

**REPORT TO:** Planning Committee  
**MEETING DATE:** Tuesday 18 August 2020  
**BY:** Head of Development  
**SUBJECT:** Application for Planning Permission for Consideration

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Application No. **19/01292/PM**

Proposal                   Erection of 152 residential accommodation and care units to people in need of care (Class 8), a community hub and associated works

Location                   **Land At Castleton Farm  
North Berwick  
East Lothian**

Applicant                   Goldcrest Communities Ltd

Per                           PPCA Ltd

**RECOMMENDATION           Application Refused**

## **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. Furthermore, by being within the countryside of East Lothian and within the designated North Berwick Countryside Around Towns area, the proposed development is significantly contrary to Policies DC1 and DC8 of the adopted East Lothian Local Development Plan 2018.

Application 19/01292/PM is therefore brought before the Planning Committee for a Pre-determination Hearing prior to the consideration of its merits and determination of the application by the Planning Committee at their meeting immediately following the Pre-determination Hearing, in accordance with the Council's COVID-19 Emergency Recess procedures. The purpose of this report is to provide a description of the development proposal, summaries of the development plan policies and other material considerations including consultation responses and public representations relevant to application 19/01292/PM, and an assessment of the development proposal. The report also sets out the officer's recommendation for determination of the application.

As a statutory requirement for major development proposals this development proposal was the subject of a Proposal of Application Notice (Ref: 18/00008/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 200 people attended a public exhibition which was held at North Berwick Community Centre between 2pm and 8pm on 20 May 2019, and that 87 feedback questionnaires were completed and returned. A finding of the 87 returned questionnaires is that 80 gave a North Berwick address, 1 a Gullane address and 6 provided no address.

Based on the responses received in the feedback questionnaires, the applicant informs that there were a number of issues raised including the impact on health services, the location and the impact on North Berwick.

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

- (i) confirmation of the number of private accommodation units;
- (ii) removal of reference to a new health centre location pending a final decision by East Lothian Council and the NHS on the future form of provision and location for such in North Berwick;
- (iii) northern boundary building line pulled back from A198 to reduce visual impact of peripheral views across site to North Berwick Law;
- (iv) northern boundary now terraced to soften road / building interface;
- (v) design adjustments to proposed Village Centre buildings to minimise impact upon the surrounding landscape in terms of massing and height;
- (vi) bungalows to the east pulled away from the line of existing trees to provide a larger open space buffer to the eastern boundary and the crown of the field has been reprofiled to reduce the visual impact of the upper storey of the Village Centre;
- (vii) the position and levels of the independent living unit cluster flats have been adjusted to ensure views through the site to local landmarks and vistas;
- (viii) SUDs facilities redesigned; and
- (ix) finalisation of the external architectural style and composition of the proposed Village following extensive building studies within North Berwick for character, scale and materials to be incorporated within the design.

The development for which planning permission was originally sought was 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 description of the application has been amended to include 'the provision of 152 residential accommodation and care units to people in need of care (Class 8)' to more accurately reflect what is being proposed. As a consequence, further re-advertisement in the local press and re-notification of neighbours was undertaken.

Following this, revised information and drawings have been received as non-material variations to the proposed development. The variations made are a reduction in height of the main central building and a consequential reduction in parking provision. As a result of the reduction in height of the building the originally proposed care home element of the development has been removed, however otherwise the development remains as originally proposed, for the provision of 152 residential accommodation and care units to people in need of care (Class 8), a community hub and associated works. As a consequence of this further re-advertisement in the local press and re-notification to neighbours was undertaken. Such variation to an application is permitted under the provisions of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The application site is an area of agricultural land with an area of some 7.89 hectares, and is located in the countryside some 0.37 miles to the east of the settlement edge of North Berwick.

The application site is bounded to the north by the A198 public road, to the east by the residential properties of Bass Rock View and a mature tree belt, to the south by agricultural land and to the west by agricultural land, the residential property of 5 Rhodes Holdings, and a public road. The site rises gently upwards in a southerly direction away from the A198, with the highest point being roughly the centre of it, where it then slopes gently downwards to its southern boundary.

The application site is located within the designated North Berwick Countryside Around Towns area.

The application site is within the East Lothian landscape character area of the Coastal Plain, which is described in the Council's approved Special Landscape Areas Supplementary Planning Guidance as being extensive areas of prime agricultural land bounded by clipped hedgerows and occasional stone walls with long range views common to most of the area both to the sea and south to the Lammermuir Hills, emphasising the open, level nature of the coastal plain.

The land of the application site is not within a designated Special Landscape Area. However the eastern edge of the North Berwick Law Special Landscape Area (19) is some 120m west of the site, the southwestern edge of the Tantallon Coast Special Landscape Area (28) is to the north of the site on the other side of the A198 public road and the southeastern point of the North Berwick to Seton Sands Coast Special Landscape Area (26) is to the northwest of the site on the other side of the A198 public road.

There are no listed buildings within the application site, nor are there any in the immediate area. The nearest ones are the properties of Rhodes Cottages some 0.3 miles to the northwest (Category B listed) and Castleton Farmhouse some 0.82 miles to the east (Category B listed).

The site is some 0.7 miles from the southeastern edge of North Berwick Conservation Area, some 1.1 miles from North Berwick Law (a Scheduled Monument and Site of Special Scientific Interest), some 1 mile to the east of the site is Tantallon Castle Scheduled Monument and some 0.8 miles to the southeast of the site is Castle Hill Scheduled Monument

The Firth of Forth Site of Special Scientific Interest (SSSI) and the Firth of Forth Special Protection Area (SPA) are some 460m to the north of the site.

The application site is currently arable agricultural land. The Macaulay Land Use Research Institute classifies the land as being Land Capable of Supporting Arable Agriculture Class 2, that being prime agricultural land capable of producing a wide range of crops with minor physical limitations affecting agricultural use and land that is highly productive.

## **PROPOSAL**

Planning permission is sought for the erection on the application site of 152 residential accommodation and care units to people in need of care (all a use within Class 8 of The Town and Country Planning (Use Classes) (Scotland) Order 1997), a community hub and associated works. The associated works comprise of the provision of allotments, a bowling green, two SUDS basins, vehicular access and hardstanding areas (car parking and footpaths), walls and landscaping.

The applicant's submitted Planning Statement states that it is the intention that at least 1 occupant of each of the 152 proposed residential accommodation and care units must both be aged over 55 and have a pre-existing medical condition that qualifies for treatment before they would be allowed to occupy a unit and as such, this is neither retirement housing nor restricted occupancy market housing, but a specialist class 8 use of accommodation. The Statement advises that of the 152 proposed residential accommodation and care units, 94 would be independent living units, 38 would be assisted living units and 20 would be bungalow type units. The independent living units and assisted living units would be a mix of 1 and 2 bed accommodation units, and the bungalows would have a mix of 2 and 3 bedrooms.

The applicant's agent advises that proposed independent living units and the bungalow units are available for the over 55 aged residents with limited care requirements who choose to take care packages as their needs arise. The independent living units and bungalow units are fully adapted, flexible and future-proofed to enable independent living and ageing for the residents to maximise their capability to be occupied into old age.

The assisted living units are for over the over 55 aged residents who have more complex care requirements, but who are however, capable of living in an apartment environment, with limited kitchen facilities only including a sink, fridge, kettle and microwave, and are likely to have meals brought to them by a care assistant. These units provision is therefore a transition between residing in the independent living units and bungalow units.

The main and largest building on the application site would be located centrally on the northern part of the site, described in the supporting documentation as 'The Village Centre'. It would mainly comprise of a large mostly 3-storey building, but due to the topography of the site would be 2-stories at its west side, built around an internal courtyard. This building would contain at basement level 14 independent living units and at level 0 it would contain 14 independent living units and part of the community hub, which includes a restaurant and bar, dining rooms, shop, cinema/day room and lounge areas, providing future residents with onsite facilities and which would also be open to the public; it would also contain meeting and training rooms, offices, a manager's office, data centre rooms and back of house facilities. At level 1 it would contain the 38 assisted living units and residents lounge areas, and would also include staff bases and formal nurse's stations with drug stores as well as utility rooms.

The building would be articulated with projecting bays and would be clad in a mix of white dry dash render, natural stone cladding and horizontal weatherboarding, and its various pitched roofs would be clad in a mix of grey and terracotta tiles.

At the northwest side of this main building would be formed a glazed atrium which would function as the main entrance to it. This in turn would attach to a single storey building housing a spa and wellness centre, which would contain a gym, studio, treatment rooms and a pool, and these facilities would also form part of the community hub element of the proposed development providing future residents with onsite facilities and which would also be open to the public. The wellness centre would also include a Health Suite comprising consulting, examination and treatment rooms including for occupational and physical therapy and other physical and medical treatments. This building would have a central pitched roof clad in grey tiles and projecting pitched roof bays clad in terracotta tiles. Its external walls would be clad in a mix of white dry dash render, natural stone cladding and horizontal weatherboarding.

To the south and east of the main building would be erected 3 detached flatted buildings each containing 22 independent living units. Each flatted building would be 3-storeys in height and would have external walls clad in a mix of white dry dash render and natural

stone. The roofs of the flatted buildings would be pitched and gabled and clad in red tiles.

To the south and east of the 3 detached flatted buildings would be erected the 20 detached bungalow living units, which would be grouped into 4 clusters. Each of the proposed bungalow units would be single storey in height and would have an attached garage. Each bungalow unit would have external walls clad in a pastel coloured dry dash render. Their roofs would be clad in either grey or terracotta tiles.

Within the site would also be erected a pitched roof substation building, 10 pitched roofed waste store/mobility scooter store buildings, a pitched roof storage building and a pitched roofed car port.

Vehicular and pedestrian access to the site is proposed to be by way of a new access road into the site taken from the A198 public road some 350m to the west of the properties of Bass Rock View. Internal access roads, footways and a total of 219 car parking spaces are proposed to be provided within the site (a mix of resident and visitor spaces) of which 26 would be disabled. 31 of the car parking spaces would be allocated for staff use.

In the submitted Transport Assessment it is stated that the applicant proposes a residents shuttle bus which would operate regularly throughout the day between the site and North Berwick town centre. The service would pick up at various points within the site and the town centre which would be advertised within the community.

A hard and soft landscaped garden area is proposed for the north part of the site to provide for a softened landscaped corridor where the site meets the A198. Woodland tree and hedgerow planting is proposed to be undertaken at the southern and western boundaries of the site. A woodland would be created along the eastern boundary of the site on the south side of Bass Rock View within which would be formed a woodland walk. Within the site itself would be tree and hedge planting, communal green spaces, allotments, a bowling green and a sensory garden.

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

- Design and Access Statement;
- Economic Benefits Assessment;
- Transport Assessment;
- Planning Statement; and
- Health Impact Assessment.

The submitted design statement informs that the proposed development can be defined as a continuing care retirement village. It states that housing need later in life can no longer be equated with a need for care and support, as this fails to recognise the wide-ranging housing needs and preferences of older people. Traditional models of sheltered housing are being replaced, in part because they are unable to adapt to the care and support some older people need in order to avoid an unwanted move into residential care, or because of their failure to recognise the delivery of housing need later in life. In the Design Statement it is also stated that government policy is that elements of care should be delivered to the home. This has led to the continuing care retirement village model, which is being developed by various groups in England.

The design statement also states that as part of the pre-application process, the applicants considered alternative sites to the south, west and east of North Berwick. It informs that in their view there are no suitable sites of the size required available that are not allocated for alternative uses or in the control, through either ownership or under option, to house builders.

The submitted Economic Benefits Assessment advocates that the proposed development would generate 85 jobs per annum during construction and 120 jobs during operation. It also advocates that it would generate £3.2 million per annum in GVA (Gross Value Added) to the economy and cumulative income to local government over 20 years of £2.9 million. It also suggests that the proposed development could result in NHS and adult social care savings as people living in continuing care retirement village developments require less formal care than other people of similar age, and hospital stays can be reduced from an average of 14 to 2 days and the rates of resident falls are significantly lower compared to general housing.

The submitted Transport Assessment informs that a footway would be introduced on the south side of Tantallon Road to connect the internal site footway network with the adopted infrastructure. The applicant proposes a residents shuttle bus which would operate regularly throughout the day between the site and the town centre. The service would pick up at various points within the site and at various points within the town centre which would be clearly advertised within the community. In accordance with local and national transport policy, an assessment of the development proposals has been undertaken for all sustainable modes of travel. This indicates that the current walking cycling, and public transport provision in the area is sufficient to accommodate the expected future demand from the site. As part of the development proposals, additional pedestrian and cycle parking facilities will be introduced internally to further promote connectivity with the surrounding area. Furthermore, a Residential Travel Plan Leaflet will be circulated to residents upon occupation and a Travel Plan Framework will be considered for staff focused on reducing reliance on single vehicle occupancy. The assessment of the local road network supports access to the development and concludes that the traffic generation can be accommodated in terms of capacity. As a result, it is considered that the introduction of the development traffic will have no detriment to existing road users or cause additional delay. The Transport Assessment concludes that the development site would be accessible by sustainable modes of travel and integrate well within the existing transport network with the introduction of additional non-car promoting measures. In addition, the site can be accessed safely from the adjacent road network by private vehicles without compromising the safety or efficiency of existing road users.

The submitted Health Impact Assessment states that it is anticipated that the incoming residents will register as new patients at the North Berwick Group Practice. It advocates that the surgery has capacity to meet this increased demand when compared to the national average and that this increased patronage will improve the long term viability, and potentially the level of funding and service provided from this facility in the future. It further states that at the same time, the incoming population will also be supported through onsite services which will effectively reduce the burden on the local health service for minor complaints while also improving the health outcomes for the population.

## **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 policies of SESplan relevant to the determination of this application.

Proposal HSC2 (Health Care Facilities and Proposals) and Policies DC1 (Rural Diversification), DC8 (Countryside Around Towns), DC9 (Special Landscape Areas), CH1 (Listed Buildings), CH2 (Development affecting Conservation Areas), CH4 (Scheduled

Monuments and Archaeological Sites), NH1 (Protection of Internationally Designated Sites), NH2 (Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites), NH5 (Biodiversity and Geodiversity Interests, including Nationally Protected Species), NH7 (Protecting Soils), DP1 (Landscape Character), DP2 (Design), HOU6 (Residential Care and Nursing Homes – Location), 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.

Also relevant to the determination of the application is the Council's approved Countryside and Coast Supplementary Planning Guidance and Special Landscape Areas Supplementary Planning Guidance.

Material to the determination of the application are Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and the Scottish Government's policy on development affecting a listed building and development within a conservation area 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 the building or its setting or any features of special architectural or historic interest which it possesses.

Scottish Planning Policy echoes the statutory requirements of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 that a planning authority must have regard to the desirability of preserving or enhancing the character or appearance of a conservation area in exercising its responsibilities in the determination of any application for planning permission for development affecting a conservation area. It is stated in Scottish Planning Policy that proposed development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character and appearance of the conservation should be treated as preserving its character and appearance.

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

Paragraph 28 of Scottish Planning Policy states that the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.

Paragraph 32 states that the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.

Paragraph 76 states that in the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land. Plans should make provision for most new urban development to take place within, or in planned extensions to, existing settlements.

Paragraph 80 states that development on prime agricultural land should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives.

Paragraph 145 states that where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances.

Paragraph 203 states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.

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.

## **REPRESENTATIONS**

A total of 509 representations to the application have been received. Of those representations, 506 raise objection to the proposals and the main grounds of objection can be summarised as follows:

- \* The proposed development would have a significant and adverse landscape and visual impact on what is one of the most scenically beautiful coastlines in the UK;
- \* The proposed development would result in an imposing eyesore, not in keeping with the scale and landscape character of this area. It would impact of the setting of world class landscape features such as North Berwick Law, Tantallon Castle and the Bass Rock. The magnitude of these visual impacts will be severe and long lasting, and would detract from the very qualities that people visit the area for;
- \* The development would cause irreparable harm to the landscape character of the area including on the Coastal Plain Landscape Character Area and on the surrounding Special Landscape Areas;
- \* The proposed development would have a detrimental effect on the landscape character of the area. It would be visually intrusive on the undeveloped Eastern approach to North Berwick along the A198 and also to properties adjacent to the site;
- \* The eastern approach to North Berwick from the A198 includes coastal and countryside views, including south to the Lammermuir Hills and east to the North Berwick Law and this landscape would be destroyed by the proposed development;
- \* The visual impact in the submitted EIA Report is inaccurate;
- \* There is no sufficient mitigation for the impact of the proposed development;
- \* The scale and massing of the proposed scheme is completely out of proportion to any of the surrounding buildings (which are predominantly of historic rural use or low rise period cottages). The proposed scheme would be a significant blight on both the local area, but also the wider East Lothian coastline;
- \* Size and scale of the proposed development is grossly inappropriate and would be gross



overdevelopment;

\* This is a significant size of urban development in the countryside outwith the North Berwick boundary;

\* In its context, the proposed development would appear as disproportionately large; and inwardly cohesive (to an extent even greater than Archerfield). It would present itself as a uniformly built chunk of ribbon development. To the passer-by or person approaching North Berwick by road, it would be a sudden urban scene. Completely at odds with what he or she might properly expect. Which would be a gradual organic changeover from agricultural buildings in an open landscape to a slow increase in density of typical coastal and countryside residences;

\* The design of the development would detract from the area and look like barracks. The design and scale of the proposed buildings, with their positioning and height would make for an over-bearing development;

\* The design of the development makes no concession to the proposed location of great natural character. The proposed development is generic and not demonstrably different from any development one might see on any brownfield location around the UK. The scale (all dimensions) of the development is entirely inappropriate to this rural location with a generic multi-story building proposed that will be visible from great distances – not least the top of North Berwick Law;

\* The proposed development would have a hugely adverse impact on the night-time darkness of this area and be the source of a significant amount of light pollution;

\* The proposed development is located in protected Countryside Around Town / open countryside and not within an urban boundary; The proposed use is not for agriculture, forestry, infrastructure or countryside recreation or for business use that has an operational requirement for a countryside location. There is no clear operational requirement for the proposed location and there may be suitable other sites available;

\* The proposal is contrary to East Lothian LDP Policy DC8, Countryside Around Towns, as the proposed use is not one that would be supported for agriculture, forestry, recreation and tourism or is not an essential infrastructure project;

\* The proposal is contrary to LDP Policy DC9 as the harm of urbanisation of the views to North Berwick Law, (within the Special Landscape Area) are significant and would affect the amenity of local residents, visitors and potentially damage the local economy which thrives on high quality landscapes such as North Berwick and its coast. There are no material considerations which would outweigh the primacy of the up to date development plan in this case;

\* No case has been made for this application on countryside land for the use of agriculture, horticulture or forestry. The application would result in the considerable loss of agricultural land stock in the area. There is no operational requirement for it;

\* Question the need for the type of development proposed at this isolated location in a sensitive landscape on the protected North Berwick Coast, when there are evidently sites already identified to meet the need (at Blindwells for example), or as has been stated by the Council in its LDP, on sites that can be regenerated within towns and close to existing services and facilities. The scale of the proposal and its perceived need is not realistic for this location;

- \* If approved, this application would set a bad precedence for the development of new housing in the countryside. Developers would be open to developing on all Countryside Around Towns protected land and the East Lothian Local Development Plan would be considered obsolete;
- \* The application contravenes policies NH1, NH7, HOU6, T1, T2, DC1 and particularly DC8, elements of DC9, CH4 and DEL1. It is also contrary to number of objectives and supporting statements in the East Lothian Local Development Plan and the relevant supplementary guidance.
- \* There would be resulting environmental impact including on drainage, potential loss of trees, wildlife, air quality, noise, dust; including impact on designated sites, regional and local;
- \* Harmful impact on listed buildings and Scheduled Ancient Monuments, such as Tantallon Castle and North Berwick Law;
- \* The development would be clearly seen from the beach and harbour area and could therefore have a negative effect on North Berwick Conservation Area;
- \* The application site is isolated by  $\frac{3}{4}$  mile of open countryside;
- \* There would be a major impact on local GP services, the current GP practice is already overstretched and cannot accommodate future residents of the proposed development;
- \* The development would bring a significant number of extra people who make a disproportionate demand on the health care provision and put an increase pressure on a failing service;
- \* On the subject of the doctors, the application documents erroneously states that there is capacity for the additional patients based on there being 9 doctors in North Berwick. There are 9 but only 2 of them are full time meaning that there are, in fact, only 6.25 full time equivalents and, using that number instead, it proves that the doctors are already over capacity and that is before adding an aged population load which would have an above average load on their services;
- \* The proposed development would overload services in North Berwick including doctors and dentists;
- \* The proposed development would have a detrimental impact on existing services and infrastructure and the Development Plan does not allow for the pressure likely to be placed on these services as a result of this large scale urban development;
- \* The Climate Emergency requires the increased use of land for carbon reducing horticulture not further energy consuming developments;
- \* This proposal runs contrary to the recognition of a "Climate Emergency" declared by ELC;
- \* The extension of the North Berwick urban footprint to this location would pave the way for further development infilling the remaining gap between this development and the next built-up area along the A198 road, the farm/steading at Gin Head and Tantallon Castle;
- \* The design, layout and landscape impact are completely unacceptable. The development is not sustainable, particularly with regard to reliance on private car use. It has not been demonstrated that there will be no unacceptable adverse impact on the local economy or

provision of services;

\* The proposed development would be have a harmful impact on the amenity of neighbouring residential properties;

\* There would be a harmful impact on biodiversity and the development would lead to the loss of valuable foraging grounds for a number of Firth of Forth SPA species, including the near threatened Curlew;

\* The proposed development would add more traffic onto the road network, both during construction and on occupation and would be dangerous;

\* The application is centred around essential car ownership which is not compatible with the declared Climate Emergency by East Lothian Council;

\* The application would result in considerable additional traffic along the A198 to North Berwick which is also the John Muir cycle way. Additional traffic along this section of the cycle way will further discourage its use and sustainable transport;

\* Result in compounding existing car parking problems in North Berwick;

\* There is a lack of regular public transport which would force those residents with a car to take frequent trips to the high street in North Berwick. In an era of climate change where government policy is focused on reducing car journeys, particular those of a few miles or less, the location is completely at odds with the direction in which the world is and should be moving. The location will simply encourage additional car trips and add to the already over congested North Berwick high street;

\* It is unlikely that staff for the facility would come from the local area and therefore would have to travel to work creating more congestion on the local roads and rail service;

\* There is not sufficient public transport to serve the site;

\* There would be an irreversible loss of prime quality agricultural land contrary to LDP Policy NH7. The site also forms part of the Natura 2000 network;

\* The application constitutes a 'significant' departure to the recently adopted East Lothian Local Development Plan and as such should be refused;

\* The East Lothian Local Development Plan is new and the proposal goes against many policies, the site is not identified for development;

\* The material considerations being put forward by the applicant to depart from the East Lothian Local Development Plan are not of sufficient weight to permit a significant departure from the adopted policies;

\* Whilst Scottish Planning Policy promotes 'sustainable development' this must not be at the expense of the high quality environment and development proposals must be considered on balance with this principle;

\* This is a wholly inappropriate development. It is not the right development in the right place, nor is it a sustainable development whereby the planning authority can simply set aside the development plan and grant permission on the balance of the material considerations put forward by the applicants. The planning authority should carefully consider the suitability of the plans for this sensitive location and refuse planning permission;

- \* The proposal is not located in a strategic location as directed by SESplan;
- \* Development on this scale should have been considered as part of the Local Development Plan process, if it wasn't then it must wait until the next Local Development Plan if the applicant still wants to float the notion;
- \* The proposed development is detached from the body of the town, making it even more incongruous. Residential and care facilities for older people should be well integrated with the general community. In its location the present proposal is more reminiscent of a Victorian institution designed to isolate its inmates from society in general;
- \* The application site is remote and relatively inaccessible for anybody who is infirm or immobile;
- \* There is no evaluation of alternative sites. This should be based on a range of factors including the needs assessment. There is nothing to justify this site above all others. This site must be assumed to be for sale by a willing owner - that is not justification, it represents a convenient factor but indicates speculation rather than justification or credible site selection;
- \* The development would lead to drainage and flooding problems as there is no capacity to serve it;
- \* The proposed development would permanently destroy the landscape and be harmful to tourism;
- \* There would be limited economic benefit and the proposed development would not benefit the wider community;
- \* There is limited evidence to support the applicants claim that the wider benefits for local residents via health, wellbeing and community use will be accommodated in the development as the model appears to be a 'retirement village' and by virtue of its proposed location would encourage more, not less, vehicular travel in the surrounding area;
- \* There is no justification for the proposed number of 'accommodation units' and what controls/checks the planning system can make to ensure these would be allocated to local residents seeking such care;
- \* The developer's Health Impact Assessment (HIA), as presented, is entirely self-serving;
- \* The majority of elderly in North Berwick would not be able to afford the cost of the properties nor the maintenance charges;
- \* There is limited evidence to support the applicants claim that the wider benefits for local residents via health, well being and community use would be accommodated in the development as the model appears to be a 'retirement village' and by virtue of its proposed location would encourage more, not less, vehicular travel in the surrounding area; and
- \* All current research is extolling the virtue of mixed age communities whether in houses or flats. For practical reasons (younger members can assist the elderly) and also for social/emotional ones (talking, bonding, reducing loneliness and mental health issues). This development on the outskirts of the town will create a village in itself where residents will not feel part of North Berwick and if aged and infirm will never become part of it;

The remaining 3 representations raise neither objection nor support to the application, and

highlight inaccuracies with the application documentation. This has since been corrected.

### **COMMUNITY COUNCIL COMMENTS**

North Berwick Community Council, as a consultee on the application, raises objection to the planning application on the following grounds:

- The application is lacking both a needs assessment and a site assessment. There is no evidence that the developers considered alternative sites that might have been less controversial (other than the even more controversial one across the road).
- The East Lothian Local Development Plan does not foresee any such development on this site. Consultation for this plan stretched over 4 years and there was plenty of opportunity to take part in this, but the developers did not make any attempt to engage in this process. A member of the community said that ignoring the LDP would undermine the genuine participation of the community in the LDP process. This they felt would be regarded as a breach of trust.
- While the applicant's submitted Planning Statement claims that "This [application] has been the subject of full public consultation and has been amended to reflect concerns and issues raised through that process" the Health Impact Assessment admits "There has been no engagement with the community other than an open meeting as part of the pre-application process".
- The intended site is designated as "Countryside Around Towns" (ELLDP DC8), and while it could be argued that condition "ii) required for community uses" is fulfilled by the building of a care home and accommodation for elderly people, the planning application very clearly does not fulfil the central condition: "Any new development must not harm the landscape setting of the countryside location and must be of a scale, size and form that would not harm the objectives for the countryside around towns designation." Scale and size of the main building and the three apartment blocks do very much harm to the character of the site.
- The site is in a prominent position on the A198, which is a major tourist route and the envisaged buildings would totally destroy the views that are cherished by visitors and locals alike. Furthermore, views would also be destroyed from the John Muir cycle path past Rhodes Farm and from much of the Glen golf course. The Environmental Impact Assessment plays down the destruction of views in sometimes very obvious ways. Of the Glen golf course it claims that although sensitivity is medium to high, the impact is only medium, because of the few trees that are to be planted on the northern boundary of the site, and states that "Photographs 22 & 23 show views from the golf course." However, photo 23 is missing from the report, and for good reason, since the impact on the views from the 5th, 6th and 7th hole would be very high indeed. For the houses of Bass Rock View the claim is most preposterous, since the report argues that views from the front door to Bass Rock are already hampered by trees, and views to the north would not be impacted, and hence "the magnitude of change would be Medium". But for any house owner the important views are the ones from the living room and the back garden – and these are currently uninterrupted to the Law, but would be totally restricted to the village buildings.
- The Health Assessment claims that "The siting and orientation of the built environment celebrates and enhances views to striking local landmarks such as North Berwick Law and Bass Rock" and the Planning Assessment that "The Environmental Impact Assessment concludes that, with appropriate mitigation, the proposed development will not have a significant adverse impact". The fact is that the intended buildings will make the most of the views to striking local landmarks for the care home residents, but destroy them for everybody outside. Furthermore, the so called mitigation measures foreseen (a few trees and some low Ha Ha walls) are in no way "appropriate", but are again only designed to make

the most of the views outwards, but do nothing to hide, or distract from, the main building and the apartment blocks, which, being up to four floors high, are so out of scale for the countryside.

- The site in question is most definitely Prime Quality Agricultural Land (category 2) as defined by The James Hutton Institute. Appendix 3, page 219, of the East Lothian Local Development Plan (ELLDP) adopted by ELC in September 2018, confirms this fact and further clarifies that Prime Quality Agricultural Land includes Classes 1, 2 and 3.1. Class 2 is fertile, food producing land, a finite and increasingly valuable resource. The developers do not acknowledge this fact in any of their submitted documents. It is their intention, should they receive permission for this application, to concrete over 7.88ha (approx. 20 acres), meaning that this valuable asset would be irretrievably lost.
- Furthermore, wading birds, including the endangered red listed curlews, winter on the site.
- There is also the fear that the development would set a precedent, and a ribbon development would ensue all along the A198 between North Berwick and Castleton.
- A major consideration is that the site is so far out from the town and is effectively a ghetto for elderly people with no chance for them to mingle with younger people on site, other than specific visitors, and therefore creates social isolation.
- The plan foresees 214 parking spaces and garages for a total of 116 Independent Living Units (it should be safely assumed that the residents of the 60 care rooms and the 36 assisted living apartments are not driving cars anymore). Even if 40 are foreseen for staff, this still leaves 174 spaces for 116 apartments, an average of exactly 1.5 per apartment. This, together with the fact that the minimum age for moving in is only 55 years, suggests that the majority of the development is not about care for the elderly, but about (expensive and exclusive) additional housing.
- However, for those residents who do not own a car and are most in need of accessible transport options, there are only 7 buses per day in the week and 2 on Sundays to connect to North Berwick. Goldcrest is promising a shuttle bus, but there is no confirmation how frequent and convenient that would be and who it would serve.
- The other key issue, apart from the location of the development, is the impact on health and care services in North Berwick, which support everyone one of us in North Berwick, all ages, all health conditions. The community is strongly supportive of the need to support and enhance our primary and social care services and this is a priority. The view was confirmed at the community meeting in no uncertain terms. Concerns were raised by local GPs who described the current situation as a nightmare and that they are pushed to breaking point. Our discussions with groups of local older people who the proposers would probably consider as potential buyers or residents, and with people in NB care homes shows that whilst people agree there is a clear need for housing options and choices with a range of levels and types of care provided, people rely very heavily on primary care and care services at home. They were deeply concerned about the impact of the proposals on current services which would affect the whole community. They felt that the risks posed to primary care and current health and social care services far outweighed any benefits of the proposal and that options should add to not undermine current provision.
- The Health Assessment claims that the local surgery has a spare capacity of 1,211 patients. However, this is based on wrong data, since it assumes that there are 9 full-time GPs, while in reality only 2 work full time, which equates to 6.25 full-time GPs. This means the surgery is already oversubscribed by 2,097 patients, and struggles to cope with the current patient load. The development would attract some local people to move in, but the

majority of residents will come from outside North Berwick, and being all elderly, will increase the demand on the surgery over proportionally to their number. Until the NHS makes provision to extend the surgery, adding to the pressure on the health centre with so many new elderly people would be irresponsible and to the detriment of the community, as doctors pointed out in the public meeting.

- Local social care providers have raised concerns with Members of the CC about the impact of this proposal on their ability to retain staff and meet increasing demand. In support of this, a recent report by the Care Inspectorate and SSSC shows that care homes for older people and care at home struggle to recruit staff, and that this gets worse year by year: “At 31 December 2017, 38% of [care] services reported having vacancies. This was an increase of 2 percentage points on the proportion of services with vacancies at 31 December 2016 and an increase of 3 percentage points from 2015 (35%).” (<https://data.sssc.uk.com/images/StaffVacancies/Staff-vacancies-in-care-services-2017.pdf>). If Goldcrest were able to recruit staff for their proposed facility, it is highly likely that this would be at the expense of a wide range of current providers, reducing access to staff, especially trained and experienced staff, and undermining the strong and stable teams that are essential to providing good quality care in the community. This will also have negative impacts on unpaid carers - families and friends who are already struggling.

- Developing an effective health and social care system requires services that are connected, planned and properly resourced to ensure quality and sustainability. The community and local services are working with the H&SCP on the delivery of health and social care services. Carers, older people and local GPs are very concerned that there has been no attempt by the proposers to engage in this. We think that a genuine and serious proposal would have involved such engagement or at least an approach to the Community Council about the impact on the community.

- A final major consideration is the need for affordable housing for staff employed by the care village. The Planning Statement claims that the development will create local jobs, but the mix of qualifications needed there will mean that the majority of staff will have to be recruited from outwith North Berwick and will either have to travel here or, preferably, find housing locally. Many of these jobs will be relatively low paid, and therefore the pressure on affordable housing will increase even further from the already poor current situation.

- the removal of the care unit has eliminated one of the real benefits that this proposal initially had by providing residents moving there with the assurance that they could spend the rest of their lives in this environment. Without the care unit everybody needing more than assisted living will have to move again, away from their new home and newly found friends, into a proper care home, where they will be a stranger again.

## **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 18 January 2019 the Council adopted a Screening Opinion that an Environmental Statement was required and a subsequent Scoping Opinion (dated 8 May 2019) 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 archaeology/cultural heritage matters.

An Environmental Impact Assessment (EIA) Report was submitted to the Council on 20 January 2020, and has been duly advertised and consulted on.

The submitted EIA Report contains chapters on the method and approach to preparing the Report, the planning policy context, noise and vibration, air quality, landscape and visual impact assessment, ecology, ornithology and nature conservation, cultural heritage, traffic and transport, schedule of mitigation residual and cumulative effects.

Subsequent to the EIA being submitted, and being advertised and consulted on, it became apparent that some chapters needed updating, text was incorrect, needed clarification or was missing from the EIA Report. This was corrected with the submission of revised and additional information and the EIA Report was again duly advertised and consulted on.

Due to non-material amendments being made to the planning application one of the EIA chapters needed updating. On submission of the updated chapter the EIA Report was again duly advertised and consulted on.

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 Report, the applicant has submitted with it a table outlining the relevant expertise or qualifications of the project team that has contributed to the EIA Report. Based on this submitted information, it can be reasonably concluded that the authors are suitably qualified.

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 Report has considered the likely significant effects from noise and vibration, air quality, landscape and visual impact assessment, ecology and nature conservation, archaeology and cultural heritage and traffic and transport.

The EIA Report finds that:

- \* Noise - The assessment of noise from road traffic concluded that the both during construction and post-development phases, the noise effects were found to be not significant. This is subject to the completion of a Construction Environmental Management Plan (CEMP) which will outline methods to be employed to minimise construction noise at neighbouring properties.

- \* Air Quality - the proposed development would not introduce new receptors into an area of poor air quality.

- \* Landscape and visual - With the implementation of mitigation measures the predicted residual effects on landscape and visual receptors will be low in the majority of cases, however the location of the proposed development site on currently open agricultural land, will present a change within the landscape.

- \* Ecology and nature conservation - With the implementation of mitigation measures no residual effects are predicted on the ecology of the site and wider local designations.

- \* Archaeology and cultural heritage - No significant direct impacts or indirect impacts (upon the setting of heritage assets within the wider landscape) are predicted, and it is considered that, through application of any required mitigation measures, the proposed development will not result in any significant residual effects on cultural heritage.

- \* Access traffic and transport - To enhance the operation and safety of the construction phase, a Construction Traffic Management Plan (CTMP) as part of a wider CEMP would be developed and implemented to the satisfaction of East Lothian Council. The CTMP would detail any mitigation measures deemed necessary to remove, reduce or offset any temporary adverse effects of construction vehicles and operations and would detail



information on operational times and haulage routes. Following the implementation of mitigation proposed it is not predicted that the proposed development would result in significant environmental effects from traffic and transport.

The EIA Report concludes that subject to the relevant mitigation the proposed development would not have any significant effects.

### **PLANNING ASSESSMENT**

The considerations in this case are whether, having regard to national, strategic and local planning policies, guidance and other material considerations, the principle of the proposed 152 residential accommodation and care units to people in need of care (Class 8), a community hub and associated works is acceptable, including whether the proposed development would be of an appropriate scale and character for this countryside location within the North Berwick CAT area, whether the proposed development would result in harmful impacts to the landscape character of the area including the special character of the North Berwick Law and Tantallon Coast Special Landscape Areas or to the setting of North Berwick Conservation Area, whether the proposed development would result in harmful impacts to the setting of the Scheduled Ancient Monuments of North Berwick Law or Tantallon Castle, whether the proposed development would be harmful to the setting of any nearby heritage assets in the form of listed buildings, whether the proposed development would harm the conservation objectives of the Firth of Forth Site of Special Scientific Interest (SSSI) and the Firth of Forth Special Protection Area (SPA), whether the proposed development would lead to a loss of prime agricultural land, whether the proposed development would result in harmful impacts to the amenity of neighbouring properties and whether the development could be suitably serviced, and provided with a satisfactory means of vehicular access and provision for on-site parking, and if not whether other material considerations justify approving the application contrary to the development plan.

### **PROPOSED USE AND PRINCIPLE OF DEVELOPMENT**

The proposal is for the erection of 152 residential accommodation and care units to people in need of care (all a use within Class 8 of The Town and Country Planning (Use Classes) (Scotland) Order 1997), a community hub and associated works. The associated works comprise of the provision of allotments, a bowling green, two SUDS basins, vehicular access and hardstanding areas (car parking and footpaths), walls and landscaping. The occupants of the proposed units must be aged 55 or more and have a pre-existing medical condition that qualifies for treatment before they would be allowed to occupy a unit.

Class 8 of The Town and Country Planning (Use Classes) (Scotland) Order 1997) defines care as meaning personal care including the provision of appropriate help with physical and social needs or support, and includes medical care and treatment.

The proposed 152 residential accommodation and care units to people in need of care by their functional nature meet the definition of a Class 8 residential institution use. With the inclusion of communal facilities for residents and internal 'street' accesses and their physical and functional linkages to the proposed hub of service facilities including administration offices, consulting, examination and treatment rooms for occupational and physical therapy and other physical and medical treatments, drug stores, restaurant and bar, shop, cinema room and lounge areas, swimming pool and gym would amount to the additional operation of a residential institution use of the site that would be within the definition of a Class 8 use.

Moreover, in order to satisfy the definition of care for a Class 8 residential institution use at least one occupant of each of the 152 residential accommodation and care units would have to be in need of medical care and treatment as well and be 55 years of age or older.

Should planning permission be granted it would be necessary for the applicant to enter into

an Agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997, or by some other appropriate agreement, to control the occupancy of each of the 152 residential accommodation and care units. The control would be that one or more of the occupiers of each and every one of the 152 residential accommodation and care units would have to be aged 55 or over, would have to be in need of care of a type with the objective of relieving individuals who are incapable of living independently by reason of any physical disability or any permanent or recurring physical illness or condition, including individuals suffering from the physical infirmities of age.

The applicant has advised they are willing to enter into such an Agreement.

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, stating this will be supported in principle where it is for:

- a) agriculture, horticulture, forestry, infrastructure or countryside recreation; or
- b) other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

The proposed development would not be for agriculture, horticulture, forestry, infrastructure or countryside recreation use. Neither would it be a tourism or leisure use, or another business use with an operational requirement for a countryside location.

By being within the designated North Berwick Countryside Around Towns (CAT) area, the land of the application site is also covered by Policy DC8 of the adopted East Lothian Local Development Plan 2018. Policy DC8 states that new development in designated Countryside Around Towns (CAT) areas will only be supported in principle where it is required for green network purposes, community uses, rural business, tourism or leisure related use or essential infrastructure with a clear operational requirement for that particular location and there is other suitable sites. Any new development must not harm the landscape setting of the countryside location and must be of a scale, size and form that would not harm the objectives for the countryside around towns designation.

The proposed development would not be for green network purposes, community uses, rural business, tourism or leisure related use or essential infrastructure with a clear operational requirement for its particular location. This is acknowledged in part 7.11.2 of the applicant's submitted EIA Report where it is stated that "At present the site is designated as "Countryside Around Towns" and the Proposed Development will not meet the requirements of the policy for permitted development." The proposed development does not meet the criteria of Policy DC8.

Whilst acknowledging this conflict with the development plan, the applicant seeks to argue that there is a need for this facility, and that there are no other suitable allocated sites. They also make reference to Proposal HSC2, which advises that NHS Lothian has identified, amongst other things, the following proposals within East Lothian as part of its modernisation agenda and the delivery of these is supported by East Lothian Council:

\* Significant increases in care home capacity are unlikely to be required in the future as the Partnership increases capacity to care for people at home. However, significant increases in housing with care capacity to meet higher level needs will be required;

\* The Partnership will support provision of facilities such as 'community hubs' or multi-use areas where such activities can take place for all age groups and client groups.

In terms of other suitable sites, the applicants submitted Planning Statement and the

submitted EIA Report both state that alternative sites were considered for the proposed development, to the south, west and east of North Berwick, and that there are no suitable sites of the size required available that are not allocated for alternative uses or in the control, through either ownership or under option, to house builders.

Three of the alternative sites listed, land at Ferrygate farm, land at Gilsland and land at Mains Farm are allocated development sites, with detailed planning permission/approval of matters specified in conditions permission and are either currently under construction or built out, and therefore cannot realistically be taken to be potential sites for this proposed development.

Of the other two alternative sites listed, 'land north of A198 east of town / north of Abbotsford Road west of town' and 'land south of Mains Farm and south / southeast of town', the applicant's reasons given for discounting these are "General Local Development Plan countryside development policy restriction on sites not with permission / allocation" and "Countryside around Towns designation".

However the land the subject of this application, by being in the countryside covered by Policy DC1 and in the designated North Berwick CAT area covered by Policy DC8, is subject to the same Policy requirements as these discounted sites. Therefore as the applicant discounted those alternative sites due to these Policy designations, it is unclear why then they assert that the application site is suitable for the proposed development when it is covered by the same Policies designations.

Moreover the supporting information submitted with the application does not include any evidence to suggest that the applicant has carried out any comprehensive search for a site located within any of the East Lothian's settlements that could accommodate the proposed development.

It should be noted that East Lothian Council has previously resolved to grant planning permission for a specialist care accommodation (Class 8) development at Musselburgh (ref: 09/00550/FUL). That site is allocated as employment land and Policy EMP1 of the adopted East Lothian Local Development Plan states that other employment generating uses may also be supported within areas allocated for business and employment. A further application (ref: 20/00108/PM) is current pending consideration for alternative scheme of development on the same site as previously application 09/00550/FUL and for the same Class 8 use care village development, demonstrating there are existing sites within defined settlements in East Lothian capable of accommodating such a proposal and that there is a demand for such development in other locations.

On the matter of need, **East Lothian Health and Social Care Partnership** advise that work is underway in the east of the county to reprovide two care homes and two community hospitals and their associated service provision to meet demand and to modernise services. These developments will provide flexible and responsive care to elderly patients and other clients through housing with care and other provision. Planning for health and social care services to all members of the community takes into account natural growth in populations and demographic change. The provision of specialist housing units aimed at older people above and beyond what is required to serve the local population risks attracting increasingly elderly residents to an area, so skewing the demographics and bringing unplanned for demand. East Lothian Health and Social Care Partnership state that there is no current need for a development for residential accommodation and care units to people in need of care to support current population projections.

On the basis of the advice from East Lothian Health and Social Care Partnership it cannot be concluded that there is a current need for the proposed development. Even if there were

a need, it remains unclear why the applicant believes this to be the best location, especially as it has not been demonstrated that a more suitable site within an East Lothian settlement is not available for the proposed development.

Moreover, the site lies outwith the Strategic Development Areas (SDAs) identified in the development plan, and is not allocated for development in the plan. In principle therefore, the proposals are contrary to SESplan's spatial strategy which seeks to prioritise the development of brownfield land and land within SDAs.

On these considerations the principle of development of the site for the proposed 152 residential accommodation and care units to people in need of care (Class 8) is contrary to Policies DC1 and DC8 of the adopted East Lothian Local Development Plan 2018.

## **LANDSCAPE AND VISUAL IMPACT AND DESIGN**

The application site is within the East Lothian landscape character area of the Coastal Plain, which the Council's approved Special Landscape Areas Supplementary Planning Guidance describes as being extensive areas of prime agricultural land bounded by clipped hedgerows and occasional stone walls with long range views common to most of the area both to the sea and south to the Lammermuir Hills, emphasising the open, level nature of the coastal plain. Built character outside of the several small villages comprises a large scattering of farmsteads and small clusters of houses with larger mansion houses. The management guidelines for the Coastal Plain within the Council's Special Landscape Areas Supplementary Planning Guidance refer to retention of arable character and careful integration of new build development.

The application site is also within the North Berwick CAT area, on its eastern side. The Council's approved Countryside and Coast Supplementary Planning Guidance states that within this CAT area to the east of North Berwick includes agricultural land on the glaciated tail feature of North Berwick Law to the south of the A198 up to the enclosing tree belt east of Rhodes Small Holdings and open land to the north of the A198. The tree belt together with landform forms a strong visual and physical boundary feature to views to North Berwick from the east. To the west of the tree belt views open out to North Berwick including to the seafront and Sea Bird Centre and the full extent of North Berwick Law and its tail can be seen. Development to the east of North Berwick along the tail would impact detrimentally on the importance of North Berwick Law as a distinctive feature of the setting of the town. The CAT area forms the distinctive landscape setting of the town and should be protected from visually harmful development that would detrimentally impact on these views or the countryside setting of the town and landscape setting and character of the Law.

Although the land of the application site is not within a designated Special Landscape Area, the eastern edge of the North Berwick Law Special Landscape Area (SLA) is some 120m west of the site, the southwestern edge of the Tantallon Coast Special Landscape Area (SLA) is to the north of the site on the other side of the A198 public road and the southeastern point of the North Berwick to Seton Sands Coast Special Landscape Area (SLA) is to the northwest of the site on the other side of the A198 public road.

Policy DC9 (Special Landscape Areas) of the adopted east Lothian Local Development Plan 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.

Part of the special qualities and features of the North Berwick Law SLA given in the Council's approved Special Landscape Areas Supplementary Planning Guidance is that the

open plain farmland and marsh setting of the Law allows appreciation of the feature, rising suddenly and steeply from the surrounding land, its ruggedness contrasting with the cultivated farmland below. The guidelines for development in this SLA include that any proposed development must not harm the open views from, or the setting of, the Law, any proposed development must not harm the Law as a landmark crag and tail feature, both in close and distant views or compete with it as a focal point within the landscape, any proposed development must not harm the sense of naturalness and wildness qualities of the area and development that would visually diminish its apparent size avoided, any proposed development must not harm views of the Law in particular from the John Muir Way, A198 and B1347, and any proposed development must not harm the integrity and coherence of the historic landscape.

The character of the Tantallon Coast SLA is described in the Council's approved Special Landscape Areas Supplementary Planning Guidance as being a highly scenic and diverse stretch of coastline from the rocky cliffs and headland of North Berwick and Tantallon to the windswept beach at Peffers and Ravensheugh Sands, to the iconic Bass Rock emerging from the sea, also including a coherent area of important prehistoric settlement, medieval sites and wartime remains. The guidelines for development in this SLA include that any proposed development must not harm the coastal character and characteristic features of the area, any proposed development must not harm the open views out from the coastline and to the Bass Rock from in particular the Haugh Road to A198 right of way and Glen Golf Course, Tantallon Castle, Seacliff Beach, Canty Bay, Peffer Sands, Ravensheugh Sands and St Baldred's Cradle, any proposed development must not harm the open panoramic views from the A198 both towards the coast and south to the Lammermuir Hills, any proposed development must not harm the night-time darkness of this area of the coast, any proposed development must not harm the landscape character of the area by prevention of residential built development encroaching on the coastal strip that is out of scale and character, both in terms of architectural design and layout, with the traditional coastal settlements, and any proposed development must not harm the integrity and coherence of the historic landscape.

The character of the North Berwick to Seton Sands Coast SLA is described in the Council's approved Special Landscape Areas Supplementary Planning Guidance as being the heart of East Lothian's recreational coast, including many beautiful, well-loved beaches, as well as the expansive nature reserve of Aberlady Bay and world class golf courses. The guidelines for development in this SLA include that any proposed development must not harm the coastal character and characteristic features of the area, any proposed development must not harm the night-time darkness of those areas of the coast that are currently darker and any proposed development must not harm the landscape character of the area by prevention of residential built development encroaching on the coastal strip that is out of scale and character, both in terms of architectural design and layout, with the traditional coastal settlements.

Scottish Planning Policy states that states that in the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.

It also states that planning permission should be refused where the nature or scale of proposed development would have an unacceptable impact on the natural environment.

A Landscape and Visual Impact Assessment (LVIA) has been submitted with the application. The LVIA and Chapter 7 of the EIA Report consider the landscape and visual impacts of the proposed development from a number of viewpoints in the surrounding area and further

afield in East Lothian. The EIA Report and LVIA conclude that with the implementation of mitigation measures the predicted residual effects on landscape and visual receptors will be low in the majority of cases, however the location of the proposed development site on currently open agricultural land, will present a change within the landscape but 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 the proposal does not raise landscape issues of national interest in terms of:

1. significant adverse effects on the integrity and objectives of designation of a National Scenic Area;
2. significant adverse effects on Special Landscape Qualities of a National Park;
3. significant adverse effects on the qualities of a Wild Land Area; or
4. landscape issues in the wider countryside.

SNH advise that they are only currently providing detailed landscape and visual advice in the highest priority circumstances, where the effects of proposals approach or surpass levels that raise issues of national interest for SNH.

**The Council's Landscape Projects Officer** advises that the landscape character assessment submitted in the LVIA is very limited; landscape receptors would include the constituent elements of the landscape, its specific aesthetic or perceptual qualities and the character of the landscape. Although the LVIA describes the landscape character area within which the site lies, no assessment of the impact of the proposal on the landscape character of the Coastal Plain has been made. The LVIA mentions the fact that there are SLAs adjacent to the site but makes no assessment of the impact of the proposal on the landscape character of these, and no assessment has been made on the impacts of the proposal on the landscape character of the North Berwick CAT area.

The Landscape Projects Officer further advises that as the LVIA notes, the site is currently a flat arable field bounded to the north, west and east by stone walls, to the south by a hawthorn hedge and also to the east by a wide belt of trees. This accords with its landscape character type of Coastal Plain, as noted above as described in the Council's approved Special Landscape Areas Supplementary Planning Guidance.

In terms of specific landscape appraisal the Landscape Projects Officer advises the following.

From the south of the site:

Due to the topography in a shallow valley to the south of the ridge of the 'tail' of North Berwick Law, the coast and the settlement of North Berwick are not visible to the north. Long distance views to the south and east are also curtailed by tree belts. The character of this area is a quiet, peaceful, undeveloped, rural landscape, rolling away to the west where North Berwick Law forms a prominent feature rising sharply from the plain. Visibility of built environment is limited to the small groupings of single storey buildings at 2 and 3 Rhodes Holdings to the south and 4 and 5 Rhodes Holdings sitting on the ridge line to the north, with a small section of red roofs of the single-storey terrace of cottages at Bass Rock View just visible to the east.

The photomontage of the proposed development in views from the south (viewpoint 1) shows how the proposed development would be out of character with, and detrimentally impact, the character of this rural area. It would change views of the built environment within the area from that of small-scale, individual buildings set within a rural environment to a mass of buildings spreading across the rural landscape from 4 and 5 Rhodes Holdings to

Bass Rock View, more akin to an urban development in form. The negative impact would be intensified by the heights of the proposed buildings with generally individual or linked single-storey buildings to the southern edge rolling south off the ridge line, with 3 storey development in large blocks north of these on the highest land of the ridge and a large 3 storey building. The proposed development would change the character of this area from rural and undeveloped, with North Berwick Law as a defining feature to the west, to urban developed. The proposal by its size, nature and massing is urban in character, yet there is no urban environment in this view for this proposal to relate to or link with resulting in it being intrusive and out of character with the landscape.

The existing buildings sit lower on the horizon as you move up the southern slope of the ridge, reducing in visual prominence. The impact of the development however would intensify the further north you travel along the public road to the west of the site as the proposals spill down the southern slope of the ridge. It would give the impression of approaching a new settlement.

On the public road at the crest of the ridge at 4 and 5 Rhodes Holdings is a high point, where the superb view of the coast opens out in front of you. The panoramic view stretches from, and is framed by, North Berwick Law to the west with the settlement of North Berwick visible at its base, to the Bass Rock and the cottages and trees at Bass Rock View to the east. The open, undeveloped, rural landscape of the Coastal Plain allows full appreciation of this view. No photomontage has been provided for this viewpoint. However the site layout shows how some attempt has been made to set the development back from local residences along this road to try to retain some openness of view to the north. Views to the east and the Bass Rock however will be negatively impacted by the proposals for development on the north side of the site. The site is important in providing a transition from the rural nature of the Coastal Plain to the ruggedness of the coastal margin. The openness of the fields allows appreciation of the expansive plain and coastal landscape between the prominent volcanic features of North Berwick Law and the Bass Rock. The development, although set east from the public road, would change the character of this landscape. The introduction of a large scale development would detract from the prominence of these features and massed built development would lead to a loss of rural character resulting in a major and significant adverse impact on the landscape character of the area.

Mitigation has been proposed, including planting along the western and southern boundaries of the site. The southern boundary of the site is at a lower elevation than the rest of the site. Planting here, even of tall trees, would provide limited visual screening of the proposed buildings on the ridge. Moreover hiding development by planting is not a good design ethic. Planting to the southern and western boundaries is likely to cause shading and safety concerns for the properties close to these boundaries reducing their amenity and leading to pressure to remove this in future. This would therefore not appear to be a suitable or successful form of mitigation.

From the east of North Berwick and along the A198:

The A198 from the northwest corner of the site eastwards lies within the Tantallon Coast SLA. Photographs 4 to 11 in the submitted LVIA show sequential views travelling from the east along the A198 towards North Berwick. Photographs 4 to 7 are east of the tree belt which bounds the site to the east and photographs 8-11 are adjacent to the north boundary.

The landscape assessment notes that the woodland belt to the east of the site screens much of the proposed development when viewed from the east and notes that views to North Berwick Law from further east are not significantly affected by the proposals. The Countryside and Coast Supplementary Planning Guidance with regard to the North Berwick CAT area notes that the tree belt forms a strong visual and physical boundary feature to

views to North Berwick from the east. It is agreed that the tree belt provides an element of screening for the site from the east. The further east you are the more prominently the Law sits above the trees.

The prominence of the Law above the trees reduces as you travel west, closer to the trees. However it is still visible through the trees, particularly during the winter months when fewer leaves are on the trees. The impact on the view from the east of the site from the A198 will therefore be greater than suggested by the LVIA. Large dense built development will clearly be seen through the tree belt and behind the cottages of Bass Rock View. This would have the effect of detrimentally changing the character of the landscape here from rural with scattered built development to urban developed.

There is a sense of anticipation when travelling west along the A198 with views of the Law from further east becoming screened by trees and the cottages at Bass Rock View. When passing the cottages the view opens out to show North Berwick Law central to your view rising from the panorama of arable land of the Coastal Plain with North Berwick to its north. The relationship between the Law and the town can clearly be seen with North Berwick nestled into the base of the Law and along the northern edge of the ridge of the 'tail', including the new housing to the east of Tesco. The uninterrupted ridge line of the 'tail' runs towards the viewer to the south through the proposed development site. The Countryside and Coast Supplementary Planning Guidance with regard to the North Berwick CAT area states that development to the east of North Berwick along the tail would impact detrimentally on the importance of North Berwick Law as a distinctive feature of the setting of the town. The North Berwick Law SLA guidelines for development state that any proposed development must not harm the Law as a landmark crag and tail feature, both in close and distant views or compete with it as a focal point within the landscape and development that would visually diminish its apparent size avoided, and that any proposed development must not harm views of the Law in particular from the John Muir Way, A198 and B1347. Through Policy DC9 this applies for all development, even if outwith the SLA boundary. The photomontages for locations 8 and 9 in the LVIA show the landscape impact of the proposals. The 3-storey development, even as proposed set back from the edge of the A198, both impacts views of the Law by directly blocking these views and by competing with it in terms of scale. The proposed development would be out of character with the sparse settlement of the Coastal Plain being more urban in scale and massing, yet in this location does not read as part of the urban settlement of North Berwick. The proposals would have a significant adverse impact on the setting of North Berwick Law when viewed from the east along the A198.

The LVIA assessment of views from the A198 states that the A198 passes to the south of the site and will have a medium sensitivity to visual impact. The A198 passes to the north of the site and being the tourist coastal route from North Berwick to Whitekirk passed Tantallon Castle, with views over the coast and Coastal Plain, as identified in the Tantallon SLA in which it is located, should be defined as having a high sensitivity to visual impact. Combined with the high magnitude of change predicted this would result in a major and significant adverse impact on views from the A198.

From North Berwick Law:

North Berwick Law provides a panoramic view across the Coastal Plain of East Lothian as well as the coastal margin and Firth of Forth to the north. To the east the edge of the settlement of North Berwick is clearly defined with the Coastal Plain and coastal margin beyond and the features of the Bass Rock and Tantallon Castle large enough to form prominent landmarks in the view. Viewpoint 14 in the LVIA from North Berwick Law shows the clear line of the ridge tail feature of North Berwick Law crag and tail extending along and through the proposed site. This can more clearly be seen from the top of the Heugh. The



view from North Berwick Law also clearly shows the extent of the settlement of North Berwick, with the most recent housing to the east of Tesco kept to the north and off the ridge line and in line with the older development to the north of the A198, thereby forming a coherent settlement expansion. The application site can clearly be seen from the Law, sitting within open countryside within the Coastal Plain. Due to its large height, massing and density the proposed development would appear urban in scale and massing, yet in this location has no relationship with, and is separated from, the urban settlement of North Berwick.

The only assessment in the LVIA for North Berwick Law is considered under scheduled monuments. The assessment identifies North Berwick Law as having high sensitivity to visual impact and assesses the magnitude of change of the proposals to be medium given the 360o view. Using table 3.1 of the EIA Report this correlates to a major to moderate, and therefore significant, adverse impact on North Berwick Law. The LVIA incorrectly identifies this as medium impact and suggests that mitigation using appropriate design, vernacular style and landscaping will reduce this impact to minor. The landscape character of the Coastal Plain is a large scattering of farmsteads and small clusters of houses. The proposed development has therefore not mitigated for its impact by using appropriate design and vernacular style. It is also unlikely, given its proposed height and massing and the raised elevation of this viewpoint, that landscaping planting would help integrate the proposal into the landscape from this view.

From North Berwick:

Views of, and the impact on the town, and its Conservation Area have been considered from the Seabird Centre and Milsey Bay area to the east of North Berwick, including Castle Hill.

In views from the Seabird Centre this shows how the town spreads to the east of the Glen on top of the cliffs. Urban development here is well contained within established tree cover. The caravan park can be seen separated from the town to the east by trees, and is different in layout and form to the urban settlement. Further east the orange roofs of Bass Rock View cottages can be seen separated further from the caravan park by the field of the application site and trees. This layout is typical of the landscape character of the Coastal Plain of small clusters of houses within arable fields. A photomontage has been produced for this view which clearly shows the visibility of the proposed development. It would create an urban form that would appear to link the rural cottages at Bass Rock View with the caravan park and would change the rural character of this view to urban developed. This would impact detrimentally on the appreciation of the North Berwick to Seton Sands SLA and the setting of North Berwick. This detrimental impact is repeated in the view from beach road at Marine Parade, although from Castle Hill the site appears to be screened by existing trees.

From the coast to the north of the site:

The LVIA photograph 22 is taken from the east end of the Haugh Road at the path on the west side of the golf course. This view is also relevant to views and impacts on golfers and visitors to the caravan park. This location is on the boundary of the North Berwick to Seton Sands and Tantallon Coast SLAs. It is taken looking inland towards the site across the golf course. It is an open, rural area with limited built development that can be associated with a rural location including the caravans and small-scale low buildings of the caravan site, and the single storey cottages at Bass Rock View. The main focus at this viewpoint is westwards across the bay to North Berwick. Heading east along the path the focus of this view is likely to be to the coast, the Forth, the Bas Rock, and the sea to the north and east. The photomontage from this location clearly shows the massing, height and spread of the proposed development within this view and how this would negatively impact on the SLAs by introducing large widely visible development that is out of scale and character, both in terms

of architectural design and layout, with the existing landscape and detracts from the natural qualities of the area.

Given the height and massing of the proposed development it would result in a significant adverse impact on the SLAs and the core path route. Suggested mitigation by the inclusion of a landscaped buffer along the northern boundary of the site would have limited impact given the exposed coastal location, likely wish for views of the coast from the development, and height of the buildings to be screened.

#### Conclusion:

The proposal is for condensed built development comprising a large three storey building adjacent to the A198, two three storey buildings to its south and many single storey buildings surrounding this. This form of development is not a scattering of farmsteads and small clusters of houses that typifies the landscape character of the Coastal Plain landscape character area. It is of a large more developed urban form, both in height and spread, and would therefore appear out of character and scale with the area.

The Countryside and Coast Supplementary Planning Guidance with regard to the North Berwick CAT identifies this area as important in providing expansive coastal countryside views to North Berwick Law on the eastern approach to North Berwick. It states that this area forms the distinctive landscape setting of the town and should be protected from visually harmful development that would detrimentally impact on these views of the countryside setting of the town and landscape setting and character of the Law. The proposed development would detrimentally impact on these views, setting and character.

The North Berwick Law SLA guidelines for development state that any proposed development must not harm the Law as a landmark crag and tail feature, both in close and distant views, or compete with it as a focal point within the landscape, and development that would visually diminish its apparent size avoided, and any proposed development must not harm views of the Law in particular from the A198. The proposed development would harm the character of the crag and tail feature by building on the tail and would detrimentally impact on views of the Law particularly from the A198. The Tantallon Coast SLA guidelines for development state that any proposed development must not harm the open panoramic views from the A198 towards the coast. The massing, height and location of the proposed development would significantly adversely change the character of the landscape and the context of views to the coast from the A198. The North Berwick to Seton Sands and Tantallon Coast SLAs both state that 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. The proposed development would be widely visible and located adjacent to these SLAs, where it would detract from the natural qualities of the SLAs, reducing the scale and contrast of the landscape form.

Although the design of the buildings proposed takes due cognisance of the architectural form and appearance of the buildings in North Berwick by the use of stone and render for the walls, red/grey roof tiles for the pitched roofs and traditional window forms, due to the scale of development there is no way, either architecturally or through the use of materials and landscaping to harmoniously blend the proposed development into its open landscape setting. The surrounding landform and agricultural landscape ensures that a development of this scale and nature cannot successfully integrate into its landscape setting and thus would appear harmfully prominent, incongruous and intrusive, and grossly out of character within its surrounding rural setting. The application site is also 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 within the surrounding agricultural landscape. The sheer

scale of development with light coming from a multitude of 3-storey and single storey buildings and light associated with use of the car parking areas, footpaths and landscaped areas would result in harm to the night-time darkness of the area.

In overall conclusion the proposed development cannot successfully integrate into its landscape setting and would appear harmfully prominent, incongruous and intrusive, and grossly out of character within it's the surrounding rural landscape. It would be harmful to the landscape character of the Coastal Plain, the distinctive landscape setting of the North Berwick CAT area and would harmfully affect the special character of the North Berwick Law, Tantallon Coast and North Berwick to Seton Sands Coast Special Landscape Areas. The nature and scale of the proposed development would have an unacceptable impact on the natural environment.

On these considerations of landscape and visual impact the proposed development is contrary to Policies DC8, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's approved Countryside and Coast and Special Landscape Areas Supplementary Planning Guidance and Scottish Planning Policy: June 2014.

### **IMPACT ON HERTIAGE ASSESTS**

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

The application site is located some 1.1 miles east of North Berwick Law Scheduled Monument, some 1 mile to the west of Tantallon Castle Scheduled Monument and some 0.8 miles to the southeast of Castle Hill Scheduled Monument. It is also some 0.7 miles from the southeastern edge of North Berwick Conservation Area.

There are no listed buildings within the application site, nor are there any in the immediate area. The nearest ones are the properties of Rhodes Cottages some 0.3 miles to the northwest (Category B listed) and Castleton Farmhouse some 0.82 miles to the east (Category B listed).

The proposed development would be sufficient distance away from nearby listed buildings so as not to have a detrimental impact on their settings.

Paragraph 137 of Scottish Planning Policy states that the planning system should promote the care and protection of the designated and non-designated historic environment (including individual assets, related settings and the wider cultural landscape) and its contribution to sense of place, cultural identity, social well-being, economic growth, civic participation and lifelong learning; and enable positive change in the historic environment which is informed by a clear understanding of the importance of the heritage assets affected and ensure their future use. Change should be sensitively managed to avoid or minimise adverse impacts on the fabric and setting of the asset, and ensure that its special characteristics are protected, conserved or enhanced.

Chapter 9 of the EIA considers the potential direct and indirect impacts resulting from the proposed development on cultural heritage assets, including listed buildings, scheduled monuments, conservation areas, inventory gardens and designed landscapes and inventory battlefields.

**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 development.

On the matter of the EIA Report, HES advise that they are satisfied that sufficient information has been provided to come to a view on the proposals and that they agree with assessment in the EIA Report which does not identify any significant effects for their interests, and they agree with this conclusion.

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.

Scottish Planning Policy also states 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.

Scottish Planning Policy states that where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances.

In relation to direct impacts, **the Council's Archaeology/Heritage Officer** advises that the application site has the potential for buried archaeological remains to be present which may be disturbed by the development process. He therefore recommends that if planning permission is to be granted for this proposal, a programme of archaeological works (Archaeological Evaluation by Trial Trench) should be carried out prior to the commencement of development. This could be secured through a condition, an approach 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.

The Archaeology/Heritage Officer does not advise the proposed development would harmfully affect the setting of Castle Hill Scheduled Monument.

However the Archaeology/Heritage Officer advises he has concerns with the indirect impacts of the proposed development. He states that there would be greater impacts upon the setting of both North Berwick Law and Tantallon Castle Scheduled Monuments from what is concluded in the submitted EIA Report. He advises that the openness of the landscape along this coast line is important in understanding these two monuments, as being able to have long distance views was one of the principle functions of both of these designated sites.

The Archaeology/Heritage Officer states that the scale and massing of the proposed development would have an adverse effect on the integrity of the setting of North Berwick Law Scheduled Monument. In particular on the views to the Law from along the A198, which are part of the modern experience of the Law itself and the understanding of the sense of place that the Law gives to this landscape. Also the eastern views from the Law would also be adversely impacted upon as the open landscape along the coast would be significantly reduced by the proposals. He further stated that it is clear that a 360 degree view of the surrounding landscape and seascape is and was important to understanding the historical and current uses of the Law. Whilst these longer scale views can absorb some levels of

development, the density of the proposed development and its separation from the edge of the town of North Berwick would have a detrimental impact upon eastern views from the Law which would appear more cluttered.

The Archaeology/Heritage Officer advises that the proposed development, due to its scale, massing and height could not be absorbed into the landscape without impacting adversely upon the integrity of the setting of North Berwick Law Scheduled Monument.

He further advises that from Tantallon Castle Scheduled Monument, especially the view from the ramparts, the proposed development would be seen as foreshortened against North Berwick town, which although will not impact directly on the castle would affect the sense of place. The perceived distance from significant structures is important in how the castle is experienced and understood by modern visitors and the longer distance views both landward and seaward were primary functions of the castle. The significant change to the landscape setting of the castle arising as a result of the proposed development would have a serious adverse impact on the setting of the Tantallon Castle Scheduled Monument.

The proposed development, being some 0.7 miles from the southeastern edge of North Berwick Conservation Area, would not directly impact on the character and appearance of the Conservation Area. However the proposed development would be visible in views both from and to the Conservation Area, and in such views the scale and nature of the urban form of the development within the open landscape setting of the town would detrimentally impact on these views resulting in harm to the setting of the Conservation Area.

In conclusion, the proposed development would have an adverse effect on the integrity of the setting of the North Berwick Law and Tantallon Castle Scheduled Monuments and would detrimentally impact on the setting of North Berwick Conservation Area. On these considerations of impact on heritage assets the proposed development is contrary to Policies CH2 and CH4 of the adopted East Lothian Local Development Plan 2018, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.

### **IMPACT ON INTERNATIONALLY DESIGNATED SITES, SITES OF SPECIAL SCIENTIFIC INTEREST AND BIODIVERSITY**

The Firth of Forth Special Protection Area (SPA) and the Firth of Forth Site of Special Scientific Interest (SSSI) are some 460m to the north of the application site.

With regard to international designations, paragraph 207 of Scottish Planning Policy states that sites designated as Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) make up the Natura 2000 Network of protected areas. Any development proposal likely to have a significant effect on these sites which is not directly connected with or necessary to their conservation management must be subject to an "appropriate assessment" of the implications for the conservation objectives.

Chapter 8 of the EIA Report includes an assessment of the potential impacts of the proposed development on ecological features including the SPA, SSSI, including the submission of a Habitats Regulations Appraisal, and has also assessed other biodiversity assets.

Chapter 9 of the EIA Report includes an assessment of the potential effects of the proposed development on the archaeology and cultural heritage resource of the site and surrounding area.

Scottish Natural Heritage (SNH) advise that the proposal could affect the Firth of Forth SPA, and that the status of this sites means that the requirements of the Conservation (Natural

Habitats, &c.) Regulations 1994 as amended (the “Habitats Regulations”) apply. Consequently, Marine Scotland is required to consider the effect of the proposal on these sites before it can be consented (commonly known as Habitats Regulations Appraisal).

Under the Habitats Regulations, decision makers (known as competent authorities in the legislation) can only agree to development proposals which are unconnected with the nature conservation management of the site after having confirmed that they will not affect the integrity of the Natura site. The process of coming to this judgement is commonly referred to as Habitats Regulations Appraisal (HRA).

With regard to HRA Stage 1, SNH states that the proposal is not connected to conservation management of any European site.

With regard to HRA Stage 2 (is the proposal ‘likely to have significant effects’ upon the European sites), SNH state that several bird species which are protected by the SPA designation will travel inland to roost or forage, particularly at times of high tides. This development site lies approximately 400m from the SPA boundary, which is within range of these species, and comprises of habitat that SPA birds could use for foraging and roosting. Therefore connectivity between the proposed development and the SPA exists via the potential loss of supporting habitat.

With regard to HRA Stage 3 (will the proposal have adverse effects on the integrity of the SPA), SNH advise that despite being within connectivity distance to the SPA, several factors make the development site less attractive to SPA birds:

1. the site lies outside the ‘main feeding area for pink-footed geese’;
2. the site is less attractive to foraging or roosting birds due to its proximity to a road and a shelter belt, both of which could generate disturbance and block lines-of-sight;
3. correspondingly there is an abundance of more attractive roosting and foraging habitat in the surrounding area;
4. the site has broadly similar parameters to nearby Local Development Plan allocations where development was shown to have ‘no likely significant effects’ in the HRA of the LDP; and
5. the applicant’s incomplete wintering bird survey, which shows close to zero usage of the development site by SPA birds, acts as supporting evidence for the above points.

Taking all of the above into account, SNH advise that there would be negligible effects from the proposed development upon SPA birds, and so there would be ‘no adverse effects upon site integrity’.

With regard to HRA, **the Councils’ Biodiversity Officer** notes that a Habitat Regulations Appraisal has been submitted as an appendix to the EIA Report. It concludes that the proposed development will not have a significant effect on the Firth of Forth SPA, given the lack of qualifying bird species using the site (as demonstrated in the submitted Bird Survey Report), and the low amount of habitat that would be lost, both as a direct consequence of the development and in combination with other developments. The Biodiversity Officer agrees with this conclusion and is satisfied that the development proposal is not likely to have a significant effect on the SPA.

Therefore as the proposed development proposal would have ‘no adverse effects upon site integrity’ there is no requirement for an “appropriate assessment” to be undertaken.

SNH also advise that in consideration of the above HRA process there would be no adverse effects upon the integrity of the Forth of Forth or North Berwick Law SSSI.

With regard to ecology, SNH advise that they support the conclusions of the submitted

Ecological Baseline Report, advising that the application site supports habitat of local value and there is low risk of impacts on protected species.

In respect of this, the Council's Biodiversity Officer advises that in the Ecological Baseline Report nine habitat types were recorded, the majority of which are of ecological value. There are small areas of mixed woodland, scattered scrub and semi-improved grassland which are of moderate value, however these are not priority habitats and are deemed to be at low risk from the proposed development. Opportunities to enhance these habitats should be taken, particularly in the eastern part of the site adjacent to the woodland habitat as this would enhance the green network.

The Biodiversity Officer further advises that no evidence was found of protected species including otter, badger and red squirrel. Brown hare were observed during the survey, however no further work is required as the licencing requirements are not relevant to the proposed development. No evidence was found of amphibians or reptiles.

The submitted Preliminary Roost Assessment found no suitable roosting features for bats, and determined that the area lacks suitable foraging habitat. Habitats that may support breeding birds occurs on site (notably woodland at the eastern edge of the site). The report includes recommendations to minimise the disturbance to birds.

The Biodiversity Officer recommends that were planning permission to be granted, a habitat and protected species survey should be undertaken no less than 18 months from the completion of the Ecological Baseline Report and that if construction does not commence before October 2020, the surveys should be updated per the methodology stated in the Ecological Baseline Report.

On these considerations the proposed development is not contrary to Policies NH1, NH2 or NH5 of the adopted East Lothian Local Development Plan 2018 or Scottish Planning Policy: June 2014.

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

The nearest neighbouring residential properties to the proposed buildings are the cottages of Bass Rock View which bound the site at its northeast corner. By virtue of its distance away from those residential properties, the proposed buildings would not result in any harmful overlooking or unacceptable loss of sunlight or daylight to them. Also with a scheme of landscaping to separate the proposed development from the cottages of Bass Rock View, this could ensure there would be no harmful overlooking from users of the grounds of the proposed development to the gardens of those cottages.

Chapter 5 of the EIA Report considers potential noise and vibration arising from the proposed development on the site both during construction and when the development is operational. It explains that noise effects associated with the proposed development have been considered at Noise Sensitive Receptors (NSRs) and the assessment considers residential dwellings to be NSRs; no other types of sensitive receptors (e.g. educational, institutional or cultural buildings) were identified.

Chapter 5 of the EIA Report concludes that noise effects arising from additional traffic flows associated with the proposed development have been evaluated at existing NSRs, both during the construction and post-development phases, and found to be not significant, subject to the completion of a Construction Environment Management Plan (CEMP). The CEMP will outline methods which will be employed to minimise construction noise at neighbouring properties. Noise effects at proposed NSRs have been evaluated during the post-development phase and found to be not significant. No mitigation measures have been

proposed.

Chapter 6 of the EIA Report provides an assessment of the potential effects of the proposed development upon local air quality. It concludes that the overall assessment of significance of the proposed development on local air quality is not significant.

**The Council's Public Health and Environmental Protection Officer** advises that the potential noise/vibration and dust impacts from the proposed development would only arise during the construction phase, and that the operational phase would not give rise to any noise/vibration or dust that would harmfully impact upon amenity of existing neighbouring properties.

With regards to mitigation during the construction phase, the Public Health and Environmental Protection Officer advises that the submission of a Construction Environmental Management Plan (CEMP) for prior scrutiny and approval prior to commencement of development and compliance with methods contained in the CEMP would adequately protect residential amenity. The CEMP should include details of the following:

(i) with regards to noise the applicant should adopt "Best Practice Guidance" as recommended BS5228-1: 2009 + A1:2014 "Code of practice for noise and vibration control on construction and open sites – Part 1:Noise and Part 2: Vibration"; and

(ii) with regards to dust the CEMP should include details regarding practicable control measures for reducing visible dust emissions affecting properties beyond the site boundary. Control measures to be considered are identified in Section 8 of the Institute of Air Quality Management Guidance document on the assessment of dust from demolition and construction (2014).

The Public Health and Environmental Protection Officer notes that Chapter 6 of the EIA Report on air quality makes reference to the Institute of Air Quality Management Guidance document and reproduces most the dust mitigation measures required in Appendix 6.2 of the EIA Report.

The requirement for the submission of a CEMP 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, were that to be the decision. 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 control the proposed development would not have a harmful impact on amenity.

The Geo-Environmental Desk Study, Appendix 3.5 of the EIA Report, considers ground conditions on the site and potential contamination sources. It concludes that no significant potential sources of contamination have been identified at the site given its current and historical use, but further intrusive ground investigations are likely to be required for any below ground works as part of the redevelopment of the site.

**The Council's Environmental Health Officer** (Contaminated Land) advises that he has reviewed the Geo-Environmental Desk Study and confirms that he is satisfied that the reporting has been carried out in accordance with best practice guidelines and the relevant standards. He notes that from the assessment it has been concluded that there is a low likelihood of any plausible pollutant linkages impacting on the proposed development,



however, recommendations have been made for intrusive investigations to be carried out. The Environmental Health Officer (Contaminated Land) agrees with this given both the nature of the development as well as its relatively large areal extent (potential for localised made ground deposits to exist) and the need to better define the ground conditions on the site 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:

- (i) a ground investigation comprising a survey of the extent, scale and nature of the contamination;
- (ii) a risk assessment of all appropriate pollutant linkages and an updated conceptual model of the site;
- (iii) an appraisal of the remediation methods available and proposal of the preferred option(s).

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development; and

3. Following completion of the measures identified in the approved Remediation Statement, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out. It must be approved by the Planning Authority prior to commencement of the new use of the land.

These requirements could be controlled by a condition(s) attached to a grant of planning permission, were that to be the recommendation.

On these considerations the proposed development is consistent with Policy DP2 of the adopted East Lothian Local Development Plan 2018.

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

A drainage strategy and flood risk assessment are appended to the EIA Report.

No water courses cross the site. The nearest water course to the site is an unnamed watercourse flowing 350m south of the site. It is proposed that two SuDS basins would be formed, one at the northwest corner of the site and the other positioned centrally adjacent to the southern boundary of the site. The proposed development would utilise the public sewer for foul drainage.

The submitted flood risk assessment concludes that as the closest watercourse to the site is 350m to the south and 11m below the site, it is not considered to be at significant risk from fluvial flooding. The site is also not considered to be at significant risk from pluvial flooding due to it being located on a local high point and therefore no external catchment is able to flow through it. The site is not considered to be at significant risk from groundwater flooding or coastal flooding as a primary source. The proposed layout allows for flood free access to the site from the A198. The drainage of the site is proposed to be entirely to the watercourse to the south of it. As over 50% of the site currently drains north, surface water runoff from the site will need to be limited to the greenfield rate for the part of the site that

currently flows to the watercourse.

**Scottish Water** has been consulted on the application for planning permission and in respect of the EIA Report. They advise that they have no objection to the proposed development. A copy of Scottish Water's response has been forwarded to the applicant's agent for their information.

On the matter of surface water drainage, **the Scottish Environment Protection Agency (SEPA)** advise that the planning application details that the proposed development would be utilising the public sewer for foul drainage. They state that the applicant should ensure confirmation from Scottish Water that there is an available connection to the public sewer and that Scottish Water will accept waste from this development.

On the matter of flood risk SEPA advise that the submitted flood risk assessment states that the nearest watercourse is 350m from the site boundary, and there is 11m difference in elevation between the site and the watercourse. SEPA agree with the conclusions of the flood risk assessment that the site is not at significant flood risk so raise no objection to the application.

**The Council's Structures Flooding and Street Lighting Team Manager** raises no objection to the application, satisfied that the site is not at risk from flooding and the drainage arrangements are acceptable.

## **HEALTHCARE**

**East Lothian Health and Social Care Partnership** advise that the proposed 152 residential accommodation and care units to people in need of care would place extra demands on an already over-stretched health and social care system and specifically on the North Berwick GP Practice Team. They advise the demand on that service would arise through the increased need for services associated with a new population of over 55s who would require primary care and other services who will have complex care and clinical support needs and in many cases would require home visits.

They further advise that North Berwick already has a high number of elderly residents placing already high demands on the GP Practice and on the wider health and social care system. The Practice does not have the staffing to provide home visits to a new elderly patients and the demand arising from a new population of over 55s. This is exacerbated by ongoing difficulties in recruiting and retaining doctors and other staff in primary care. As all people living within a GP Practice area are entitled to register with the practice, North Berwick will be unable to decline to register the residents of the proposed development.

For these reasons East Lothian Health and Social Care Partnership do not support the application.

On the matter of staffing, the ongoing costs of GP provision are a matter for the National Health Service. While it is acknowledged the concerns about the effects of unplanned demand, including concerns about the costs of free personal care, this is not a matter that it is possible to resolve through the planning system in general and this application in particular.

East Lothian Health and Social Care Partnership do however confirm that their objection to the proposed development is not based on any constraints on the physical size of North Berwick GP practice to accommodate any increased demand as a result of the proposed development.

Given all of the above, it would not be reasonable to refuse planning permission on the basis

of the impact of the proposed development on healthcare provision.

### **EDUCATION AND AFFORDABLE HOUSING**

As the proposed 152 residential accommodation and care units to people in need of care (a use within Class 8 of The Town and Country Planning (Use Classes) (Scotland) Order 1997) would require at least 1 occupant of each of them to be both be aged over 55 and have a pre-existing medical condition that qualifies for treatment before they would be allowed to occupy a unit and as such, this is neither retirement housing nor restricted occupancy market housing, but a specialist class 8 use of accommodation. It would not produce school aged children and therefore there is no requirement to assess a need for educational provision.

The Council's approved Affordable Housing Supplementary Planning Guidance states that affordable housing will be sought on all housing developments which propose to develop housing defined under use class 9, whether a conversion, student accommodation, amenity, sheltered or retirement housing.

As this application proposes that all units would come under Class 8 (Residential Institution) use the affordable housing requirement does not apply.

### **IMPACT ON PRIME AGRICULTURAL LAND**

The application site is currently arable agricultural land. The Macaulay Land Use Research Institute classifies the land as being Land Capable of Supporting Arable Agriculture Class 2, that being prime agricultural land capable of producing a wide range of crops with minor physical limitations affecting agricultural use and land that is highly productive.

Policy NH7 of the adopted East Lothian Local Development Plan states that development on prime quality agricultural land will not be permitted unless:

It is to implement a proposal of this plan, or  
It is necessary to meet an established need and no other suitable site is available; or  
It is for an appropriate development in the countryside, including that which is directly linked to a rural business or an existing house; and  
The layout, design and construction methods of development minimises the amount of such land that is affected, taking into account the design policies of the plan.

Paragraph 80 of Scottish Planning Policy states that development on prime agricultural land should not be permitted except where it is essential:

- as a component of the settlement strategy or necessary to meet an established need, for example for essential infrastructure, where no other suitable site is available; or
- for small-scale development directly linked to a rural business; or
- for the generation of energy from a renewable source or the extraction of minerals where this accords with other policy objectives.

The application site does not form a proposal of the East Lothian Local Development Plan, nor is it a component of the settlement strategy. On the basis of the advice from East Lothian Health and Social Care Partnership it cannot be concluded that there is a current need for the proposed development. It has been concluded earlier in this report that it has not been demonstrated other suitable sites are not available. The proposed development is inappropriate development in the countryside and is not for small-scale development linked to a rural business or an existing house, nor is it for the generation of energy from a renewable source or the extraction of minerals.

The proposed development would lead to an unacceptable loss of prime agricultural land and does not meet the Policy criteria above, and the non-essential loss of this finite resource

would be contrary to national planning policy. On this consideration the proposed development is contrary to Policy NH7 of the adopted East Lothian Local Development Plan and Scottish Planning Policy.

## **TRANSPORTATION**

Chapter 10 of the EIA Report includes an assessment of the potential effects of the proposed development on the surrounding transport network and sensitive receptors with respect to transport and access. A Transport Assessment and Construction Traffic Management Plan have also been submitted with the application. The EIA Report finds that subject to the implementation of mitigation measures proposed it is not predicted that the proposed development would result in significant environmental effects from traffic and transport.

Paragraph 76 of Scottish Planning Policy states that in the pressurised areas easily accessible from Scotland's cities and main towns, where ongoing development pressures are likely to continue, it is important to protect against an unsustainable growth in car-based commuting and the suburbanisation of the countryside, particularly where there are environmental assets such as sensitive landscapes or good quality agricultural land.

Annex B of the Scottish Government's Planning Advice Note 75: Planning for Transport recommends a threshold of 1600m for walking distance to local facilities.

The recommended guidelines in Planning Advice Note 75 for accessibility of housing to public transport are less than 400m to bus services and up to 800m to rail services.

Vehicular and pedestrian access to the site is proposed to be by way of a new access road into the site taken from the A198 public road some 350m to the west of the properties of Bass Rock View. Internal access roads, footways and a total of 219 car parking spaces are proposed to be provided within the site (a mix of resident and visitor spaces) of which 26 would be disabled. Of these 31 would be staff spaces.

Pedestrian access to the site would be direct from Tantallon Road (A198) which is a pedestrian route in to North Berwick from the east. A pedestrian footway is present on the northern side of the A198 which connects the site with the built up environment to the west. The footway routes past Tantallon Caravan Park and onwards towards the Lime Grove residential area, the Tesco Superstore and beyond into the town centre providing access on foot for resident, staff and visitors. The route is not street lit between the site and the North Berwick town entry sign, which is some 600m to the west. Therefore local facilities can potentially be reached on foot within 1600m of the application site.

Bus stops are located on the A198, either side of the priority junction with Bass Rock View. Further stops are located on the western boundary of the site adjacent to Rhodes Holdings. Eves Coaches service 120 operates on the A198 between North Berwick in the north and Dunbar in the south and offers connections to the site throughout the day.

In the submitted Transport Assessment it is stated that the applicant proposes a residents shuttle bus which would operate regularly throughout the day between the site and North Berwick town centre. The service would pick up at various points within the site and the town centre which would be advertised within the community.

Access to the site is proposed to be taken from a ghost island junction on the A198 with a pedestrian refuge island. The proposed new access junction has been subject to an independent Road Safety Audit, which identified the possibility of the pedestrian island being removed and recommended either removal of the island or the creation of a more urbanised environment.

This part of the A198 is currently subject to the National Speed Limit, but the applicant proposes to reduce it to 40mph from the eastern extent of North Berwick to the eastern extent of the site frontage and introduce a visibility splay at the site access junction of 4.5m x 120m in both directions. It is also proposed to extend street lighting along the extent to the proposed reduced speed limit and provide additional speed reducing measures in the form of a “gateway” including shark’s teeth road markings, an speed activated sign, a painted 40mph roundel on the road surface on a red background and a series of 40mph 3-2-1 (countdown) sign posts on approach to it from the east. Also proposed is to create a new footway along the site frontage which would link into the adopted footway network to North Berwick.

**The Council’s Road Services** are satisfied that the above measures would ensure the site could be accessed safely by both car users, pedestrians and cyclists. They are also content to the proximity of the bus service which passes the site which links Dunbar and North Berwick in both directions (Eve 120), advising that although it is not a high frequency service, it is one which residents/users of the proposed development would be able to use. They note there are a pair of bus stops close to the proposed access and the pedestrian refuge island would facilitate access to/ from the bus stop serving eastbound services. They also note the applicant proposes a residents shuttle bus which would operate regularly throughout the day between the site and the town centre.

Road Services advise that the applicant has undertaken and presented an impact assessment of the proposed development and has forecast that the AM and PM 2-way peak hour generated traffic flows associated with it are 33 and 30 respectively. Road Services advise that the A198 is relatively lightly trafficked and could comfortably accommodate this increase in traffic level, and that the operation of the proposed junction was modeled and no queuing in the A189 or from the site access would occur.

In consideration of the above it is concluded that the proposed development is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Policy DEL1 of the adopted East Lothian Local Development Plan 2018 states that new development will only be permitted where the developer makes provision for infrastructure required as a consequence of their development in accordance with Scottish Government Circular 2/2012 or any revision. Developer contributions will be required from all development proposals that meet or exceed the thresholds:

- \* Proposals for 5 or more dwellings
- \* Employment, retail, leisure or tourism proposals of 100sqm gross floor space or larger;

The exact nature and scale of developer contributions required in association with all relevant new development proposals, including windfall proposals, will be assessed on a case by case basis. In the case of employment, retail, leisure or tourism proposals these contributions would be limited to transport interventions, such as road or rail improvements.

In this instance Road Services advise that based on the level of traffic forecast to be generated by the proposed development and its distance from any of the identified transport interventions there would be no requirement for any developer contributions.

**Transport Scotland** raise no objection to the proposed development.

## **DEVELOPMENT PLAN CONCLUSION**

It is now necessary to consider whether there are any material considerations that outweigh the above identified conflict with the relevant provisions of the development plan.

## **MATERIAL CONSIDERATIONS**

### **SOCIO-ECONOMICS BENEFITS**

Scottish Planning Policy supports sustainable economic growth, and also emphasises the need to locate the right development in the right place.

The submitted Economic Benefits Assessment advocates that the proposed development would generate 85 jobs per annum during construction and 120 jobs during operation. It also advocates that it would generate £3.2 million per annum in GVA (Gross Value Added) to the economy and cumulative income to local government over 20 years of £2.9 million. It also suggests that the proposed development could result in NHS and adult social care savings as people living in continuing care retirement village developments require less formal care than other people of similar age, and hospital stays can be reduced from an average of 14 to 2 days and the rates of resident falls are significantly lower compared to general housing.

In their consultation response, the East Lothian Health and Social Care Partnership do not advise that the proposed development could result in NHS and adult social care savings. Rather, they express concerns that the proposed 152 residential accommodation and care units to people in need of care would place extra demands on an already over-stretched health and social care system and specifically on the North Berwick GP Practice Team.

The proposed development would result in some benefit, including the generation of jobs during both the construction and operation phases of the development. However this economic benefit does not outweigh the significant conflict with the relevant provisions of the development plan.

### **SCOTTISH PLANNING POLICY**

The applicant states that the proposals are consistent with Scottish Planning Policy (SPP). Whilst it is considered that there is support for aspects of the proposed development in SPP, crucially it is found that it does not contribute to sustainable development (SPP paragraph 29) as it does not meet the principles of, (i) supporting good design and the six qualities of successful places, (ii) protecting, enhancing and promoting access to cultural heritage, including the historic environment, (iii) protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment.

SPP also does not provide support insofar that the proposed development does not create a distinctive place (SPP paragraph 41), would dangerously suburbanise the countryside by not being within or adjacent to a settlement (SPP paragraph 81), harms the setting of North Berwick Conservation Area (SPP paragraph 143), does not promote the care and protection of the designated and non-designated historic environment or enable positive change in the historic environment (SPP paragraph 137), does not facilitate positive change while maintaining and enhancing distinctive landscape character (SPP paragraph 194) and the siting and design of development does not take account of local landscape character (SPP paragraph 202).

### **CONCLUSION**

There are no material considerations that outweigh the primary material considerations that the proposed development is significantly contrary to the above relevant Policies of the East Lothian Local Development Plan 2018 and associated Supplementary Planning Guidance, and national policy given in Scottish Planning Policy: June 2014.

## **RECOMMENDATION**

It is recommended that planning permission be refused for the following reasons:

- 1 The proposed 152 residential accommodation and care units to people in need of care (Class 8) has no operational requirement for a countryside location. Rather it would be a significant, sporadic development that would harm the objectives of the North Berwick Countryside Around Town area. As such the proposal is contrary to Policies DC1 and DC8 of the adopted East Lothian Local Development Plan 2018.
- 2 The proposed development cannot successfully integrate into its landscape setting and would appear harmfully prominent, incongruous and intrusive, and grossly out of character within the surrounding rural landscape. It would be harmful to the landscape character of the Coastal Plain, the distinctive landscape setting of the North Berwick Countryside Around Towns area and would harmfully affect the special character of the North Berwick Law, Tantallon Coast and North Berwick to Seton Sands Coast Special Landscape Areas, contrary to Policies DC8, DC9, DP1 and DP2 of the adopted East Lothian Local Development Plan 2018, the Council's approved Countryside and Coast and Special Landscape Areas Supplementary Planning Guidance and Scottish Planning Policy: June 2014.
- 3 The proposed development would have an adverse effect on the integrity of the setting of the North Berwick Law and Tantallon Castle Scheduled Monuments and would detrimentally impact on the setting of North Berwick Conservation Area, contrary to Policies CH2 and CH4 of the adopted East Lothian Local Development Plan 2018, Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and Scottish Planning Policy: June 2014.
- 4 The proposed development would lead to an unacceptable loss of prime agricultural land, contrary to Policy NH7 of the adopted East Lothian Local Development Plan and Scottish Planning Policy: June 2014.