and as relevant thereafter.

Reason:

To minimise the impact of construction traffic and works in the interests of the amenity of the area, and road and pedestrian safety in the locality.

- 4 No work shall be carried out on the site unless and until an effective vehicle wheel washing facility has been installed in accordance with details to be submitted to and approved by the Planning Authority prior to its installation. Such facility shall be retained in working order and used such that no vehicle shall leave the site carrying earth and mud in their wheels in such a quantity which causes a nuisance or hazard on the road system in the locality.

Reason:

In the interests of road safety.

- 5 Prior to the commencement of use of the holiday lodges hereby approved a Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as walking, cycling, trains, buses, and car sharing/car clubs shall be submitted to and approved in advance in writing by the Planning Authority. The Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site for staff and customers and how this will be promoted to employees and visitors of the holiday lodge development. The Travel Plan shall include a timetable for its implementation, details of the measures to be provided, the system of management, monitoring, review, reporting and duration of the Plan. The Travel Plan shall include for the provision of a Travel Plan Monitoring and Progress Report, which shall be shared with the Planning Authority 15 months after the holiday lodges first come into operation, and shall be kept up-to-date annually for inspection at any time. The Travel Plan Monitoring and Progress Report shall include the information above as well as an analysis of trends against previous surveys, information on any marketing and promotional events during the year and details of any new measures adopted. It should also include details of any changes in personnel associated with the Plan.

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

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved.

- 6 A Road User Safety Audit to independently assess walking, cycling, access and road safety aspects within and around the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to the commencement of development, and thereafter the approved Audit shall be implemented in accordance with the details so approved.

The Road User Safety Audit shall be reviewed after construction is substantially complete in accordance with a timetable for such review to be agreed in advance in writing by the Planning Authority and the findings of that review shall be submitted for the approval of the Planning Authority. Any mitigation identified shall thereafter be carried out as agreed in advance in writing by the Planning Authority.

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved and in the interests of road and pedestrian safety.

- 7 Prior to the commencement of the development hereby approved on the site, a suitable targeted Geo-Environmental Assessment of the site shall be carried out, and the findings report of that assessment shall be submitted to and approved in advance by the Planning Authority. The scheme shall include details of the following:

- A site investigation (ground investigation, sample analysis and gas monitoring) and risk evaluation, comprising a survey of the extent, scale and nature of contamination, and an updated conceptual model of the site.
- Where risks are identified based on the findings of the site investigation (data and risk assessment), a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the contamination risks to acceptable levels. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The site investigation and risk assessment shall be undertaken by suitably qualified, experienced and competent persons.



Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to and approved in advance in writing by the Planning Authority confirming that the works have been carried out in accordance with the Remediation Strategy.

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

Before any one of the holiday lodges is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

#### Reason

To ensure that the site is clear of contamination prior to the occupation of the holiday lodges.

- 8 Prior to the commencement of development on the site a Construction Environmental Management Plan (CEMP), including amongst other matters, dust mitigation and water run-off mitigation, shall be submitted to and approved in advance in writing by the Planning Authority in consultation with Scottish Natural Heritage and Biodiversity Officers, and thereafter all construction works associated with the development hereby approved shall accord with the approved Construction Environmental Management Plan (CEMP), unless otherwise approved in writing by the Planning Authority in consultation with Scottish Natural Heritage and Biodiversity Officers.

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

#### CONSTRUCTION/PRE-CONSTRUCTION:

- An Ecological Clerk of Works (ECoW) shall be employed during construction to oversee all works and advise on the timing and/or duration of operations, monitor bird activity and undertake nest checks, bird counts, and offer advice to the general public, the holiday lodge developer, and the contractors regarding notable species, sensitive areas and legal obligations;
- The provision of an ecological report detailing the undertaking and findings of a pre-construction site walkover by a suitably qualified ecologist to check for badger, red squirrel, otter, pine marten and other protected species, and any mitigation identified shall be implemented to reduce significant impacts if such species have established a presence on the application site in the intervening time, and measures to manage habitats and disturbance of those habitats shall be put in place;
- The provision of an ecological report detailing the undertaking and findings of pre-construction checks of the trees of the site for bats by a suitably qualified ecologist, and if roosting bats are present, mitigation shall be identified and implemented to reduce significant impacts;
- The timing of works shall avoid the bird breeding season (April to August) where possible;
- A drainage management plan shall be in place to prevent significant sedimentation and pollution of drains and ponds;
- Temporary losses of habitat shall be reduced by minimising the footprint of construction activity;
- Excavations shall be covered at the end of each working day or a means of escape put in place should mammals enter an excavation. Any temporarily exposed open pipe system shall be capped in such a way as to prevent wildlife gaining access;
- Work shall be undertaken during daylight hours, where possible, with limited use of artificial lighting;
- In the event that a protected species is discovered in a works area, all works in that area shall cease immediately and the ECoW shall be contacted. Details of the local police Wildlife Crime Officer, SNH Area Officer and Scottish Society for the Prevention of Cruelty to Animals (SSPCA) relevant Officer shall be held in the site emergency procedure documents;
- Measures to control noise from construction activities;
- Measures to minimise and control dust from construction activities;
- Measures to protect watercourses and ground water during construction and to decrease flood risk;
- Investigations to assess for potential geotechnical and contamination constraints;
- Measures to manage surface water run-off during construction;
- Measures to manage surface water and sediment run-off from, and provide drainage for, construction access tracks and temporary tracks;
- On-going monitoring measures of surface water run-off to ensure no sediments enter local watercourses during construction;
- Measures to ensure appropriate construction compound design, including fuel, oil and chemical storage, designated refuelling area, concrete storage and wash-out, waste storage and removal;
- Where possible topsoil stripping shall not be performed during wet weather and all topsoil shall be appropriately stored away from watercourses and avoiding over-compaction;
- Spill kits, absorbant materials and full training on their appropriate use shall be available to all site staff in order to limit potential impact from accidental spillages;
- Vehicles to be regularly checked for leakages and with the exception of emergency repairs, all

maintenance shall be undertaken off-site.

**OPERATIONAL:**

- A speed limit of 20mph to be applied to all site traffic to reduce the likelihood of badger collision and potential fatalities;
- All site staff shall be provided with information regarding the sites' ecological sensitivities as part of the Health and Safety Induction;
- All site staff shall be aware of the need for careful working practices to avoid environmental damage.

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

**Reason:**

To protect the ecology and biodiversity of the site from significant disturbance arising from the construction and subsequent maintenance of the development hereby approved.

- 9 No development shall take place on the site until the applicant has undertaken and reported upon a programme of archaeological work (Archaeological Evaluation by trial trench and Monitored Strip) in accordance with a written scheme of investigation which has been submitted by the applicant (or their agent) and approved by the Planning Authority.

**Reason:**

In the interests of archaeological and natural heritage.

- 10 No development shall take place on the site unless and until site investigation and foul drainage modelling for the development has been carried out and a report detailing such investigation and modelling shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Scottish Environment Protection Agency (SEPA). Thereafter, the foul drainage for the site shall be carried out in accordance with the investigation and modelling strategy so approved.

None of the holiday lodges hereby approved shall be brought into use or occupied unless and until the drainage of the site has been carried out in accordance with the investigation and strategy so approved.

**Reason:**

To ensure adequate drainage of the development hereby approved in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 11 Prior to the commencement of use of any of the holiday lodges hereby approved, a new bus stop shall be provided on each side (north and south) of the A198 classified public road and a safe walking route shall be provided from the bus stops into the site, in accordance with details for the provision of such bus stops and safe walking route, and a timetable for their implementation to be submitted to and approved in advance in writing by the Planning Authority.

Thereafter, the bus stops and safe walking route shall be provided in accordance with the details and timetable so approved, unless otherwise agreed in writing by the Planning Authority.

**Reason:**

In the interests of ensuring sustainable travel patterns in respect of the holiday lodge development hereby approved and in compliance with Policy T1 of the adopted East Lothian Local Development Plan 2018.

- 12 No development shall take place on the site until details of and a drawing(s) showing the provision of high quality walking and cycling route connections within and to/from the site to the surrounding path infrastructure has been submitted to and approved in advance in writing by the Planning Authority. The details and drawing(s) shall include, but not exclusively, the provision of public access to the site from the public right of way (Core Path 74, known as Becky's Strip) to the west of the site, including the provision of a formalised footpath route across the site to form a circular route back to Whitekirk. The details shall include a phasing plan for the delivery of the high quality walking and cycling route connections, including the public access and footpath route from Core Path 74 (Becky's Strip). Thereafter the high quality walking and cycling route connections, including the public access and footpath route from Core Path 74 (Becky's Strip) shall be provided in accordance with the details, layout and timetable so approved.

**Reason:**

In the interests of the amenity of the area, maintaining and improving recreational access for existing users of the public right of way network and for the occupiers of the holiday lodge development hereby approved.

- 13 No development shall take place until there has been submitted to and approved in advance in writing by

the Planning Authority details and a drawing showing the form and layout of any proposed external lighting structures. External lighting structures shall be of a low height and a bollard style design unless otherwise approved by the Planning Authority. Thereafter, the lighting structures installed and their layout shall accord with the details so approved.

Reason:

To enable the Planning Authority to control the appearance, materials and finishes to be used to achieve a development of good quality and appearance in the interests of the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 14 None of the trees, shrubs and hedgerows within and bounding the site shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

To ensure the retention of vegetation important to the appearance and environment of the development and the landscape character and amenity of the area, and the landscape character of the Whitekirk and Balgone Outcrops Special Landscape Area and the setting of the Whitekirk Conservation Area.

- 15 No development shall take place on site until all existing trees, bushes and hedges to be retained on the site have been protected by temporary protective fencing, in accordance with details to be submitted to and approved in writing in advance by the Planning Authority.

The temporary protective fencing shall comprise Heras, or similar approved, weld mesh enclosed panels joined together with a minimum of two anti-tamper couplings, and supported on preformed weighted footings, stayed and fixed into the ground to withstand impact from machinery and access into the construction exclusion zone, in accordance with British Standard BS5837: 2012 "Trees in relation to design, demolition and construction". The temporary protective fencing shall be 2.3 metres in height, erected prior to works commencing, kept in good condition through the works and shall be retained on site fully intact through to the completion of the site development. The position of this temporary protective fencing shall be outwith the root protection area (RPA) as defined by BS5837:2012 for the existing retained trees.

All weather notices shall be erected on the fencing referred to in paragraphs 1 and 2 of this condition with words such as "Construction exclusion zone - Keep out" and the fencing shall remain on site and intact through to completion of the development.

Within the areas so fenced off the existing ground level shall neither be raised or lowered and no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored, no handling, discharge or spillage of any chemical substance, including cement washings, and no fires shall be lit thereon without the prior written approval of the Planning Authority. Planning of site operations shall take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Details of any trenches or services required in the fenced off areas shall be submitted to and approved by the Planning Authority prior to any such works being carried out and such trenches or services shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

To ensure the protection of trees within the application site in the interests of safeguarding the landscape character of the area.

- 16 Prior to the commencement of use of the holiday lodge development hereby approved, details for measures to enhance the understanding, appreciation and experience of the cultural heritage assets in and around the area, including the Whitekirk Hill Cairn, from the site whilst encouraging responsible and sympathetic access shall be submitted to and approved in advance in writing by the Planning Authority in consultation with Historic Environment Scotland, and thereafter the measures shall be implemented as so approved.

Reason:

In the interests of safeguarding the cultural heritage assets in and around the area, including the Whitekirk Hill Cairn.

- 17 The holiday lodges and ancillary development hereby approved shall be operated as a single unit under a central management process.

Reason:

To restrict the use to that applied for, to secure the economic and tourism benefits and in the interests of the amenity of the area.

- 18 The occupation of each holiday lodge hereby approved for holiday let accommodation use shall be restricted solely to short term lets of not more than 28 days and shall not be re-let to the party/parties who last occupied them anytime within a period of 2 months following the date on which the previous time of occupancy ends.

Reason:

To restrict the use to that applied for, and in the interests of the amenity of the area.

- 19 Prior to the commencement of development on the site, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all new buildings, where feasible and appropriate in design terms, and new car charging points and infrastructure for them, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development hereby approved.

- 20 Prior to the commencement of development on the site, full details of the proposed Sustainable Drainage System (SuDS), including nature based elements, for the development shall be submitted to and approved in writing by the Planning Authority.

Thereafter, the approved details shall be implemented as approved.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 (as revised) in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 21 No development shall take place until there has been submitted to and approved in writing in advance by the Planning Authority a scheme of landscaping for the site. Notwithstanding that which is shown on the drawings docketed to this grant of planning permission in principle, the scheme of landscaping shall not include new woodland planting as shown on the Indicative Master Plan drawing no. A\_SITE 000 rev D. The landscaping scheme shall provide details of : the height and slopes of any mounding on or recontouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non thorn shrub species should be located adjacent to pedestrian areas. 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.

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