



**MINUTES OF THE MEETING OF THE  
PLANNING COMMITTEE**

**TUESDAY 15 MARCH 2022  
VIA A DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Bruce  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor S Kempson  
Councillor K Mackie  
Councillor C McGinn  
Councillor J McMillan  
Councillor J Williamson

**Other Councillors Present:**

Cllr Akhtar  
Cllr Hoy

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Manager Planning Delivery  
Mr D Irving, Senior Planner  
Mr N Millar, Planner  
Ms S McQueen, Planner  
Mr D Taylor, Planner  
Mr C Grilli, Service Manager – Governance  
Mr C Clark, Senior Environmental Health Officer  
Mr M Greenshields, Senior Roads Officer  
Mr D Sillence, Projects Officer – Engineer  
Ms M Haddow, Transportation Planning Officer  
Mr R Yates, Transportation Planning Officer  
Ms P Gray, Communications Adviser

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2 – Mr I Hunt, Mr B Hampton, Mr C McWilliams, Mr W Fus  
Item 3 – Mr M McElhinney, Mr C Marshall, Mr D Cockerton, Mr M Davies  
Item 4 – Mr T Thomas, Mr D Carter, Mr M Davidson, Mr A McClintock, Mr M White  
Item 5 – Mr S Herriot, Ms B Walker, Mr A Ezzamel, Ms N Keddie

**Apologies:**

Councillor K McLeod  
Councillor F O'Donnell

**Declarations of Interest:**

None

**1. MINUTES FOR APPROVAL – PLANNING COMMITTEE 7 DECEMBER 2021**

The minutes of the meeting of the Planning Committee of 7 December 2021 were approved.

**2. PLANNING APPLICATION NO. 21/01322/PM: LAND AT LETHAM MAINS – ERECTION OF 43 HOUSES AND ASSOCIATED WORKS AS CHANGES TO THE SCHEME OF DEVELOPMENT THE SUBJECT OF PLANNING PERMISSION 13/00519/PM**

A report was submitted in relation to Planning Application No. 21/01322/PM. Neil Millar, Planning Officer, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Millar advised that Condition 8 would ensure that a raised table would be installed on the road outside Plots 24 and 25, and a timetable would need to be submitted for prior approval. It was not expected that proposed plans would lead to an intensification of traffic movements. Morag Haddow, Transportation Planning Officer, thought that traffic calming on the development would be sufficient; it was the officers' impression that drivers would prefer to use main roads and would avoid Kerr Loan's traffic calming measures and parking. Mr Millar advised that the factoring plan would clearly define which areas were and were not factored. Responding to the Convener's queries about driver access to the factored parking courtyard, Ms Haddow suggested that a raised table could be requested across the public footpath. She advised that it was a standard detail to have what was essentially a driveway crossing into a factored courtyard, and felt that there would be sufficient visibility; this would be checked through the RCC (Road Construction Consent) process. Ms Haddow advised avoiding being overly prescriptive without knowing the details of the area.

Ian Hunt of Fouin Bell, the agent, and Bruce Hampton of Mactaggart & Mickel Homes, the applicant, were present to speak to the application. Mr Hampton updated on the progress of the development. He explained the rationale behind amendments to plans, which were in response to increasing demand for space due to changing working arrangements following the Covid-19 pandemic. Mr Hunt described the changes as minimal, and referenced the retained access loop from the original proposal. There would be three more units than in the original plans. He advised that the RCC application would add in traffic calming points, and noted that some details were still to be resolved as part of the conditions.

Mr Hunt and Mr Hampton responded to questions from Members. Mr Hampton was happy for the submission of a factoring plan to be conditioned as part of the grant of planning permission. Regarding concerns over the location of the yard, Mr Hampton pointed out that the site was a consortium involving a number of developers, and there would be less general movement around the site as contractors completed developments. The current phase would be completed by December, thus pushing movements further away from current residents. Mr Hampton suggested that a changed road surface may alleviate concerns over

the junction at the private courtyard, but thought that the solution would be dictated by the Roads Department through the RCC process.

Responding to further questions from Members, Mr Hampton advised of an information pack with a focus on sustainable travel distributed when customers purchased their new home. He advised that the applicant would be open to working with existing residents of the development, and would work with the Planning Department to comply with conditions relating to a quality audit. A named factor was in place for Phase 1, and Mr Hampton would come back to Members with further information. He noted that housing associations often preferred to look after their own communal spaces, and the Deed of Conditions would be approved by Planning. Mr Hampton reassured Members that the applicant continued to engage with customers regarding the operational issues of homes and had mechanisms in place to track concerns.

The Convener asked Mr Hampton to take back to the developer that structures for residents to place kerbside collection boxes would be helpful to all concerned; Mr Hampton assured Members that the development would be waste management compliant. Mr Hampton agreed that placing construction materials in covered skips should be standard practice for the avoidance of safety concerns in inclement weather, and would raise this with the Head of Construction and Health and Safety Managers for the site.

William Fus spoke against the application. He felt that the previous plans under application no. 13/00519/PM had far more suitable traffic calming measures when compared to the current proposals. Referring to a photograph of a car parked over a pavement on Burns Circus, he noted that driveways of only 2.5m in length would cause obstructions for pedestrians and wheelchair users. He noted that Kerr Loan would have 200m of road without traffic calming measures, and felt that traffic movements would affect residential amenity. He referred a better variety of houses and longer driveways under previous plans. He referred to the view from the side window of his home, which would be altered significantly by the new proposals. Finally, he highlighted the previous plans to plant 66 trees on the development, and raised objection on aesthetic and environmental grounds to the new plans to plant just four trees.

Councillor Hoy, Local Member, felt sympathy with the residents of Kerr Loan, and was persuaded that the proposed traffic management plan would turn Kerr Loan into a spine road with a higher volume of traffic than had been expected by residents. He had significant concerns about the impact of the higher volume of traffic coming onto Kerr Loan; if the plans were to proceed, he suggested the developer consider how access to Kerr Loan from the bottom end could be restricted or blocked. He commented that residents had found that the setting around them would be different than expected, and he felt that that the planning process should guard against developers making changes to the living plans of current residents.

Councillor McMillan hoped that it would be possible to use address some of the objectors' concerns through planning conditions. He hoped that conditions regarding electric and sustainable travel would be seriously examined, and asked that transport officers take into account points made about the length of driveways. He also hoped that the developer would work to produce an objective and independent assessment of road safety. He suggested that residents consider organising a residents' association. On balance, he was minded to accept the officers' recommendation to grant planning permission, but felt conditions should be used to make the development a safer place to live.

Councillor Kempson was convinced by Mr Fus' objections, and was concerned about the reduction in green space and trees. She thought the original proposal had been very good and felt that the changes being proposed by the current planning application were not justified by the addition of three houses.

Councillor McGinn agreed with Councillor McMillan's points. He commented that some factors neglected to carry out their contracted business to the level expected by the developers; he hoped to see developers taking a far more rigorous approach to factoring arrangements in the future.

The Convener advised that if the application met planning policies then the Committee should support the officers' recommendation. He accepted there was a reduction in green space, but was confident officers would ensure appropriate planting was provided. He commented that the layout must ensure the streets were safe, and good access was afforded to vehicles and emergency vehicles; he felt there was a need for further traffic calming, but was satisfied that appropriate measures would be taken by officers in due course. He recommended that the Committee support the officers' recommendation.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call:

For: 6 (Councillors Hampshire, Forrest, Gilbert, McGinn, McMillan, and Williamson)  
Against: 4 (Councillors Bruce, Findlay, Kempson, and Mackie)  
Abstentions: 0

## Decision

The Committee agreed to grant planning permission subject to the following conditions:

- 1 The levels at which this site shall be built out shall be kept to the minimum required for development and without compromising the visual amenity of the area.

No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings including the proposed new spine road and its associated Letham Burn Crossing;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s) including the new spine road and its Letham Burn Crossing. The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed buildings shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 2 Notwithstanding that which is stated on the drawings docketed to this planning permission, a detailed specification of all external finishes of the houses of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. The external finishes of the houses shall be in accordance with a co-ordinated scheme of materials and colours that shall be submitted to and approved in advance by the Planning Authority. This co-ordinated scheme shall in detail promote render as the predominant finish to the walls of the houses, with a use of more than one render colour and with a strongly contrasting difference in the colours such that they will not each be of a light colour. The render colours shall have due regard to the finishes of other residential properties in Haddington. However, to ensure consistency with the housing development to the north a limited number of units shall be finished in reconstituted stone. All such materials used in the construction of the houses shall conform to the details so approved.

Reason:

To ensure the development is of a satisfactory appearance in the interest of the amenity of the locality.

- 3 A timetable for the provision of the erection of the boundary enclosures for the rear gardens of the houses hereby approved shall be submitted to and approved in advance by the Planning Authority and development shall thereafter be carried out in full accordance with the timetable so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the privacy and amenity of future residents of the development and residential properties nearby.

- 4 Housing completions on the application site and otherwise on the site of planning permissions 13/00519/PM in any one year (with a year being defined as being from 1st April to 31st March the following year) shall not cumulatively exceed the following completion rates, unless otherwise approved in writing by the Planning Authority:

Year 1 (2017/18) - 0 houses  
Year 2 (2018/19) - 52 houses  
Year 3 (2019/20) - 98 houses  
Year 4 (2020/21) - 107 houses  
Year 5 (2021/22) - 84 houses  
Year 6 (2022/23) - 82 houses  
Year 7 (2023/24) - 10 houses

If less than the specified number of residential units are completed in any one year then those shall be completed instead at Year 8 or beyond and not added to the subsequent Year.

Reason:

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

- 5 No more than 300 residential units shall be occupied within the allocated Letham Mains site unless and until the school approved by the grant of planning permission 14/00534/PCL has been completed and is made available for use.

Reason:

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

- 6 No development shall take place on site until temporary protective Heras or similar type fencing has been erected to the west of the rear boundaries of plots 2-4 and plots 9-16, at a distance of no closer than 5 metres to the west site boundary as indicated on drawing number (PL)203, titled 'Fencing Plan', in accordance with figure 2 of British Standard 5837\_2012 'Trees in relation to design, demolition and construction'. A site plan showing the position, type and height of the temporary protective fencing shall be submitted to and approved in writing by the Planning Authority prior to it being erected in place. The temporary protective fencing shall be fixed into the ground to withstand accidental impact from machinery and positioned outwith the root protection area of the existing trees to the west of the site. Thereafter the temporary protective fencing shall be erected in accordance with the site plan so approved and shall remain on site and intact through to completion of the proposed development.

All weather notices shall be erected on said fencing with words such as "Construction Exclusion Zone - Keep Out" and the fencing shall remain on site and intact through to completion of the development.

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used.

Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees.

Any materials whose accidental spillage would cause damage to a tree shall be stored and handled well away from the outer edge of its construction exclusion zone.

Fires should not be lit in a position where their flames can extend to within 5m of tree foliage, branches or trunks, and due cognisance must be taken of wind speed and direction prior to and during such operations.

Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

No trees or shrubs, which are to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the retention of, and health of, the existing retained trees to the west of the site.

- 7 No development shall take place on site until a scheme of landscaping has been submitted to and approved in writing by the Planning Authority. The scheme of landscaping shall include a programme of planting and details of tree sizes, species, habitat, siting and planting distances. It shall include hedging to all front gardens, where possible, and otherwise along the inner side of the low wall to the east of plots 31 and 40 and fastigate small species trees to the front gardens of plots 9, 14, 21 and 22 and otherwise within the communal grass areas to the east of plots 6, 14, 15 and 16.

All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the completion of the development or occupation of any house hereby approved, whichever is the sooner. Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

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

- 8 The residential scheme of development shall comply with the following transportation requirements:
- (i) all roads and paths shall conform to East Lothian Council Standards for Development Roads and, in particular, all paths and footways shall have a maximum longitudinal gradients of 5%;
  - (ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;
  - (iii) within private parking areas, the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;
  - (iv) all prospectively adoptable parking bays (i.e. that will form part of the public road) shall have minimum dimensions of 2.5 metres by 6 metres. This can be reduced to a minimum length of 5 metres on the proviso that there is adequate road space to manoeuvre in adjacent to the parking bay;
  - (v) vehicle accesses to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing. Within private parking areas, the minimum dimensions of a single parking space shall be 2.5m by 5 metres. The circulation lane should be 6 metres wide for nose-in parking - a narrower lane is acceptable for echelon parking;
  - (vi) all path and footway connections from a zone under construction to the existing settlement shall be constructed to an adoptable standard before the occupation of any units in that particular zone;
  - (vii) a raised table shall be installed on the road outside plots 24 and 25 with details of the raised table, including a timetable for its installation, to be submitted for approval prior to the raised table being installed;
  - (viii) prior to commencement of development, a Factoring Plan shall be submitted clearly indicating the different responsibilities for long-term maintenance including: private and shared private areas, factored areas, and prospectively adoptable roads;
  - (ix) a Quality Audit to independently assess walking, cycling, access and road safety aspects within and around the development shall be submitted and approved by the Planning Authority prior to construction commencing. This will be reviewed after construction is substantially complete and the developer required to make good any issues;

(x) a Travel Information Pack with information for residents to encourage use of sustainable modes of transport such as trains, buses, cycling and walking shall be submitted to and approved by the Planning Authority prior to construction commencing. The Travel Information Pack will include local bus and train timetables, local cycling and walking maps, information on bike hire / car sharing, and shall include details of how it will be distributed to residents; and

(xi) a swept path, or vehicle track assessment, of the road layout must be submitted for prior approval to demonstrate how the site can accommodate a large vehicle. The Design Vehicle to be used is the "Large Rigid Vehicle" as outlined in the Freight Transport Association's document "Designing for Deliveries" - the vehicle being 2.5 metres wide with a 6.1 metres wheelbase and an overall vehicle length of 10 metres.

Reason:

In the interests of pedestrian and road safety.

- 9 Prior to the commencement of development a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work.

The recommendations of the Construction Method Statement shall be implemented prior to the commencement of development. Development shall thereafter be undertaken in accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

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

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

Reason

In the interests of road safety.

- 11 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. At least one dedicated EV charging point shall be provided per dwelling.

The details shall include a timetable for implementation and confirmation of applicant engagement with electricity providers to ensure that the entire electricity supply infrastructure will have sufficient capacity to enable all chargepoints to operate simultaneously at maximum rated power or via a load management system.

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

Reason:

To minimise the environmental impact of the development.

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

Reason:

To minimise the environmental impact of the development.

**3. PLANNING APPLICATION NO. 21/01525/P: SECTION 42 APPLICATION FOR VARIATION TO CONDITION 2 AND CONDITION 3 OF PLANNING PERMISSION 17/00922/P BANGLEY QUARRY**

A report was submitted in relation to Planning Application No. 21/01525/P. Daryth Irving, Senior Planner, presented the report. He began by highlighting an issue with recommended Condition 4, which should be amended to be consistent with the same control applied to the previous grant of planning permission no. 17/00922/P. It should therefore read, “No delivery vehicles shall access or egress the application site between 7pm – 7am on any day, in the interests of the amenity of the area.” It had also been agreed with the applicant to amend Condition 5 to read, “There shall be no outside storage of feedstock or animal by-products. Also, there shall be no loading or unloading of animal by-products in any outside areas, in the interests of the amenity of the area.” Mr Irving then summarised the report’s key points. The report recommendation was to grant consent.

Officers responded to questions from Members. Mr Irving confirmed that the site of special scientific interest adjacent to the site, including the presence of breeding peregrine falcons, had been taken into account, but it was nevertheless decided that a full Environmental Impact Assessment was not required; NatureScot and the council’s Biodiversity Officers were also consulted and neither raised objection on these grounds. Officers had been satisfied that loads covered by strapped-down sheeting would mitigate against spillage and odours. Mr Irving advised that the Scottish Environment Protection Agency (SEPA) would issue a Pollution Prevention and Control (PPC) Permit, which would govern and control the type of waste to be processed and stored. Mr Irving advised it would not be prudent for the council to duplicate regulatory control through conditions attached to the application. Colin Clark, Senior Environmental Health Officer, advised that he was not aware of complaints being made regarding odours from the transportation of such products. He advised that council Environmental Health Officers would be willing to assist SEPA in monitoring odours in response to complaints. Mr Irving advised that the site’s maximum production capacity was 100,000 tonnes per annum, so further applications to increase capacity would not be expected. Any spillages on public roads would be the responsibility of the applicant to clean up.

Officers responded to further questions from Members. Mr Irving advised that consultees had not recommended the cleaning of sheeting before being reused over transports, but this could be set as a condition should Members be reassured by this additional measure. Mr Yates advised that officers would not promote the erection of road signage in the first instance, but that this could be added later if there were reports of vehicle non-compliance. Mr Irving advised that the condition that there be no storage of product outside was to guard against odours at the site. Mr Clark advised that the body responsible for a clean-up operation would depend on the nature of the incident; pollution of the environment fell to SEPA to investigate, but Environmental Health could offer assistance in clean-up. Regarding upgrades to passing places, Mr Irving confirmed that upgrades had been made, but he was aware of correspondence that said these had not been undertaken to the requisite standard; this would be a matter for planning enforcement, but a proposed condition would cause vehicles to use the westward road in any case. The applicant had advised that detailed delivery records were kept and this information could be made available to officers in the event of complaints. Mr Irving advised that officers were satisfied with the recommended conditions in terms of potential spillages, but noted that any complaints would be investigated by planning enforcement.

Marc McElhinney and James Copeland of GFD were present to speak to the application. Mr McElhinney advised that construction would resume in May 2022 regardless of whether the proposed variations were approved, and the plant would be fully operational by late 2023. He stated that there were no plans to add further tanks to increase capacity beyond the



proposed 100,000 tonnes. He advised that the proposals for increased capacity included the use of denser material, and said that traffic movements would therefore decrease on the back of the application. He highlighted that the council's Road Services and Biodiversity departments were satisfied with proposals. SEPA had appraised the odour and air quality assessment and had no issues with the proposals, and he described the tests applied to a PPC licence as being rigorous and stringent. Regarding traffic movements, no vehicles would go north east of the site towards the Ballencrieff direction, but he noted that this control would not be in place under the previous application. He confirmed that contractors were registered under normal process, and the developers could make traffic movement information available to Councillors if requested. He advised that conditions around sheeting were all part of standard practice in any case, and signage would be erected to direct traffic leaving the site.

Mr McElhinney responded to questions from Members. He advised that the site would produce enough gas to supply a town with a population of 12,000. He referenced a piece of work undertaken in conjunction with the Head of Infrastructure to consider how the gas being produced could be used, such as energy for schools, leisure centres, and the council's fleet of trucks and vans; this work could be revisited. He advised that local farmers had approached the developers to supply slurry, and some products would come from the Penicuik area. Output would adapt based on the market to maximise opportunities. Regarding the change in production capacity, Mr McElhinney advised that previous plans used lighter products such as straw, whereas new plans would use heavier animal waste, hence the requirement to increase the maximum capacity. He advised that an experienced company would operate and maintain the plant, and this company would hire a local team; penalties would be in place should operations breach PPC licence conditions. Mr McElhinney reassured Members that contractors would have to comply with all regulatory and planning conditions under their contracts, including compliance with traffic flow conditions. Mr McElhinney gave an account of government grant timelines; the business would be supported by the Green Gas Support Scheme, which had changed the model slightly. Market analysis had shown 800,000 tonnes of available feedstock in a 25-30 mile radius. He confirmed that designs and traffic assessments had accounted for the possibility of the quarry reopening, although the quality of minerals remaining of the quarry meant that reopening was unlikely.

Charlie Marshall spoke against the application. He expressed concern over the number of vehicle movements on the narrow country road, which would be around 250 per day, or 25 per hour. He thought that this was likely to cause damage to the road, which was used by cyclists, walkers, and horses. He suggested that vehicle movements would also pose significant danger due to there being no access to a safe footpath.

David Cockerton spoke against the application. He questioned the demand for the facility, and commented that relaxation was now being sought on conditions which had been hard fought for. He described the securing of planning permission and following this up with subsequent request for variation as a 'classic developer tactic'. Mr Cockerton said that work to upgrade passing places on the narrow road had still not been undertaken in line with specification, and felt this had not been addressed by officers. He questioned how the covering of deliveries with sheeting to eliminate spillage and odours would be monitored and enforced. He was concerned with the transport of hazardous waste, the significant increase in traffic, and that SEPA had no authority to police activity offsite. He was grateful that adjustments had been taken on board to Condition 5, but nevertheless urged Members to refuse the application.

Morgwyn Davies, representing Haddington and District Community Council, spoke against the application. He commented that the community council felt that no material change had been made to warrant alteration of planning conditions that had been rightly imposed on the previous application. He commented that the site was not yet up and running and developers

already sought to increase production volume. The community council remained concerned about traffic, the state of the surrounding roads, and the impact on nearby businesses. He concluded that the community council could see no evidence as to why reasonably-imposed conditions should be changed before the site was running.

Councillor McMillan commented on the positives of the application in terms of the rural economy, but transportation distances of the slurry made him question the green credentials of the proposal. He was also concerned about how the conditions relating to slurry and seepage would be enforced. He noted that the applicant would be prepared to move ahead with the original capacity of 77,000 tonnes per annum should this application be refused.

**Sederunt:** *Councillor Williamson left the meeting.*

Councillor Kempson commented that she was not against the development of anaerobic digesters, but was concerned over the use of fossil fuels to transport animal manure over significant distances. She expected that Haddington would be exposed to odours from the plant. She felt that the Committee were being subjected to greenwash, and would not be supporting the application.

Councillor Findlay felt that the road was unsuitable for lorry transportation. He also noted that existing conditions relating to maximum capacity and the type of waste processed had been put in place to protect the amenity of the area, and saw no reason to change this. He would not support the application.

The Convener acknowledged the facility would produce gas, and CO<sub>2</sub> for food production, and commented on the positives of a circular economy within the rural area of East Lothian. He thought that the site could deliver great benefit to the area and would be supporting the application. He also acknowledged that the developer may appeal a refusal.

Councillor Hoy raised concern that the developer was attempting 'growth by stealth' in making this second application, and questioned whether the original application would have passed if these proposals had been made initially. He recognised the need for the local economy to benefit from these sorts of businesses, but held concerns over the environmental impact of the proposals.

The Convener moved to the vote on the report recommendation, to grant consent, taken by roll call:

For:	4	(Councillors Hampshire, Forrest, Gilbert, and McGinn)
Against:	5	(Councillors Bruce, Findlay, Kempson, Mackie, and McMillan)
Abstentions:	0	

### **Decision**

The Committee refused consent for the following reasons:

1. the proposed increase in the capacity of the plant and the processing of animal by-products would be harmful to the amenity of the area and;
2. the proposed increase in the capacity of the plant would be a risk to road safety, contrary to Policy T2 of the adopted East Lothian Local Development Plan 2018.

**Sederunt:** *Councillor Bruce left the meeting.*

**4. PLANNING APPLICATION NO. 21/00025/P: ALTERATIONS, EXTENSION TO HOUSE, ERECTION OF GREENHOUSE, DOMESTIC STUDIO, SHED, TWO HOLIDAY LET UNITS AND ASSOCIATED WORKS, AUBURN WALLED GARDEN AND FORMER ART GALLERY, MANSE ROAD, DIRLETON**

A report was submitted in relation to Planning Application No. 21/00025/P. Stephanie McQueen, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Committee Members. Ms McQueen advised that work undertaken on the site prior to the archaeological research being carried out was to make buildings safe following storm damage. Robbie Yates, Transportation Planning Officer, advised that specific parking standards did not exist for holiday lets, so the 1.5 parking spaces per unit for an equivalent regular dwelling house had been used as proxy. Three parking spaces would therefore be required, but given that the gallery could have reopened with a requirement for four parking spaces with only one space provided, a shortfall of three parking spaces already existed; therefore current proposals represented a net gain in parking spaces.

Tony Thomas of APT Planning & Development, agent, spoke to the application. He expressed disappointment that the Dirleton Village Association and Gullane Area Community Council were not behind the proposals, and described the development as being of the highest quality. He commented on the current poor state of repair of the buildings, exacerbated by recent storms, and described the enhancement of Auburn House and replacement of the extension to the rear. He noted that the council's Roads Team had responded positively to the proposals in terms of road safety and parking provision. He highlighted that all trees would be retained as part of the proposals, and the applicant would implement a regime to ensure the trees' health.

Mr Thomas responded to questions. He advised that the main house would be restored with traditional materials. The holiday lets would utilise more modern and energy efficient materials, including the zinc roof, which would be in-keeping with the development opposite. Mr Thomas highlighted nearby parking which could be used, including three spaces on Manse Road, and parking available at the green in front of Auburn House.

Derek Carter, representing the Dirleton Village Association (DVA), spoke against the application. The DVA felt that it was wrong to take elements of the existing laundry building into the design of the holiday lets; he expressed that the building lacked characteristics worthy of preservation. He described the building as having a negative conservation value within the conservation area. He noted that Planning Officers and Historic Environment Scotland Officers had permitted demolition of the entire building other than the listed stone walls. Mr Carter described the walls as a haphazard mishmash of materials, including sections of render and timber cladding. The DVA also objected to the view of the building from the west. He urged the Committee to reject the application and to ask for a proposal that related to the historic buildings rather than the industrial laundry building.

Responding to a question from Councillor McMillan, Mr Carter felt that the history of the area was best told through various interpretation boards and not through the visible architecture.

Martin White, representing Gullane Area Community Council, spoke against the application. He highlighted that there were three bedrooms in each of the holiday lets. He accepted the positives of the development, but reiterated points made regarding the inappropriateness of proposals to replace the demolished laundry building with a similar-looking building. He noted the site's situation on the John Muir Way and adjacent to listed historic buildings.

Malcolm Davidson spoke against the application. He was keen to see the site redeveloped, but felt that the plans to replace the laundry building with an almost identical building showed no design empathy and paid little regard to the building's situation in a conservation area. He expressed concern over the insufficient parking spaces for the holidaymakers' cars, and over safety around vehicle movements at the narrow part of Manse Road. He highlighted the blind exit for Beadle's Cottage created by the movement of the 2.7m high wall, and felt this must be addressed by the developer. He was also concerned by the overshadowing of a window.

Alfred McClintock spoke against the application. He described himself as one of the most affected parties as his home was situated directly across from the derelict laundry building. He suggested that a Section 75 planning be applied to the holiday units to ensure restrictions (that the holiday units may only be operated as short term lettings and only by occupiers of Auburn House) would be enforceable not only against the applicant but also against their successors in title. He reiterated previous points regarding the plans to replace the laundry building with a similar design. He raised concern regarding the two front-facing windows of the northern cottage looking directly into his lounge from less than 15m away, and the significant reduction this represented from the recognised statutory distance of 18m. He was also concerned over cars entering the narrow section of Manse Road.

Responding to questions from Members, Ms McQueen advised of the council's position that it would be unlikely there would be a harmful loss of daylight from overshadowing when there was another window serving the room in question. There was already an amount of overlooking as windows at The Glebe were in view from the public footpath, and beyond this a boundary hedge would provide a screen between the overlooking development and existing houses.

Councillor Findlay agreed that something had to be done with the laundry building, but said that a decision had to be made as to whether this development was right for the area. He remained concerned about the unsuitability of parking on Manse Road, and was unconvinced that parking around the war memorial was a suitable solution. He concluded that the design was unsuitable for the area.

Councillor Gilbert could see no planning grounds on which to refuse the application. He noted report comments about the proposed buildings being sufficiently similar so as to sit comfortably in the location. He felt the application would improve and enhance the area, and would therefore support the officers' recommendation.

Councillor McMillan commented that while the application did not contravene policy, objectors had clearly expressed a purist view in terms of replacement of the building within the conservation area. The designs made use of the shapes and existing curtilage of the area. He noted a sufficiency of parking during the site visit, and thought the proposals would encourage tourism and in some way preserve the history of the area; he would therefore be supporting the officers' recommendation.

Councillor Mackie appreciated that objectors agreed that a replacement was needed for the laundry building in such a poor state of repair, and felt that there was an opportunity for a design which offered something better. On the subject of overlooking onto existing buildings, she noted the difference between passers-by glancing into a house and there being a permanent structure which overlooked a property.

The Convener was surprised that the laundry building had been allowed to get into such a state of disrepair. He commented that conservation areas featured a range of architecture, and felt the building did have some historical significance. He commented on the fantastic location of the holiday lets. He would support the officers' recommendation.

The Convener moved to the vote on the report recommendation, to grant consent, which was taken by roll call:

For: 5 (Councillors Hampshire, Forrest, Gilbert, McGinn, and McMillan)  
Against: 3 (Councillors Findlay, Kempson, and Mackie)  
Abstentions: 0

### Decision

The Committee agreed to grant planning permission subject to the following conditions:

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

- A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment).

- If the Phase 1 Desk Study has determined that further assessment is required, a Phase II site survey (ground investigation, gas monitoring, and sample analysis) and risk evaluation. The Phase II investigation shall include survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation, as well as an updated conceptual model of the site, and an appraisal of the remediation methods available and proposal of the preferred option(s).

The Desk Study and Ground Investigation shall be undertaken by suitably qualified, experienced and competent persons and shall be conducted in accordance with the relevant guidance and procedures.

- Phase III - Where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels, and make the site suitable for the proposed use. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall 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. The Remediation Strategy shall be submitted to and approved in advance in writing by the Planning Authority prior to the works being undertaken on the site.

Following completion of the measures identified in the approved Remediation Statement, a Validation/Verification Report shall 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.

In the event that any previously unsuspected or unforeseen ground conditions (contamination) becomes evident or are encountered at any time during the development of the site, work on site shall cease and such unsuspected or unforeseen contamination shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required, and it may be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

Before the proposed extensions, two holiday accommodation units and garage hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

#### Reason

To ensure that the site is clear of contamination prior to the occupation of the proposed extensions, two holiday accommodation units and garage hereby approved.

2 No development shall take place on the site unless and until the applicant has, through the employ of an archaeologist or archaeological organisation, secured the implementation and reporting of a programme of archaeological work (Historic Building Recording) on the site of the proposed development in accordance with a written scheme of investigation which the applicant (or their agent) will submit to and have approved in advance in writing by the Planning Authority. Thereafter, the archaeological works shall be carried out in accordance with the details so approved and the report of them shall be submitted to the Planning Authority.

Reason:

To facilitate an acceptable archaeological investigation of the site, in the interests of archaeological and natural heritage.

- 3 No development shall take place on site unless and until final site setting out details have been submitted to and approved by the Planning Authority.

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving:

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and
- c. the ridge height of the proposed shown in relation to the finished ground and floor levels on the site.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the amenity of the area.

- 4 Prior to the commencement of development hereby approved, a Construction Method Statement designed to minimise the impact of construction activity and the movement of construction traffic on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall include any recommended mitigation measures for the control of noise, dust, construction traffic (including parking, routes to/from site and delivery times) and shall include hours of construction work, and the provision of a wheel wash facility, all of which shall be implemented, as applicable, prior to the commencement of development and during the period of development works being carried out on the application site.

The wheel wash facility or other alternative approved methods, must be provided and maintained in working order during the period of construction. All vehicles must use these to prevent deleterious materials being carried onto the public road on vehicle tyres.

Thereafter, the Construction Method Statement shall be implemented in accordance with the details so approved.

Reason:

To minimise the impact of construction traffic in the interest of pedestrian, cyclist and road safety in the area and in the interests of safeguarding the amenity of the area.

- 5 Prior to the commencement of development, details of the provision of new car charging points and infrastructure for them shall be submitted to and approved in writing by the Planning Authority. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 6 Prior to the commencement of development on the site, a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking in association with the proposed holiday letting accommodation use hereby approved shall be submitted to and approved by the Planning Authority. Additionally, the Travel Plan shall include details of the measures to be provided, the methods of management, monitoring, review, reporting and duration of the Plan.

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

Reason:

In the interests of ensuring sustainable travel patterns in respect of the holiday letting accommodation use hereby approved.

- 7 No development shall take place on site until temporary protective fencing to protect the trees on the triangular shaped island of land to the south of the application site has been installed, approved by the arboriculturist and approved in writing in advance by the Planning Authority.

The temporary protective fencing shall be erected in accordance with Figure 2 of British Standard 5837 - 2012: 'Trees in relation to design, demolition and construction' and as detailed in section 4.5 of the Tree Survey and Arboricultural Implication Assessment by Donald Rodger Associates Ltd (dated 19th November 2021) docketed to this grant of planning permission, and the temporary protective fencing shall be erected in accordance with the position shown for it on drawing no. 19521/1 of the Tree Survey and Arboricultural Implication Assessment by Donald Rodger Associates Ltd (dated 19th November 2021) docketed to this grant of planning permission. The temporary protective fencing shall be fixed in situ, erected prior to works commencing and shall be retained on site and kept in good condition throughout the works. All weather notices should be erected on said fencing with words such as "Construction exclusion zone - KEEP OUT". Once erected the temporary protective fencing shall be retained in place until works on the application site have been completed and all plant and machinery associated with those works have been removed from the site.

Within the fenced off areas the existing ground level shall neither be raised nor lowered, no materials, temporary buildings, plant, machinery or surface soil shall be placed or stored and no herbicides shall be used. Planning of site operations should take sufficient account of wide loads, tall loads and plant with booms, jibs and counterweights (including drilling rigs), in order that they can operate without coming into contact with retained trees. Any materials whose accidental spillage would cause damage to a tree should be stored and handled well away from the outer edge of its root protection area (RPA). Fires on site should be avoided if possible. Where they are unavoidable, they should not be lit in a position where heat could affect foliage or branches. The potential size of a fire and the wind direction should be taken into account when determining its location and it should be attended at all times until safe enough to leave. Details of any trenches or services in the fenced off areas shall require the prior consent of the Planning Authority and all trenches shall be dug and backfilled by hand. Any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

Reason:

In order to ensure protection of the trees within and outwith the application site in the interests of safeguarding the landscape character of the area and of the Conservation Area, and of the setting of the listed buildings.

- 8 No development shall take place on site unless and until a person who has, through relevant education, training and experience, gained recognised qualifications and expertise in the field of trees in relation to construction, been employed by the applicant/developer to monitor any works in close proximity of trees on the site, including the installation and maintenance of temporary protective fencing. The arboriculturist shall be required to approve said temporary protective fence and submit written confirmation and photographic evidence that the required fence has been erected prior to the commencement of development on the site for the prior written approval of the Planning Authority. If any tree is damaged and or dies as a result of unauthorised incursions into the root protection area of trees shown to be retained on site, replacement planting will be required in accordance with the details of such replacement planting, including the timescale for such planting, to be submitted to and approved in advance in writing by the Planning Authority.

Reason:

To ensure the retention and maintenance of trees which are an important feature of the area in the interests of safeguarding the landscape character of the area and of the Conservation Area, and the setting of the listed buildings.

- 9 The development hereby approved shall be carried out in accordance with the Tree Survey and Arboricultural Implication Assessment report (dated 19th November 2021, prepared by Donald Rodger Associates Ltd) docketed to this grant of planning permission unless otherwise agreed in writing by the Planning Authority.

Reason:

In the interests of safeguarding the trees on and adjacent to the site, including those protected by Tree Preservation Order no. 4 and the landscape character of the area and of the Conservation Area.

- 10 Prior to the commencement of development on the site, a landscape planting plan shall be submitted for the prior written approval of the Planning Authority detailing additional tree planting to infill the gaps within the treed (west) boundary of the walled garden adjacent to and running the length of the cemetery/church yard. The new trees shall be small to medium sized species, planted as Standards, 2.5 to 3m in height and 8-10cm in girth when planted, and maintained wind firm and weed free until established. The trees shall comprise species similar to, or trees that complement, the existing trees that remain along the length of that boundary. Thereafter, the landscape planting shall be carried out in accordance with the details so approved.

The landscape planting of the approved scheme shall be carried out in the first planting and seeding season following the completion of the development or the commencement of use of the development hereby approved, whichever is the sooner.

Any trees which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation.

No trees, detailed in the Tree Survey and Arboricultural Implication Assessment (dated 19 November 2021, prepared by Donald Rodger Associates Ltd) shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority.

Reason:

In order to ensure the implementation of a landscaping scheme to enhance the appearance of the development in the interests of safeguarding the amenity and landscape character of the area, the landscape character of the Conservation Area, and the setting of the listed buildings including the church burial ground.

- 11 Prior to the commencement of the development hereby approved on the site, a copy of the relevant European Protected Species licence, or, a copy of a statement in writing from NatureScot (licensing authority) confirming that the development will be undertaken under a Low Impact Licence or that a licence is not necessary for the specified development shall be submitted to and approved in writing in advance by the Planning Authority.

In accordance with the Bat Mitigation Plan, Appendix 5, prior to the commencement of the development hereby approved on the site confirmation of the employment of a licenced bat ecologist shall be submitted to and approved in advance by the Planning Authority, and all works of the development hereby approved that directly impact the identified bat roost site shall be undertaken under the direct supervision of that licenced bat ecologist.

The development hereby approved shall be implemented wholly in accordance with the Bat Mitigation Plan, Appendix 5, pages 38-39, of the Bat and Breeding Bird Survey dated July 2020 prepared by The Wildlife Partnership docketed to this grant of planning permission.

In accordance with the Bat Mitigation Plan, Appendix 5 the provision of alternative bat roosting habitat shall be provided on the site in accordance with the details of such alternative bat roosting habitat that shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Council's Biodiversity Officer prior to the provision of such alternative bat roosting habitat, and thereafter the alternative bat roosting habitat provided shall accord with the details so approved and shall be retained in situ in perpetuity, unless the Planning Authority agrees to any variation.

Reason:

To ensure the protection of European protected species from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 12 The development hereby approved shall be implemented wholly in accordance with the Breeding Birds Species Protection Plan, Appendix 6, pages 40-41, of the Bat and Breeding Bird Survey dated July 2020 prepared by The Wildlife Partnership docketed to this grant of planning permission and no development shall be carried out during the bird breeding / nesting season (March-August, inclusive each calendar year) unless in accordance with the Species Protection Plan, Appendix 6, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To ensure the protection of wildlife and biodiversity from significant disturbance arising from the demolition and construction associated with the development hereby approved.

- 13 The use of the two units of holiday accommodation hereby approved shall be limited to the use of holiday accommodation and at no time shall the two units of holiday accommodation be occupied as permanent residences or dwellinghouses.

Reason:

To restrict the use of the two units of holiday accommodation to the purpose for which they are intended and to enable the Planning Authority to control the use of the two units of holiday accommodation to safeguard the amenity of the area and the amenity of the occupiers of the two units of holiday accommodation.

- 14 The occupation of the two units of holiday accommodation hereby approved shall be restricted solely to holiday accommodation use for short term lets of not more than 28 days. The two units of holiday



accommodation shall not be re-let to the party/parties who last occupied them anytime within a period of two months following the date on which the previous time of occupancy ends. The two units of holiday accommodation shall not be occupied as the sole or main residence of any purchaser/occupier of it.

Reason:

To ensure that the holiday accommodation use applied for is restricted to that use, in the interests of safeguarding the amenity of the area and the amenity of the occupiers of the two units of holiday accommodation.

- 15 Each of the two units of holiday accommodation hereby approved shall be operated only by the owner(s)/occupier(s) of the house of Auburn, Manse Road, Dirleton and by no other party.

Reason:

To ensure the compatibility of use of the property in the interests of safeguarding the residential amenity of the existing house of Auburn.

- 16 Unless otherwise approved in writing by the Planning Authority, the development hereby approved shall comply with the following transportation requirements:

i) the vehicular access junction with the public road of Manse Road, and the hardstanding areas for use as driveway and parking areas shall all have been formed, laid out and made available for use as shown on docketed drawing nos. PL DA 012 and AL(20)009 rev D, and thereafter the vehicular access and the hardstanding area shall be retained in use for the accessing and parking of vehicles for the existing house and the proposed two holiday letting accommodation units and shall not be used for any other purpose.

ii) a visibility splay of 2 metres by 20 metres shall be provided and maintained for each of the two proposed parking spaces at the new vehicular access junction with the public road of Manse Road that would serve the two holiday letting accommodation units, as shown in docketed drawing no. PL DA 012, such that there shall be no obstruction to visibility above a height of 1.05 metres measured from the adjacent carriageway level within the area defined below:-

- a) A line 2 metres long measured into the centre of each marked parking bay from the nearside edge of the main road carriageway,
- b) A line 20 metres long measured along the main road carriageway from the centre of the access road in both directions, and
- c) A straight line joining the termination of the above two lines.

Thereafter that visibility splay shall be maintained and retained.

iii) each of the parking spaces shall measure a minimum of 2.5m wide by 5.0 metres long;

iv) the two parking spaces at the new vehicular access junction with the public road of Manse Road that would serve the two holiday letting accommodation units hereby approved, shall be positioned centrally between the proposed two buildings in a position that achieves optimum visibility and the north and south edges of the pair of parking spaces shall be defined by a low profile permanent fixture to restrict parking to the position shown on docketed drawing no. PL DA 012, all in accordance with the details of such low profile permanent parking restriction fixture that shall be submitted to and approved in writing by the Planning Authority prior to its installation and prior to the commencement of use of the two holiday letting accommodation units hereby approved. Thereafter, the low profile permanent parking restriction fixture installed shall accord with the details so approved and shall be maintain and retain in situ in accordance with the details so approved unless otherwise approved in writing by the Planning Authority.

v) No gates shall be erected at the vehicular access junction with the public road of Manse Road that would serve the two holiday letting accommodation units.

Thereafter, the access and parking areas, including the visibility splay, shall be retained for such uses and kept free from obstruction.

Reason:

To ensure a safe means of access and a satisfactory level of on-site car parking provision to serve the holiday accommodation use hereby approved in the interests of road and pedestrian safety.

- 17 The three vehicular garage doors of the east elevation of the southern-most proposed building hereby approved shall be of a type and opening method that would not open outwards or encroach into the public road or footway unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 18 The historic water trough/pump located at the southern end of the triangular shaped area of trees to the southeast of the house of Auburn and of the historic lamppost located at the northeast corner of that triangular shaped area of trees shall be retained in the positions shown for them on docketed drawing no. AL(20)009 rev D unless otherwise approved in advance in writing by the Planning Authority.

Prior to the commencement of works on the site, the details for the protection of the said historic water trough/pump and lamppost shall be submitted to and approved in advance in writing by the Planning Authority and thereafter the protection and retention of the historic water trough/pump and lamppost shall accord with the details so approved and the measures to protect them shall be retain and maintain through to completion of development.

Reason:

To ensure the retention of the historic water trough/pump and lamppost in the interests of the character and appearance of this part of the Conservation Area.

- 19 A schedule of materials and external finishes and samples of such finishes, including where relevant colours, for the:-

- a) lime render, including its colour, of the external walls of the extensions and of the proposed two new buildings;
- b) Siberian Larch timber cladding, including if relevant any timber preservative or stain, of the external walls of the extensions and of the southern-most new building;
- c) stone to be used for the architectural detailing of the external walls, the cills and lintels of the windows and external doors and the base course of the external walls extensions and of the proposed two new buildings;
- d) natural slates of the re-roofed existing house and for the roof of the northern-most new building;
- e) natural red clay pantiles of the re-roofed existing house;
- f) zinc roofing of the extensions and of the proposed two new buildings; and
- g) the paint colour to be applied to the external faces of the external doors of the proposed two new buildings, including the vehicular doors;

shall be submitted to and approved in advance in writing by the Planning Authority prior to the use of those materials and external finishes in the development hereby approved.

The stone to be used for the architectural details of the external walls, including the cill and lintels of the window openings, and the basecourse of the development hereby approved shall be a natural stone, and shall match as closely as possible the colour of the natural stone of the listed building of Auburn, unless otherwise approved in writing by the Planning Authority.

The render to be used for the finish of parts of the external walls shall be a traditional lime render, unless otherwise approved in writing by the Planning Authority.

The slates and pantiles shall be natural slates or natural red clay pantiles.

Thereafter, the materials and finishes, including their colour(s) where relevant, used shall accord with the details and samples, including any colouring, so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 20 The existing natural rubble stone removed in the formation of the new door and window openings hereby approved for the south elevation of the single storey eastern component of the existing house shall be re-used in the blocking up of the relocated existing door and window openings of that elevation. Where new rubble stone is required to be used (if relevant), such new stone shall be a natural rubble stone and shall match as closely as possible the colour, texture, facing, and coursing of the existing natural rubble stone of that elevation wall of the existing house, in accordance with a sample and details of such new stone that shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter, the natural stone used shall accord with the details so approved.

The natural stone surrounds, lintels and jambs of the existing door and windows of the south elevation of the single storey eastern component of the existing house shall be re-used in the alterations hereby approved to form new door and window openings in that elevation wall, in accordance with the details for such re-use set out on docketed drawing no. AA(31)020 rev A, unless otherwise approved in writing

by the Planning Authority. If the existing natural stone surrounds, lintels and jambs are unable to be used, any new surrounds, lintels and jambs shall be of natural stone to match as closely as possible the colour, texture, and facing of the existing natural stone surrounds, lintels and jambs in accordance with details of the new natural stone surrounds, lintels and jambs to be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter, the new natural stone surrounds, lintels and jambs used shall accord with the details so approved.

The mortar of the new areas of stone walling of the south elevation of the single storey eastern component of the existing house shall be a lime mortar and shall match as closely as possible the colour, texture, thickness and appearance of the existing mortar of the stonework of that elevation wall, unless otherwise approved in writing by the Planning Authority. Details of the lime mortar to be used, including its colour, texture and appearance, shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter, the lime mortar used shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 21 A detailed specification shall be submitted to and approved in advance in writing by the Planning Authority for the re-cladding of the south (front) and north (rear) roof slopes of the existing house prior to such works being carried out.

The existing natural slates and the existing natural red clay pantiles shall be re-used, where possible, respectively on the south (front) and north (rear) elevation roof slopes, and the detailed specification (referred to in paragraph 1 above) shall include details for the careful removal of the existing slates and pantiles by hand and their set aside for re-instatement.

Any slates or pantiles that are beyond repair and cannot be re-used shall be identified in the specification, together with details including a sample of the replacement natural slates and natural red clay pantiles to be used. Those replacement natural slates and natural red clay pantiles shall match as closely as possible the existing natural slates and natural red clay pantiles on the roofs of the existing house. The replacement natural slates and natural red clay pantiles used to re-clad the respective roofs of the existing house shall accord with the samples so approved. Works to the roof shall accord with the specification so approved.

Reason:

In the interests of re-using the existing slates and pantiles to preserve the character and appearance of the listed building and the character and appearance of this part of the Dirleton Conservation Area.

- 22 The refurbishment of the existing windows of the existing house shall be carried out in accordance with the details for their refurbishment shown on docketed drawing nos. AA(31)030, AA(31)031 rev A and AA(31)032, and the timber frames, including their astragals, of the refurbished windows shall be externally painted white, all unless otherwise approved in writing by the Planning Authority.

The new windows to be formed in the north (rear) elevation of the existing house shall be of timber framed slimlite double glazed construction with 'through' astragals that shall match as closely as possible the thickness and profile of the astragals of the existing windows of the house, in accordance with details of the thickness and profile of the astragals of the new windows to be submitted to and approved in advance in writing by the Planning Authority prior to the installation of the windows in the development hereby approved, and the timber frames of the new windows shall be externally painted white, all unless otherwise approved in writing by the Planning Authority. Thereafter, the new windows as installed in the development hereby approved shall accord with the details so approved.

The external face of the frames of the windows, including their astragals, of the southern-most proposed building shall be painted a colour to be approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the paint colour applied to the external face of the frames of the windows of the southern-most proposed building shall accord with the details so approved.

The windows of the northern-most proposed building shall be of timber framed slimlite double glazed construction with 'through' astragals that shall have a similar profile and thickness as the astragals of the existing windows of the existing houses of Auburn and Beadles Cottages, respectively to the southwest and north, in accordance with details of the thickness and profile of the astragals of the windows to be submitted to and approved in advance in writing by the Planning Authority prior to the installation of the windows in the development hereby approved, and the timber frames, including their astragals, of the

windows shall be externally painted white, all unless otherwise approved in writing by the Planning Authority. Thereafter, the windows as installed in the northern-most building hereby approved shall accord with the details so approved.

The trickle vents of all existing and new windows, as relevant, of the development hereby approved shall be concealed as much as possible and any visible parts of them shall be painted to match the colour of the frames of the window in which they are installed, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 23 The roof windows to be installed on the pitched roof of the northern-most proposed new building hereby approved shall be conservation style roof windows and shall be installed in a manner that ensures that their upper surface is as near flush as possible with the upper surface of the roof slope into which they will be installed and with minimum flashing. Scale 1:10 or 1:20 section drawings showing the size, appearance and flush fitting of the new roof windows shall be submitted to and approved in advance in writing by the Planning Authority prior to their installation and once installed the new roof windows shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 24 The roof vents and flues hereby approved shall:

(i) match as closely as possible the colour of the part of the roof of the existing and proposed buildings and proposed extensions into which they are to be installed, and  
(ii) where the proposed roof vents would be installed on a pitched roof they shall be fitted as flush as possible with the upper surface of the part of the roof of the existing and proposed buildings into which they are to be installed, in accordance with details and a sample of the proposed roof vents which shall be submitted to and approved in advance in writing by the Planning Authority prior to such works being carried out.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 25 Details of any new wall vents and flues, if relevant, to be installed on the development hereby approved, shall be submitted to and approved in advance in writing by the Planning Authority prior to the installation of such vents or flues. Details shall include 1:5 or 1:10 section drawings and brochures showing the size, design, numbers and colour of the proposed wall mounted vents and flues, and such vents and flues shall be concealed as much as possible and visible parts shall match as closely as possible the colour for the part of the building/extension to which they would adjoin.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 26 A sample(s) of the materials to be used to surface the hardstanding areas to be used as a driveway/parking area, patio, footpaths and steps of the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to the use of such ground surfacing within the development, and thereafter the surface materials used shall accord with the samples so approved.

Reason:

In the interests of safeguarding the character and appearance of the development hereby approved, the character and visual amenity of the area, including the setting of the listed building and the character and appearance of the Dirleton Conservation Area.

- 27 The existing natural rubble stone removed in the duntaking of the existing length of wall shall, where possible, be re-used in the rebuilding of the new length of wall on the north boundary of the site with the driveway of the neighbouring house of Beadles Cottage.

The stonework of the rebuilt and relocated length of natural rubble stone boundary wall hereby approved shall be match as closely as possible the colour, texture, facing, and coursing of the existing natural rubble stone wall and the mortar used shall be a lime mortar that shall match as closely as possible the texture, colour, thickness and appearance of the mortar of the existing wall, all in accordance with a sample panel of wall to be provided for the prior written approval of the Planning Authority prior to the erection of the relocated length of rubble stone wall.

Where new rubble stone is required to be used (if relevant), such new stone shall be a natural rubble stone and shall match as closely as possible the size, colour, texture, and facing of the existing natural rubble stone of that boundary wall, in accordance with a sample and details of such new stone that shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved, and thereafter, the natural stone used shall accord with the details so approved.

Thereafter, the relocated rebuilt length of rubble stone wall shall be built in accordance with the details and samples of materials so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 28 All replacement and new sections of rainwater goods and down pipes shall be of cast iron construction and externally painted a colour to be approved in advance in writing by the Planning Authority, unless otherwise approved in writing by the Planning Authority. Thereafter, the rainwater goods and down pipes, including the colour of them, shall accord with the details so approved.

Reason:

To safeguard the character and appearance of the existing house, the character and visual amenity of the area, including of the setting of the nearby listed buildings, and the character and appearance of this part of the Dirleton Conservation Area.

- 29 All of the windows hereby approved for the west elevations of the proposed two buildings containing the two units of holiday accommodation and the proposed garage, as detailed on docketed drawing no. AL(22)010 rev A shall have their lower cill a minimum of 1.8 metres above the finished floor level of the rooms served by the respective windows unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the existing residential property of Auburn to the west.

- 30 Prior to the commencement of use of the northern-most unit of holiday accommodation hereby approved the length of 2.5 metres high rubble stone wall shall be relocated and erected on the north boundary of the site with the southern edge of the driveway of the property of Beadles Cottage, all in the position and at the height shown for it on docketed drawing nos. AL(20)009 rev D and AL(21)011, and thereafter the length of wall shall be retained at that height and in that position unless otherwise approved in writing by the Planning Authority.

The length of 2.5 metres high rubble stone wall to be relocated and erected on the north boundary of the site with the southern edge of the driveway of the property of Beadles Cottage referred to in the first paragraph of this condition, and as detailed on docketed drawing nos. AL(20)009 rev D and AL(21)011, shall where possible be constructed using the natural rubble stone duntakings from its original position on the site and if additional stone is required such new stone shall be natural rubble stone and shall match as closely as possible the colour, texture, facing and coursing of the existing rubble stone wall, unless otherwise approved in writing by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential property of Beadles Cottage and to ensure a satisfactory standard of external finish to the wall in the interests of preserving the character and appearance of the listed building and the character and appearance of the Conservation Area.

- 31 Details and a sample(s) of the paint finish to be applied to the steel posts and framing of the new gates and of any paint, stain or timber preservative, if relevant, to be applied to the Siberian Larch timber cladding of the new gates shall be submitted to and approved in advance in writing by the Planning Authority prior to the use of such finishes on the gates, their posts and framing within the development, and thereafter the paint finish to be applied to the steel posts and framing of the new gates and, if relevant, the paint, stain or timber preservative finish applied to the Siberian Larch timber cladding of the new gates shall accord with the sample(s) so approved.

Reason:

In the interests of safeguarding the character and appearance of the development hereby approved, the character and visual amenity of the area, including the setting of the listed building and the character and appearance of the Dirlerton Conservation Area.

- 32 The bin storage area to the south of the southern-most proposed new building shall be surfaced with permeable open joint flag stone paving, laid on top of existing ground levels, as detailed on docketed drawing no. AL(20)009 rev D, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To ensure the retention of vegetation important to the landscape character and appearance and environment of the development and their protection in the interests of safeguarding the landscape character of the area and of the Conservation Area, and the setting of the listed buildings.

- 33 All tree work shall be carried out in accordance with BS3998:2010 'Tree work - Recommendations' and must be approved in writing by the Planning Authority before work is carried out.

Reason: To ensure the retention of vegetation important to the landscape character and appearance and environment of the development and their protection in the interests of safeguarding the landscape character of the area and of the Conservation Area, and the setting of the listed buildings.

## **5. PLANNING APPLICATION NO. 21/01474/PPM: RENEWAL OF PLANNING PERMISSION IN PRINCIPLE 18/00189/PPM FOR PROPOSED ONSHORE TRANSMISSION WORKS ASSOCIATED WITH THE INCH CAPE OFFSHORE WIND FARM – FORMER COCKENZIE POWER STATION SITE**

A report was submitted in relation to Planning Application No. 21/00025/P. David Taylor, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to a question from Councillor Gilbert, Mr Taylor confirmed that there were no differences in this application for renewal when compared to the existing planning permission in principle.

The Convener moved to the vote on the report recommendation, to grant consent, which was taken by roll call:

For: 8  
Against: 0  
Abstentions: 0

### **Decision**

The Committee unanimously agreed to grant planning permission subject to the following conditions:

- 1 The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the layout, siting, design and external appearance of the Onshore Substation, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below.

No work shall begin until the written approval of the authority has been given, and the development shall be carried out in accordance with that approval.

- a) Details of the finished ground levels and finished floor levels of the buildings;
- b) The total height of any building shall not exceed 12.3 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the adjacent average road level of Edinburgh Road;
- c) The proposed route of the temporary rerouted Coastal Path incorporating the John Muir Way within the northern section of the application site boundary;
- d) Details of the proposed colour treatment of the Onshore Substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;
- e) Details of all external lighting proposed;
- f) Details of the area of the Onshore Substation, which is not to exceed 2.5ha in total as shown on the drawing titled "Maximum Onshore Substation Area" docketed to planning permission in principle 18/00189/PPM and 21/01474/PPM;
- g) The layout shall ensure that the Onshore Substation is located outside the area identified as "No Onshore Substation Development" on the drawing titled "Maximum Onshore Substation Area" docketed to this planning permission in principle and to planning permission in principle 18/00189/PPM, and the Onshore Substation shall be located within the area identified as "Onshore Substation Site" on the said drawing as close to the south-western boundary of the Application Site as can be accommodated by the approved landscaping (including landscape and visual mitigation); and
- h) Details of landscape and visual mitigation (including architectural mitigation) shall not be submitted for approval under this condition 1 without consultation first having been carried out with the Planning Authority, NatureScot, Cockenzie and Port Seton Community Council and Prestonpans Community Council.

In this condition, the Onshore Substation means all the electrical equipment, ancillary equipment and internal roads to be located within the perimeter security fence, as indicatively described in paragraph 8 (Project Elements) of Chapter 5 of the Environmental Impact Assessment Report docketed to planning permission in principle 18/00189/PM and also to the addendum to that EIA Report (November 2021) docketed to this planning permission in principle.

Reason:

To ensure that the matters referred to are given full consideration in the interests of the visual amenity of the area and to accord with section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.)

- 2 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report (EIA Report) docketed to planning permission in principle 18/00189/PPM and also to the addendum to that EIA Report (November 2021) docketed to this planning permission in principle, except where altered by the approval of matters specified in the condition above (including the referenced drawing) or by the conditions below, or unless otherwise agreed with the Planning Authority in writing.

Reason:

To ensure the reported likely environmental impacts of the development are not exceeded and the specified mitigation measures are fully implemented.

- 3 The development hereby approved shall be used solely in connection with the offshore Inch Cape Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority.

In these conditions the "Inch Cape Wind Farm" means the offshore wind farm known as the Inch Cape Offshore Wind Farm, granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 17 June 2019, or successor offshore wind farms located within the site of that development.

Reason:

To enable the Planning Authority to regulate and control the use of the land in the interests of the wider land use planning of the area.

- 4 Prior to the commencement of the development hereby approved and once details of the construction methodology is known, a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Planning Authority after consultation with SEPA and NatureScot, and shall address the following requirements:-

- a) Confirmation of the methodology to be used in constructing the Development with particular regard to construction of the substation, any tunnelling activities and the method of constructing the cable trenches;

- b) A construction dust management plan identifying mitigation measures during the construction phase of the Development specifically identifying measures to minimise impacts of fugitive dust emissions on sensitive receptors;
- c) A construction noise management plan identifying mitigation measures during the construction phase of the Development specifically identifying measures to minimise impacts of construction noise on sensitive receptors;
- d) An assessment of vibration impact arising from construction works and the identification of any mitigation measures required to minimise impacts of construction vibration on sensitive receptors, taking account of BS5228-1:2009 and A1:2014 Code of Practice for Noise and Vibration Control on Construction and Open Sites; and
- e) Any pre-commencement survey work, as required to re-establish base-line conditions in respect to protected species and any areas sensitive to disturbance including associated mitigation measures, as agreed with and approved by the council in consultation with NatureScot.

The development shall thereafter be carried out in accordance with the approved CEMP unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure that the reported likely environmental impacts of the development are not exceeded and the mitigation measures are put in place

- 5 Prior to the commencement of the development hereby approved, a Noise Impact Assessment for the operational phase of the Development shall be submitted to and approved in writing by the Planning Authority. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to condition 1 and shall identify the location of noise emitting plant within the site and their accompanying noise emissions. The Noise Impact Assessment shall identify measures to ensure operational noise from the development does not give rise to new or materially different impacts to those assessed in the Environmental Impact Assessment Report docketed to planning permission in principle 18/00189/PPM and renewed by this planning permission in principle ref: 21/01474/PPM, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 6 Prior to the commencement of the development hereby approved, a Traffic Management Plan (TMP) for the construction phase of the development shall be submitted to and approved in writing by the Planning Authority. The TMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

- a) A Method Statement detailing and controlling access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development. The Method Statement shall include a detailed swept path assessment of large component delivery routes, as well as frequencies and times of deliveries and arrangements for the removal of materials/plant from the site. The Method Statement shall also include details of any off-site mitigation works;
- b) Details of access and management for the onshore cabling works including the potential for traffic management on Edinburgh Road;
- c) Details of the proposed vehicular access onto the B1348 for large component deliveries, this should also include the reinstatement of the access once works are completed;
- d) Wheel washing facilities shall be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels.
- e) The TMP shall also include vehicle tracking and swept path analysis for vehicles entering and exiting the site and details of the provision of visibility splays at all vehicular accesses. It shall also include details of any road closures and suitable alternative routes during the road closures.
- f) A Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

The development shall thereafter be carried out in accordance with the approved TMP unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road safety and in the interest of the promotion of sustainable modes of transportation.

- 7 Prior to the commencement of the development hereby approved, a programme for monitoring the condition of the public roads to be used by construction traffic, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be:



(i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road; and  
(ii) the B1348, Edinburgh Road from the junction of East Lorimer Place to Appin Drive (Traffic signals).  
Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development, shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

To ensure that damage to the public road network resulting from the proposed development is rectified.

- 8 Within 24 months of the permanent cessation of generation at the offshore Inch Cape Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes.

Where the development is not required for electricity transmission purposes beyond the operational period of the offshore Inch Cape Wind Farm, within 24 months of the permanent cessation of generation at the offshore Inch Cape Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall have due regard to the Decommissioning Programme prepared in respect of the offshore Inch Cape Wind Farm and shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Where the Development is required for electricity transmission purposes beyond the operational period of the offshore Inch Cape Wind Farm, within 24 months of the development no longer being required for electricity transmission purposes, a decommissioning and site restoration plan (the 'the Demolition and Restoration Scheme') shall be prepared and shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

- i) The extent of substation and cable infrastructure to be removed and details of site restoration;
- ii) Management and timing of works;
- iii) Environmental management provisions; and
- iv) A traffic management plan to address any traffic issues during the decommissioning period.

The Demolition and Restoration Scheme shall be implemented in its entirety, unless otherwise approved by the Planning Authority in writing.

Reason:

To ensure that the application site is satisfactorily restored in the interests of the amenity of the area.

- 9 1. Prior to any site development works a Geo-Environmental Assessment shall be carried out, with the Report(s) being made available to the Planning Authority for approval. The Report(s) shall include details of the following:

- o A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);
- o A Phase II Ground Investigation (if the Phase 1 Desk Study has determined that further assessment is required), comprising the following:
  - o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation and an updated conceptual model of the site;
  - o An appraisal of the remediation methods available and proposal of the preferred option(s).

The Phase 1 Desk Study and Phase II Ground Investigation must be undertaken by suitably qualified, experienced and competent persons and must be conducted in accordance with the relevant guidance and procedures.

2. Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement shall be submitted to and approved in writing by the Planning Authority, which shows how the site is to be brought to a condition suitable for the intended use by the removal of identified risks. The Remediation Statement shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable and phasing (if any) of works and site management procedures. The

Remediation Statement shall also ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development.

3. Following completion of the measures identified in the approved Remediation Statement, a Validation Report which demonstrates the effectiveness of the remediation carried out shall be submitted to the Planning Authority for approval, prior to the approved development being brought into use.

4. In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and/or the Planning Authority notified immediately in accordance with the approved site management procedures approved under condition 9(2). At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that additional remedial measures are required. Following the completion of any additional remedial measures, a Verification Report confirming the satisfactory completion of these remedial works shall be submitted to the Planning Authority.

Reason:

To ensure that the site is suitable for development, and that remedial measures have been undertaken where necessary to ensure that potential risks have been adequately addressed.

- 10 Development of the site shall not commence unless and until details of the finished ground levels, finished floor levels, confirmation of the presence of any culverted watercourses, the proposed Sustainable Urban Drainage Scheme, the proposed outfall and the finalised details of the use of any landscape bunds on the proposed site, as informed by the site investigation and designs approved under condition 1, have been submitted to and approved in writing by the Planning Authority, in consultation with SEPA. Thereafter the scheme should be completed in accordance with these details.

Reason:

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

- 11 With the exception of construction work associated with the installation of the offshore export cables, construction works associated with the Development shall be limited to 0700-1900 Monday to Friday and 0800-1300 on Saturdays, unless otherwise agreed in advance in writing with the Planning Authority. Construction works associated with the installation of the offshore export cables are permitted outwith these hours following prior notification of such works to the Planning Authority at least seven days before the works are due to commence.

Reason:

To safeguard the amenity of nearby residential properties

- 12 Prior to the commencement of the development hereby approved, a detailed Flood Risk Assessment (FRA) shall be submitted to and approved in writing by the Planning Authority in consultation with SEPA. The details shall take account of the site layout approved under condition 1 and shall identify mitigation measures required to protect the site as a minimum from the 1:1000 year flood event, unless otherwise approved in writing by the Planning Authority.

All approved flood mitigation measures must be carried out in accordance with the approved details prior to the Development becoming operational.

Reason:

To ensure the Development is appropriately protected against flood risk and does not give rise to increased flood risk elsewhere.

- 13 No development shall take place until there has been submitted to and approved in writing by the Planning Authority a scheme of landscaping taking account of the detailed site layout and other details proposed or approved under the terms of condition 1.

The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

In accordance with the approved scheme all planting, seeding or turfing shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the

development, whichever is the sooner, and managed in accordance with that scheme. Any trees or plants which within a period of five years of the development being brought into use die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

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

- 14 Prior to the commencement of development details of artwork to be provided on the site or at an alternative location away from the site shall be submitted to and approved by the Planning Authority and the artwork as approved shall be provided prior to the operation of the onshore substation, unless otherwise agreed in writing by the Planning Authority.

Reason:

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

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

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

Reason:

To minimise the environmental impact of the development

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee