

# Land West of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian

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## Statement of Case

**Andrew Meikle**

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# 1.0

## Introduction

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## 1.0 Introduction

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This Planning Statement of Case has been prepared by Cundall on behalf of Mr Andrew Meikle (hereafter referred to as 'the Appellant'), in support of his application for planning permission for the erection of a dwellinghouse and associated works as Land West of Hoprig Mains Farmhouse, Gladsmuir, Macmerry, East Lothian. The applicant will be succeeding his father in relation to managing the farm business.

This Notice of Review has been lodged in response to the non-determination of the planning application (22/001120/P) by East Lothian Council. The application was validated with the Council on 11 October 2022 with the determination deadline set as the 10 December 2022, this was then extended to the 25 December 2022 through an agreement between ourselves and the Case Officer. ELC had sought a longer determination date but without any guarantee of a fixed determination date.

The application has been made for '*full planning permission for the construction of a 2 storey dwellinghouse including associated infrastructure, landscaping, access and parking.*'

The Notice of Review and the accompanying documents which were submitted as part of the planning application are included, as required, as well as this additional Appeal Statement of Case.

It is considered that this is a straightforward application which not only complies with the adopted LDP but also the new NPF4 provisions. The only issue in question is the operational requirement for additional accommodation directly associated with the rural enterprise.

# 2.0

## The Appeal Site and Planning History

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## 2.0 The Appeal Site and Planning History

### 2.1 Appeal Site

The Site is located within an agricultural rural setting between the A198 to the north and the A1 to the south. Macmerry and Gladsmuir lie in close proximity to the south on the adjacent side of the A1, with the site accessed from an access track off the B6363, directly off the A1.

It was formerly used as a farm steading and previously housed livestock and farm machinery. The application site forms part of a grouping of buildings and sheds associated with the original farmhouse. It is of traditional construction. And currently dilapidated.

Blindwells New Settlement is identified as proposal BW1 and BW2 of the adopted East Lothian Local Development Plan 2018 (ELLDP). The application site is within an extended area that is safeguarded for the development of 1600 homes with employment and mixed-use development including a local centre with community facilities. The character and environment of the site is changing rapidly and new applications for development are being approved by the Council.

Significantly, the owners of Hoprig Mains Farm are facilitating this development and this proposal does not prejudice the future development of the wider area as identified in the Blindwells Design Brief and associated masterplans. It is therefore a self-contained, stand-alone development for a single dwelling.

The site is approximately 0.12 hectares in size, roughly triangular in shape and orientated along a northeast southwest axis and is located within the northwest section of the main Hoprig Mains Farm complex some 45 metres to the west of Hoprig Mains Farmhouse. It is bound to the east by an access track and an agricultural building beyond, to the south by an existing private farm access road and agricultural buildings beyond, and to the north and west by agricultural land.

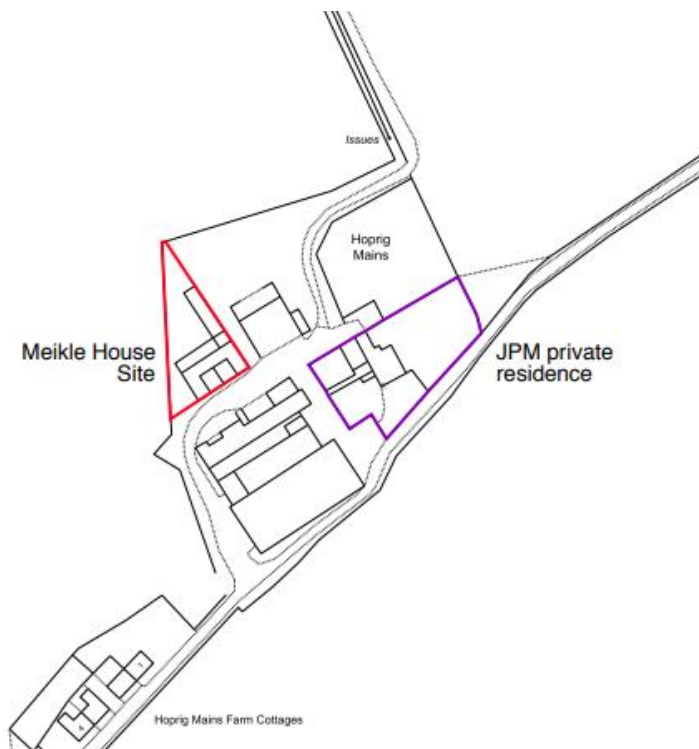


Figure 1 – Location Plan

The site itself consists of a disused derelict stable that takes up the majority of the site. The stables are to be demolished to facilitate the erection of the proposed house and associated works. Demolition is categorised as permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992 and therefore does not form part of the proposed development.

There are no constraints that would preclude the effective development or delivery of the proposed development. Indeed, the development will improve the amenity and appearance of the farm area and rural setting.

It is emphasised that the existing Hoprig Mains Farmhouse is a private residence for Mr Meikle Snr. which is not included in the farm business. This is an important fact which has now been evidenced and should not form part of the Council's consideration.

## **2.2 Planning History**

The only relevant application pertaining to the site is (20/00250/P) *erection of 1 house and associated works* which was refused on the 28th of October 2020. Within that application it was considered, albeit disputed, that there was a lack of supporting documentation to justify a house at this location in the context of the working farm. This application seeks to rectify that position for the benefit of the Council.

In addition, a previous application was approved in relation to the re-development of the larger of the Hoprig Mains Cottages (Ref 19/01141/P).



# 3.0

## The Proposal

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## 3.0 The Proposal

### 3.1 Development Proposal

A planning application for the construction of a 2-storey dwelling-house including associated infrastructure, landscaping, access and parking on land west of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian, was submitted to East Lothian Council on 5 October 2022. This would be for the sole occupation of the Appellant and his family.

The dwelling would comprise of a 2-storey main structure with a smaller single storey element. The Appellant proposes to create an open and accessible house that responds to the needs of the occupants and will allow for a relaxed and easy transition for the Appellant to have a valuable connection to the farm operations while enjoying the benefits of accessibility and low energy living. Permission is also sought for the formation of areas of hardstanding at the front of the house to be used for vehicle parking.

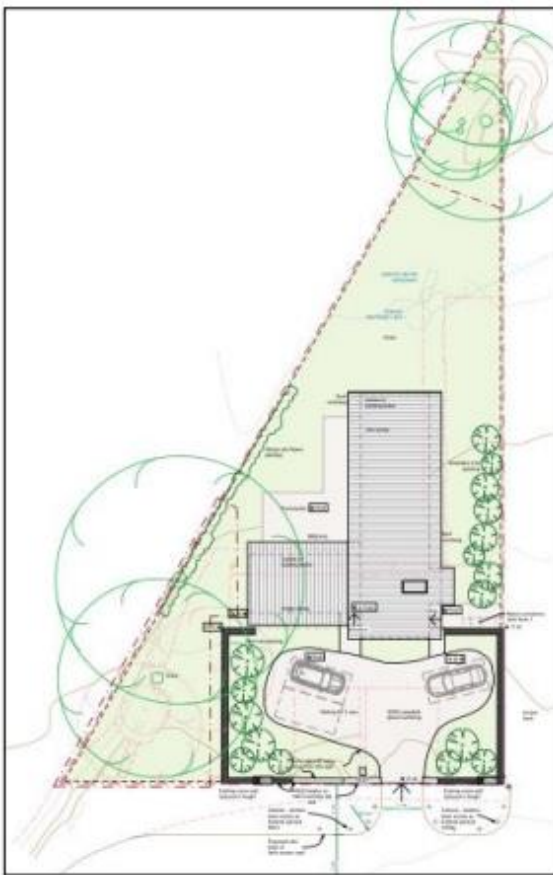


Figure 2 – Proposed Site layout

The design and construction of the house is in accordance with the Councils Supplementary Guidance for Houses in the Countryside as well as the advice within Government Guidance Planning Advice Note 72 Homes in the Countryside.

The appeal site area is considered to be sufficient to accommodate the proposed single dwelling with a useable garden ground, adequate off-street parking and bin/recycling storage area.

The dwelling has been designed to overlook the farm holding to provide passive surveillance with no overlooking, loss of daylight and overshadowing to neighbouring properties. Planning conditions could also control the final design of the house.

The house would be 'low carbon' conforming to regulations and standards to reduce carbon dioxide emissions with the aim of using insulation, renewable energy technologies and water conservation measures in the design. Sustainably sourced construction materials and the use of low carbon measures could be controlled by condition.

The dwelling has been designed to be compatible to the scale and nature of its surroundings without leading to any suburbanisation of the countryside. In addition, nearby agricultural and storage buildings would further reduce any landscape impact.

There are no associated access, drainage or contamination matters that could not be dealt with through relevant conditions.

The proposal will fit with the scale and nature of the surrounding area; be well located in relation to infrastructure; and be designed and located to protect the overall landscape and environmental quality of the area. Reasonable planning conditions, where deemed necessary could ensure good design; provision of required infrastructure; protection of amenity and any contaminants; sufficient servicing; adequate access and parking; drainage; waste management; and requisite on-site carbon emission savings.

### **3.2 Requirement for Development**

As set out previously within the Planning Statement and Operation Needs Assessment, there is both an operational and functional requirement for the Appellant and his family to be accommodated on the site to ensure the continued success of the farming business.

The Operational Needs report from Davidson and Robertson Rural confirms that Hoprig Farm has an annual need for 7825.8 labour hours which creates a labour need for 4.1 people, based on 1900 hours per annum per labour unit. This operational need is derived from labour requirement calculations which have been informed by the method as set out in The SAC Farm Management Handbook 21/22. The remaining required labour needs will be leased seasonally and through contracting work.

The business farms 1090 acres of high-quality arable land across four units. Most of the land is at Hoprig Mains, or immediately adjacent to it at Hoprig and Southfield. The main enterprise is arable farming growing a range of arable and oilseed crops in rotation. Under the current labour requirements, there is a need for someone to be present at the holding for full-time working hours with part-time help as required.

Due to the nature of the farm operations and duties, it is essential that people live on the site to ensure health and safety for visitors to the site; operational efficiency; and security. Due to contracting being an integral element of the farming business, an increased on-site presence would be beneficial to improve the security of equipment.

While it might be possible for the Appellant to commute to Hoprig Mains, a nearby residence would be beneficial. A presence would also benefit the operational efficiency of the holding by limiting commuting to the site and allowing coordination of activities such as deliveries, crop management and maintenance.

Despite the site being relatively close to some nearby housing, an on-site presence would likely deter perpetrators of rural crime and boost the security of the holding in a relatively remote location.

The financial information on the viability of the Appellant's business has been provided to the Planning Authority on a confidential basis. It should be pointed out that the related business is not new, and this is a historic farm operation.

Labour is carried out exclusively by the Appellant and his brother, alongside other work commitments. The business has operated for a number of years and warrants full-time employees on the basis of its financial viability. The current business runs at a profit and there is now an opportunity to grow the business, especially if the Appellant was settled permanently. The business is therefore financially viable.

The Appellant has reviewed housing availability and prices in this area of East Lothian and has concluded that there are limited opportunities for him and his family to purchase a property in the area at an affordable price, in a suitable location.

Construction of a modest bespoke house would suit the Appellant's family needs and there are no alternative buildings on the Appellant's holding which would be capable of conversion to residential accommodation. No house or plot would be sold on the holding subject to this appeal.

There is therefore ample evidence to justify a continuous presence on the appeal site to support the existing farm business.

# 4.0

## Planning Policy Context

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## 4.0 Planning Policy Context

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### 4.1 Introduction

An important consideration of this planning application is that since its submission in October 2022, NPF4 has been adopted (13 February 2023). As a result, the SESplan Strategic Development Plan (2013) no longer forms part of the statutory development plan covering the site, and Scottish Planning Policy (SPP) is no longer a material consideration.

Therefore, the development plan covering the site comprises:

- National Planning Framework 4 (NPF4); and
- East Lothian Local Development Plan (2018).

### 4.2 NPF4

National Planning Framework (NPF4) was adopted by Scottish Ministers on 13 February 2023. This is a national spatial strategy for Scotland and describes spatial principles, regional priorities, national developments and national planning policy.

It sets out six overarching principles in which future places will be planned against, which include:

1. Just transition
2. Conserving and recycling assets
3. Local living
4. Compact urban growth
5. Rebalanced development
6. Rural revitalisation

These spatial principles will be applied to support the planning and delivery of places that are sustainable, liveable and productive.

Rural revitalisation is a key principle in the assessment of these proposals as it encourages sustainable development in rural areas, while recognising the need to grow and support urban and rural communities together. The national spatial strategy in NPF4 sets out that this principle will be achieved by distributing development, investment and infrastructure strategically, and enabling rural development will be key to this. Vital sectors which include food and drink, focus on natural resources and provide significant employment in rural parts of Scotland. This sector is dependent on supporting services (i.e., farming) so it is important to ensure that the right development is being supported in rural areas to facilitate the sustainable and viable futures of these sectors.

Prior to the adoption of NPF4, transitional arrangements advice was provided; this was to supporting decision making as NPF4 became part of the statutory development plan alongside relevant LDPs. This reaffirms that under Section 25 of the 1997 Act, decisions are required to be made in accordance with the development plan unless material consideration indicate otherwise. Section 24(3) of the same act required that in the event of any incompatibility between a provision of NPF and a provision of an LDP, whichever of them is later in date is to prevail.

**Policy 17: Rural homes** is of most relevance to the proposals, its intent is to encourage, promote and facilitate the delivery of much more high quality, affordable and sustainable rural homes in the right location. By doing this the policy aims to achieve the provision of homes that support sustainable rural communities and are linked with service provision, while safeguarding and enhancing the distinct character, sense of place and natural and cultural assets of rural places. This policy is also key in delivering rural revitalisation which is one of the overarching principles of NPF4 as it promotes the development of rural homes to support the needs of communities and rural businesses.

The policy sets out in criterion a) that *“development proposals for new homes in rural areas will be supported where the development is suitably scaled, sites and designed to be in keeping with the character of the area and the development: v) is demonstrated to be necessary to support the sustainable management of a viable rural business orcroft, and there is*

*an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work.”*

The policy within NPF4 does not require an Agricultural and Rural advisor to be consulted on such proposals to determine the operational requirements for associated business housing, as is the case of East Lothian Local Development Plan (LDP) *Policy DC4: New Build housing in the Countryside*. As such, as it has been demonstrated through the Operational Needs Assessment submitted with the planning application, there is a clear necessity for the development of a dwelling on the farm site to support the continued management of the viable rural business.

The Appellant will be sharing operational management duties on the farm with his brother and is replacing his father who is now looking to reduce his input on operational duties, so it is therefore critical need for the Appellant to be able to live permanently on the farm. Further consideration is given towards this issue within Section 5 of this Statement. As such, there is clear support for the proposals from Policy 17.

Other relevant policies within NPF4 that should be considered as part of the assessment of these proposals include:

**Policy 1: Tackling the climate and nature crises** aim is to encourage, promote and facilitate development that addresses the global climate emergency and nature crises through delivering zero carbon, nature positive places. Meanwhile **Policy 2: Climate mitigation and adaption** seeks to encourage, promote and facilitate development that minimises emissions and adapts to the impacts of climate change.

The layout, design and construction of development at the site will maximise sustainable development, and as far is reasonably practicable, the buildings will maximise energy efficiency with the aim for a zero-carbon development, whereby there would be no net carbon emissions from all energy uses in dwellings. This involves the implementation of good design solutions, including ground source heat pumps for the heating of the dwelling.

**Policy 3: Biodiversity** aims to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks. As an application for an individual householder development, this type of development is excluded from the requirement to include measures to conserve, restore and enhance biodiversity.

The proposed dwelling will replace a disused derelict stable which takes up the majority of the site, as such as the site has already been developed on, it is not considered that there would be any negative impact on the biodiversity of the site. There is likely to be biodiversity enhancements on site though tree and shrubbery planting in the garden space around the proposed dwelling.

**Policy 9: Brownfield, vacant and derelict land and empty buildings** seeks to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings and to reduce the need for greenfield development. The policy supports proposals which will result in the sustainable reuse of brownfield land including derelict land and buildings.

As the site currently accommodates a disused and derelict building, it should be considered as a brownfield site, as such there is clear support from Policy 9, as the proposals will reuse derelict land, preventing the need for this development to take place on surrounding greenfield land. The proposals will provide for a sustainably constructed and operational dwelling on derelict land in accordance with the intent and outcomes of this policy.

**Policy 14: Design, quality and place** intent it to encourage well designed development that makes successful places by taking a design-led approach and apply the Place Principle. Proposals should be designed to improve the quality of an area and should be consistent with the six qualities of successful place which are: healthy, pleasant, connected, distinctive, sustainable and adaptable.

The proposals have been sensitively designed to be in keeping with the character of the rural area, and will be of a scale, appearance and use materials that would be expected to be found in the countryside setting. The proposed dwelling will be positioned as such that it is removed from all existing nearby residential properties so it will not give rise to any harmful impacts on sunlight or daylight provision. There will be no windows that are within 18 metres of any direct facing windows of any neighbouring properties, nor would they be within 9 metres of the garden boundaries of any neighbouring residential properties. Trees will be retained to the north and within the southwest corner of the site to provide screening on the site and maintain existing views of the farm complex. The proposals should therefore be considered to adhere to the intent and outcomes of Policy 14.

**Policy 16: Quality homes** aims to encourage, promote and facilitate the delivery of high quality, affordable and sustainable homes in the right locations. The policy express explicit support for homes for specialist groups such as service personal, which can apply to farm workers who need to live on or nearby to their places of work. While the site is not allocated for housing in the LDP, the policy expresses support in limited circumstances which include for proposals which are consistent with policies on rural homes. As set out within the previously submitted Planning Statement and this Statement of Case, it is considered that the proposal complies with the relevant rural policies within the LDP and it has also been demonstrated that the proposal complies with **Policy 17: Rural homes** of NPF4.

### 4.3 East Lothian Local Development Plan 2018

As set out within the Planning Statement submitted with the application subject to this Appeal, the site forms part of an area identified as land safeguarded in Proposal BW2 (Safeguarded Blindwells Expansion Area) which safeguards land to the east of the Blindwells New Settlement for a larger expansion of that new town subject to the completion of technical work demonstrating the viability of that expanding new town. Proposal BW2 states that any development proposals that would undermine the ability to expand Blindwells new settlement will not be supported.

While the relevant LDP policies have been identified and assessed within the Planning Statement, they are summarised below for completeness:

**Policy DC1 Rural Diversification** - This policy sets out specific criteria for new development in the countryside, stating there will be agricultural support in principle for new development where it requires a countryside location. The proposal at Hoprig Mains is directly linked to an existing agricultural business where such development is supported in principle through Policy DC1. The application is supported by advice from a professional agricultural and rural advisor Davidson & Robertson Rural who have liaised with the Council's advisors.

**Policy DC4 New Build Housing in the Country** - Sets out specific criteria for the erection of new build housing in the countryside whereby such development will only be supported where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and: *i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small scale rural settlement identified by this plan; or iii) The proposal satisfies the terms of Policy NH1.*

There is a direct operational requirement for the proposal regarding a viable agricultural business and therefore the principle of use is supported by Policy DC4. Full agricultural justification has previously been set out within the Planning Statement and Operational Needs Assessment. The Applicant has provided confidentially the Farm business accounts which articulate that the off-site contractual work only brings in a small portion of income, and generally helps out financially in the less intensive periods of the farming calendar. The reason for the proposed development is to allow succession planning and business continuation. Mr Andrew Meikle will support the management of and assist in the day-to-day operational running of the farm business. The current labour requirement of the business is 4.1 standard labour units, with a requirement for being on site for operational and security reasons. There are 3 cottages that are located on the farm site, the larger unit is occupied by Mr Graeme Meikle (and is not connected to the farm business). The other 2 smaller units are also occupied. These being small semi-detached houses that do not meet the requirements of Mr Andrew Meikle's family, therefore a fit for purpose house is required. Previous findings by the independent agricultural and rural consultant relied upon by the Council has been clarified in so far as i) contractual agreements have been made transparent; ii) the value of respective contributions to the business is specified and iii) business related accounts have been made available. The financial contribution of off-site contracting is now available and can be fully and correctly interpreted.

**Policy DC5 Housing as Enabling Development** - This policy sets out the exceptional circumstances where development in the countryside can be supported.

In particular this meets criterion *a) to enable a desirable primary use supported in principle by Policy DC1 and that the benefits of the primary use outweigh the normal presumption against new build housing.*



**Policy DP1 Landscape Character** - Sets out environmental impacts that any new dwelling should consider. By virtue of its part 2 storey and part single storey height, size, scale, form, proportions, architectural design and its external finishes the proposed house would not be harmfully intrusive or incongruous within the landscape of the wider area.

**Policy DP2 Design** - Sets out specific design criteria of all new development regarding appropriate to its location; siting density and design; position and orientation; well connected; clearly distinguished spaces and boundaries; privacy and amenity; retained features; and suitable accessed and serviced.

In its position the proposal would be so removed from all existing nearby residential properties so as not to give rise to significant harmful loss of sunlight or daylight. No windows are within 18 metres of any directly facing windows of any neighbouring properties nor would they be within 9 metres of the garden boundaries of any neighbouring residential property. Trees will be retained to the north and within the southwest corner of the site. The proposal adheres to the aims and objectives of Policy DP2.

**Policy T1 Transport Location and Accessibility** sets out that new development should be located on sites that are capable of being conveniently and safely accessed, including adequate car parking provision. **Policy T2 General Transport Impact** sets out that new development must have no significant adverse impact on:

- Road safety;
- Convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area;
- The capacity of the surrounding road network; and,
- Residential amenity as a consequence of an increase in motorised traffic.

Vehicular access to the house would be by way of a setback access formed from the existing private farm access road to the south of the site that is in turn taken from a minor public road to the south of the site. Regarding the previous application, the Council's Roads Services raised no objection, being satisfied that the proposed house could be safely accessed and provide an acceptable amount of on-site parking and would therefore not be contrary to Policies T1 and T2.

Consequently, it can be considered that the proposal would comply with NPF4 and Local Development Plan policies and associated Supplementary Guidance. As set out above, the proposed development accords overall with the relevant provisions of the development plan and that there are no material considerations which would justify refusing to grant planning permission. It has also been sufficiently demonstrated that there is an operational requirement need for the proposal to ensure the rural business can remain viable.



# 5.0

## Grounds of Appeal

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## 5.0 Grounds of Appeal

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### 5.1 Introduction

A Notice of Review has been served on behalf of the applicant to seek a decision on the planning application be made by the Local Review Body due to non-determination of the application East Lothian Council Planning Authority.

East Lothian Council have been unable to determine the application due to not receiving a consultation response from the independent Agricultural and Rural Advisor, with their view on the operational requirement of the proposed dwelling. Policy DC4: New Build Housing in the Countryside in the LDP sets out that the Planning Authority will seek independent advice on this matter.

The Councils advisor on this matter is Laurence Gould, due to their non-response to the Planning Authority request, the planning application could not be determined within the statutory determination deadline of 10 December 2022. Through an agreement between the Applicant and Case Officer, an extension of time was agreed until 25 December 2022, this has since passed and at time of submitting this appeal there has still been no response from the Council's external consultee and it has been indicated that a decision cannot be made on the application by Officers until such a time that a response is received.

As Laurence Gould is a non-statutory consultee, due to their non-response which has resulted in the derailment of East Lothian Council Planning Officers ability to determine planning applications, we therefore put that it is within the Planning Authorities discretion to determine the application without the consideration of the independent advisor's response.

### 5.2 Response to previous comments from Laurence Gould

A previous planning application on the site (ref: 20/00250/P) for erection of a single dwelling and associated works was refused on the 28th October 2020. Officers reason for this was due to a lack of supporting documentation to justify a house at this location in the context of the working farm.

This current application sought to rectify that position for the benefit of the Council though the submission of the Operational Needs Assessment, the applicant also provided a direct response to Laurence Gould's review of the previous planning applications justification statement from a chartered accountant.

Financial reports covering the last three years trading have been provided to East Lothian Council Planning Department to support this application on a private and confidential basis. This is supported by a statement from the Chartered Accountants in relation to short-medium term business projections.

The statement provided by the Chartered Accountants sets out at they are in disagreement with previous comments made by Laurence Gould:

*"In regard to Mr Thompsons comment that the farming partnership is 'relatively small', I am not entirely sure what the business is being compared to and find the comment rather confusing. Family run farming enterprises are widely accepted as being absolutely integral to the UK's food security and continual drive toward efficient and environmentally sustainable food production. These types of businesses often operate on smaller units. Having reviewed the planning policies mentioned in the letter I can see no detail on acreage or turnover thresholds requirements for planning permission. Instead the necessity to house a farm worker on the farm should come down to the need of the business, which from my understanding of the business and the future plans, is clear."*

It is the shared view of the Appellant and the Chartered Accountant that the farm financial reports for the previous three years (2019-2021) demonstrate that the farm is profitable and therefore a viable rural business.

The Operational Needs Assessment submitted in support of this planning application goes on to set out the essential need for the additional dwelling at the appeal site.

Labour requirements for the farm business have been calculated using the standard labour requirement calculations as published within the SAC Farm Management Handbook (2020/21 Edition). This sets out that based on the requirements

on a standard labour unit equating to 1900 hours per annum, the calculations show a labour requirement of 4.1 required at Hoprig Mains. This demonstrates that the business does not have sufficient labour for the required work as the current provision is 2.

As previously set out within the planning statement, the appellant Mr Meikle lives over 8 miles away and has a requirement to be located closer to the farm to fulfil his full-time duties. There are currently three cottages located on the farm, one larger unit is occupied by the Appellants brother who also works on the farm full time and two smaller cottages that are let out on long term secure tenancies and which are not a sufficient size for Mr Meikle and his family. Their father John Meikle resides in the farmhouse which is separately owned from the farm.

As set out within the supporting documents of this appeal, it has been demonstrated that the farm is a viable agricultural business, where there is a clear operational requirement for the Appellant to be able to reside on the farm to ensure its continued viability and future.

### **5.3 Response to Policy**

As we have set out, the rural business is a viable business and there is an obvious requirement for the proposed dwelling on the site to allow for the continued operational and management requirements to run the business.

If Mr Andrew Meikle did not reside on the farm, he would need to commute on a daily basis which could involve numerous trips back and forward. This would be contrary to the Council's underlying objective to support housing in the countryside where it is directly linked with the operational requirements of a viable countryside business.

As the proposal will provide a means for an essential need for a worker to live permanently on their farm, and it has been demonstrated that the business is viable and there is an operational need

It has been demonstrated that the policy requirements of NPF4 Policy 17: Rural homes and LDP Policy DC4: New build Housing in the Countryside have both been fulfilled by the applicant. The more recently adopted NPF4 does not require that an external, independent advisor should comment on the operational requirement for an operational home.

As required under Section 26 of Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, the Planning Authority must give notice to an applicant of their decision or determination within two months (for a local development) of the validation date. The non-response from the Council's external Agricultural and Rural Advisor does not constitute a reason for non-determination by the Planning Authority, and instead it is their responsibility to, within their discretion, determinate the planning application based on the supporting information and responses provided to them within the determination period base.

Sufficient information has been provided to East Lothian Council that should allow them to grant planning permission to allow for the continued viable future of Hoprig Mains.

# 6.0

## Conclusion

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## 6.0 Conclusion

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This Statement of Case has set out why the Proposal should be permitted, and why the Council has the means to make an informed decision without the input of their external Agricultural and Rural Advisor. There is no reason to doubt the information put forward by Davidson Robertson Rural on behalf of the Appellant.

The two areas of key consideration in this appeal are the following:

- The design of the proposed dwelling is acceptable in its rural context
- There is an operational requirement for the Appellant to live on site to support a viable rural business at Hoprig Farm.

It has been demonstrated within this Appeal Statement and the supporting Planning Statement submitted with the planning application that the proposal is compliant with the relevant design policy and guidance and will be an appropriate addition to the countryside setting, with no detrimental impacts on the visual landscape.

Information has been provided to the Council which demonstrates the operational requirements on the farm and financial records which showcase the businesses viability. A case has been set out which demonstrates and justifies the need for an additional dwelling on the site.

Supporting information has been provided with the application which effectively rebuts the erroneous assumptions made by Laurence Gould on the previous planning application which was refused by the Council. Sufficient information has also been made available to the Council in order for them to make a timely and informed decision without the input this time around from their independent advisor.

It is respectfully requested that the LRB grants planning permission for the proposed erection of the 2 storey dwellinghouse including associated infrastructure, landscaping, access and parking following the careful consideration of the relevant planning issues and the case presented in this Appeal Statement. The Appellant is prepared to comply with any relevant and reasonable conditions relating to design finishes and materials.

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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE      100601892-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Type of Application

What is this application for? Please select one of the following: \*

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

## Description of Proposal

Please describe the proposal including any change of use: \* (Max 500 characters)

construction of a 2-storey dwelling-house including associated infrastructure, landscaping, access and parking on land west of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian

Is this a temporary permission? \*

Yes  No

If a change of use is to be included in the proposal has it already taken place?  
(Answer 'No' if there is no change of use.) \*

Yes  No

Has the work already been started and/or completed? \*

No  Yes – Started  Yes - Completed

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cundall"/>	
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *
First Name: *	<input type="text" value="Richard"/>	Building Name: <input type="text" value="Exchange House"/>
Last Name: *	<input type="text" value="Finc"/>	Building Number: <input type="text" value="1"/>
Telephone Number: *	<input type="text"/>	Address 1 (Street): * <input type="text" value="Semple Street"/>
Extension Number:	<input type="text"/>	Address 2: <input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Fax Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
		Postcode: * <input type="text" value="EH3 8BL"/>
Email Address: *	<input type="text"/>	
Is the applicant an individual or an organisation/corporate entity? *		
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity		

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Beanston Mains Cottages"/>
First Name: *	<input type="text" value="Andrew"/>	Building Number: <input type="text"/>
Last Name: *	<input type="text" value="Meikle"/>	Address 1 (Street): * <input type="text" value="Beanston Mains Cottages"/>
Company/Organisation:	<input type="text"/>	Address 2: <input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Haddington"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="East Lothian"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH41 3SB"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text"/>	



## Site Address Details

Planning Authority:

East Lothian Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

land west of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian, EH33 1EL

Northing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*

Yes  No

## Pre-Application Discussion Details Cont.

In what format was the feedback given? \*

Meeting  Telephone  Letter  Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) \* (max 500 characters)

Planning Policies relating to the East Lothian Local Development Plan need to e addressed. Housing Development in the Countryside Further Agricultural Justification Required

Title:

Other title:

First Name:

Last Name:

Correspondence Reference  
Number:

Date (dd/mm/yyyy):

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

## Site Area

Please state the site area:

100.00

Please state the measurement type used:

Hectares (ha)

Square Metres (sq.m)

## Existing Use

Please describe the current or most recent use: \* (Max 500 characters)

Disused Vacant and Derelict Steading Storage of Farm Equipment

## Access and Parking

Are you proposing a new altered vehicle access to or from a public road? \*

Yes

No

If Yes please describe and show on your drawings the position of any existing, Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? \*

Yes

No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? \*

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

## Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? \*

Yes

No

Do your proposals make provision for sustainable drainage of surface water?? \* (e.g. SUDS arrangements) \*

Yes

No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? \*

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

## Assessment of Flood Risk

Is the site within an area of known risk of flooding? \*

Yes  No  Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? \*

Yes  No  Don't Know

## Trees

Are there any trees on or adjacent to the application site? \*

Yes  No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

## Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? \*

Yes  No

If Yes or No, please provide further details: \* (Max 500 characters)

Domestic Bin Storage / Farm Waste Collection

## Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? \*

Yes  No

How many units do you propose in total? \*

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

## All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? \*

Yes  No

## Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) \*

Yes  No  Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

## Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? \*

Yes  No

## Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? \*

Yes  No

Is any of the land part of an agricultural holding? \*

Yes  No

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

## Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Richard Finc

On behalf of: Mr Andrew Meikle

Date: 04/10/2022

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? \*

Yes  No  Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? \*

Yes  No  Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? \*

Yes  No  Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? \*

Yes  No  Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? \*

Yes  No  Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: \* (Max 500 characters)

Full drawing / plans pack submitted Supporting Planning Statement Agricultural Justification Statement provided

Provide copies of the following documents if applicable:

- |  |  |
|--|--|
| A copy of an Environmental Statement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. *                                   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. *   | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. *  | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

## Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Oliver Cansfield

Declaration Date: 04/10/2022

## Payment Details

Pay Direct

Created: 04/10/2022 14:08

# Land West of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian

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## Planning Statement

**Andrew Meikle**

Job No: 1036592

Doc Ref: Doc ref

Revision: A

Revision Date: 05 October 2022

<b>Project title</b>	Land West of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian	<b>Job Number</b>
<b>Report title</b>	Planning Statement	1036592

**Document Revision History**

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<b>Revision Ref</b>	<b>Issue Date</b>	<b>Purpose of issue / description of revision</b>
A	05 October 2022	Final Draft

**Document Validation (latest issue)**

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X	X	X
_____	_____	_____
Principal author	Checked by	Verified by

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## **Executive Summary**

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Full planning permission for the construction of a 2 storey dwelling house including associated infrastructure, landscaping, access and parking.

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# 1.0

## Introduction

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## 1.0 Introduction

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### Background and Context

#### 1.1

This Planning Statement is submitted on behalf of Mr Andrew Meikle (hereafter referred to as 'the Applicant') in support of an application for the construction of a 2-storey dwelling-house including associated infrastructure, landscaping, access and parking on land west of Hoprig Mains Farm, Gladsmuir by Macmerry, East Lothian (hereafter referred to as 'the Site').

#### 1.2

This application is classified as a 'local development', as defined by the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009. The application replicates a similar application submitted by the applicant Ref 20/00250/P in March 2020 and refused by the Planning Authority under delegated powers in October 2020.

#### 1.3

It seeks to re-use an existing steading which is structurally intact but in need of refurbishment and is therefore technically not a new house forming part of a wider grouping at the farm. Hoprig Mains forms part of the wider Blindwells safeguarding allocation proposals (BW1-3) as identified within the East Lothian Local Development Plan adopted in 2018.

#### 1.4

The purpose of this application is to achieve a replacement dwelling in the countryside in accordance with the LDP policies, in order to improve the management and operation at Hoprig Mains Farm. This proposal is entirely justified by the development plan and this Planning Statement makes a compelling case for development.

#### 1.5

The previous decision in relation to Application Ref 20/00250/P is considered as being extremely harsh and unreasonable in planning policy terms. It precludes proper succession planning in a sustainable family farming business which is capable of growth, diversification and expansion. It is even more remarkable given that it is within an area identified for long term housing growth where applications are being approved by the Council.

#### 1.6

This application is almost identical to the previous application refused by the Council. It does nonetheless include advice regarding an electric charging point and traffic management in relation to access and egress. The amendments are reflected in the new plans and drawings submitted with this revised application.

#### 1.7

This application is almost identical to the previous application refused by the Council. It does nonetheless include advice regarding an electric charging point and traffic management in relation to access and egress. The amendments are reflected in the new plans and drawings submitted with this revised application.

## 1.8

For courtesy Local Councillors have also been given advance notice of this application but no meetings or substantive discussions have been held to date. If this application is to be recommended for refusal by delegated powers, we would ask that it is referred to Committee in order that an appeal can be made to Scottish Ministers.

## Purpose of the Planning Statement

### 1.9

The purpose of this Planning Statement is to assist East Lothian Council in its assessment and determination of this application. It presents a compelling case for the proposals by outlining relevant planning policies and guidance against which the application should be assessed. Furthermore, it advises how the proposed development will comply with Planning Policy; the Development Plan; Supplementary Guidance and other material considerations.

### 1.10

This Statement forms part of an application for full planning permission and should be read in conjunction with other supporting documents and drawings submitted with the application. It replicates a similar application refused by the Council on the 20 October 2020. The following documents have been submitted in support of this application:

- Planning Statement (this document)
- Plans, Drawings and Elevations.
- Agricultural Justification Report.
- Minerals Stability Assessment Report.

### 1.11

The Planning Statement not only reviews the previous application, but it brings forward additional information previously requested by the Council. There has been pre-application consultation with the Planning Authority and dialogue has been held with the Council's agricultural advisors who now have full information upon which to base a recommendation.

### 1.12

This application has been promoted as the applicant believes that a house is fully justified and that this would be a reasonable decision for the Council to take having regard to planning policy and associated circumstances.

## The Applicant

### 1.13

Mr Andrew Meikle is the applicant and is the son of Mr John Meikle (67), brother to Mr Graeme Meikle (40), and he grew up on Hoprig Mains farm, East Lothian.

### 1.14

The farm business is managed and run operationally by Mr Graeme Meikle. The Applicant is returning to the farm to provide operational and business support to his brother (Graeme Meikle) and Hoprig Mains farm.

### 1.15

Hoprig Mains Farm and Business itself comprises of 250 acres of grade 1 and 2 arable farmland, with a farm steading, farmhouse, 2 x small 2-bedroom cottages, and a larger 2-bedroom cottage currently being developed (consent

19/01141/P refers) identified as Hoprig Mains cottages on associated site plans / maps. Hoprig Mains Farmhouse is the private residence of Mr John Meikle, and the ownership is separate from the farm for efficient business and tax reasons.

## The Project Team

### 1.16

Documentation submitted in support of this application has been prepared by Mr Andrew Meikle in conjunction with Michael Nisbet Architects, RFA Planning, and Davidson & Robertson Rural Surveyors & Consultants. A supporting letter has also been submitted by the Farm Business' Accountants.

## Report Structure

### 1.17

With the exception of this introductory section, this Statement is structured as follows:

- **Section 2:** Site location and context.
- **Section 3:** Development proposals.
- **Section 4:** Appraisal of relevant Development Plan Policy.
- **Section 5:** Assessment of relevant material planning considerations; and
- **Section 6:** Conclusions and recommendations.

# 2.0

## Site Location and Context

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## 2.0 Site Location and Context

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### Introduction

#### 2.1

This section of the Planning Statement details the Site's location and context and assesses the site's land use and environmental context, which is of relevance in the determination of this planning application. The development proposed will bring the site and associated land into productive use contributing to rural re-generation and diversity in the East Lothian Countryside.

### Location and Context

#### 2.2

The Site is located within an agricultural rural setting between the A198 to the north and the A1 to the south. Macmerry and Gladsmuir lie in close proximity to the south on the adjacent side of the A1, with the site accessed from an access track off the B6363, directly off the A1.

**Figure 2.1 – Site Location**



#### 2.3

Blindwells New Settlement is identified as proposal BW1 and BW2 of the adopted East Lothian Local Development Plan 2018 (ELLDP). The application site is within an extended area that is safeguarded for the development of 1600 homes with employment and mixed-use development including a local centre with community facilities. The character and environment of the site is changing rapidly and new applications for development are being approved by the Council.

## 2.4

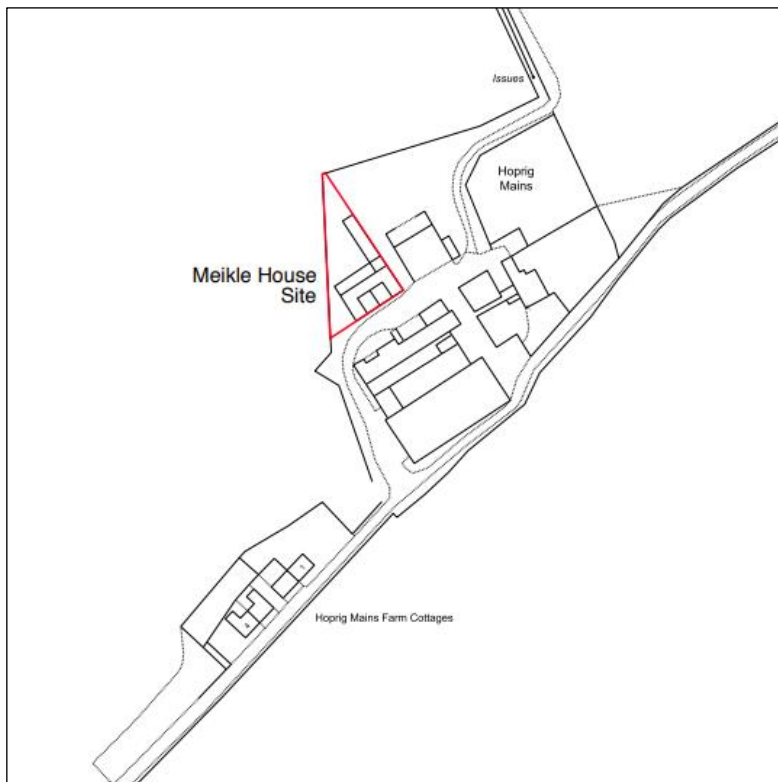
Significantly, the owners of Hoprig Mains Farm are facilitating the development and this proposal does not prejudice the future development of the wider area as identified in the Blindwells Design Brief and associated masterplans.

## Site Description

## 2.5

The Site is approximately 0.12 hectares in size, roughly triangular in shape orientated along a northeast southwest axis and is located within the northwest section of the main Hoprig Mains Farm complex some 45 metres to the west of Hoprig Mains Farmhouse. It is bounded to the east by an access track and an agricultural building beyond, to the south by an existing private farm access road and agricultural buildings beyond, and to the north and west by agricultural land.

**Figure 2.2 – Application Site**



## 2.6

The Site itself consists of a disused derelict stables that takes up the majority of the Site. The stables are to be demolished to facilitate the erection of the proposed house and associated works. Demolition is categorised as permitted development under the Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 1992 and therefore does not form part of the proposed development.



## 2.7

There are no constraints that would preclude the effective development or delivery of the proposed development. Indeed, the development will improve the amenity and appearance of the area and rural setting.

## Farm Estate and Assets

## 2.8

The location plan shows the relationship of the application site to the grouping of farm buildings and sheds at Hoprig Mains. It also identifies ownership.

## 2.9

It is emphasised that the existing Hoprig Mains Farmhouse is a private residence for Mr Meikle Snr. which is not included in the farm business. This is an important fact which has now been evidenced and should not form part of the Council's consideration.

## **Site Planning History**

### **2.10**

The only relevant application pertaining to the Site is 20/00250/P erection of 1 house and associated works which was refused on the 28th of October 2020. Within that application there was a lack of supporting documentation to justify a house at this location in the context of the working farm. This application seeks to rectify that position for the benefit of the Council.

### **2.11**

In addition, a previous application was approved in relation to the re-development of the larger of the Hoprig Mains Cottages (Ref 19/01141/P).

# 3.0

## Development Proposals

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## **3.0 Development Proposals**

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### **Introduction**

#### **3.1**

The following section provides a brief description of the proposals put forward to East Lothian Council for full planning permission and should be read in conjunction with other supporting documentation submitted with this application. There is capacity for an additional house on site as part of the building group.

#### **3.2**

There are minor amendments to the revised layout that enables a higher quality development and meets the requirements of the prospective tenant.

### **Description of Development**

#### **3.3**

In terms of site layout, the proposed detached house would be south facing and have an L-shaped footprint of some 190 square metres. Existing derelict buildings on site would be demolished under permitted development rights, and the house would be accessed from the farm access road to the south of the site.

#### **3.4**

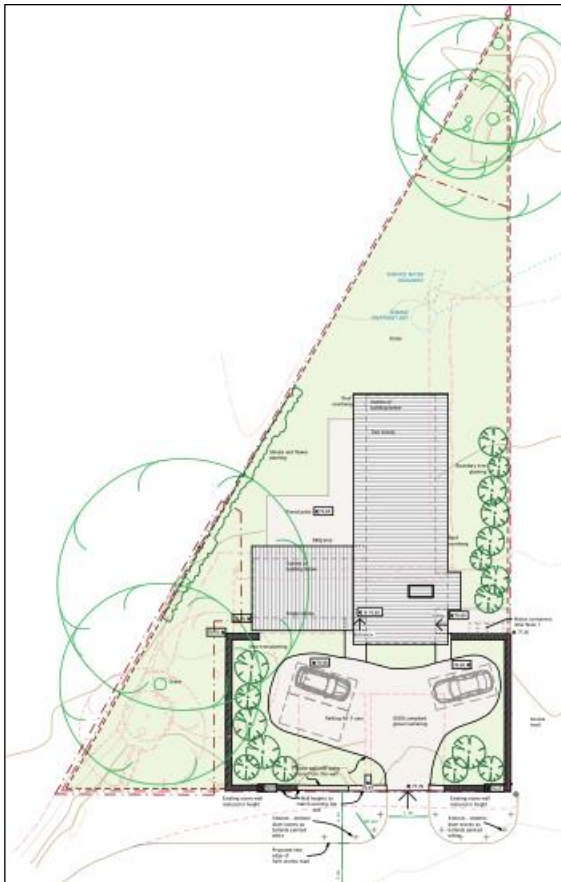
Accommodation would comprise of a 2-storey main structure with a smaller single storey element. The Applicant proposes to create an open and accessible house that responds to the needs of the occupants and will allow for a relaxed and easy transition for the Applicant to have a valuable connection to the farm operations while enjoying the benefits of accessibility and low energy living.

#### **3.5**

A covered entry provides shelter as one enters the lobby and entrance hall area. A snug/playroom, toilet and utility room occupies the southern end of the ground floor, which then leads through to an open plan living area giving access onto a paved patio area and back garden with views north towards the Forth. Upstairs are 4 bedrooms and a family bathroom which meets the requirements of the Applicant and his immediate family.

#### **3.6**

Planning permission is also sought for the formation of areas of hardstanding at the front of the house to be used for vehicle parking.

**Figure 3.1 – Proposed Site Layout**

## Design and Materials

### 3.7

The proposed house would be finished in white coloured textured render with a base course of dark grey facing brick. The two-storey section of the house would be 20 metres in length running north south and 7.5 metres in width. It would have a west facing mono pitched profiled metal roof some 7.5 metres from ground level at its highest point sloping to that of 5 metres and overhanging the west and east elevations of the proposed house. A roof light would be formed at the southern section of the roof slope.

### 3.8

The single storey element would be some 8 metres in length running east to west and 5 metres in width with a profiled metal north facing mono pitched roof some 4 metres in height at its highest point and overhanging the north and south elevations.

### 3.9

Conventionally proportioned windows and door openings would be formed in the other elevations of the house, with all windows and doors being grey painted timber.

### 3.10

The paved patio area would be formed forward of the west elevation of the main two storey house, and a hardstanding area formed at the southeast corner of the house for bin stands. Otherwise, the land of the application site would be laid



out as garden ground enclosed within post and wire fencing erected along the east and west boundaries meeting at the northern apex of the site.

## **Sustainable Development and Energy Efficiency**

### **3.11**

The Planning etc. (Scotland) Act 2006 requires that planning authorities exercise their Development Plan function with the objective of contributing to sustainable development. The layout, design and construction of development at the site will maximise sustainable development. Planning conditions can be used to specify energy conservation and related sustainability matters.

### **3.12**

As far as is reasonably practicable, the buildings will maximise energy efficiency with the aim for a zero-carbon development, whereby there would be no net carbon emissions from all energy uses in dwellings. This involves the implementation of good design solutions, including ground source heat pumps for the dwelling heating.



# 4.0

## Planning Policy and Appraisal

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## 4.0 Planning Policy and Appraisal

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### Introduction

#### 4.1

The purpose of this section is to present the planning and environmental policy framework upon which East Lothian Council can consider the proposed development, highlighting policies which are applicable to the application. To assist in its determination this section also appraises the application against relevant policies and guidance and presents a logical case for the proposals.

#### 4.2

Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) specifies that the determination of planning applications 'shall be made in accordance with the Development Plan, unless material considerations indicate otherwise'. This is supplemented by Section 38(2) which states that 'in dealing with an application, the planning authority shall have regard to the provisions of the Development Plan as far as material to the application and any other material considerations.'

### Development Plan

#### 4.3

The development Plan covering the Site comprises:

- SESplan Strategic Development Plan (2013); and
- East Lothian Local Development Plan (2018).

### Strategic Policy

#### 4.4

Policy 1A Sustainable Development of the Strategic Development Plan (SDP) is relevant in this case. Objectives contained within the SDP have been developed to deliver the Vision and Aim to:

- Enable growth on the economy by developing key economic sectors acting as the national hub for development and supporting local and rural development;
- Set out a strategy to enable delivery of housing requirements to support growth and meet housing need and demand in the most sustainable locations;
- Integrate land use and sustainable modes of transport, reduce the need to travel and cut carbon emissions by steering new development to the most sustainable locations;
- Conserve and enhance the natural and built environment;
- Promote green networks including through increasing woodland planning to increase competitiveness, enhance biodiversity and create more attractive, healthy places to live;
- Promote the development of urban brownfield land for appropriate uses;
- Promote the provision of improved infrastructure to enhance connectivity within the area, between the areas and other parts of the UK and elsewhere to support economic growth and meet the needs of communities; and,
- Contribute to the response to climate change through mitigation and adaptation and promote high quality design/development.

## Local Development Plan Policies

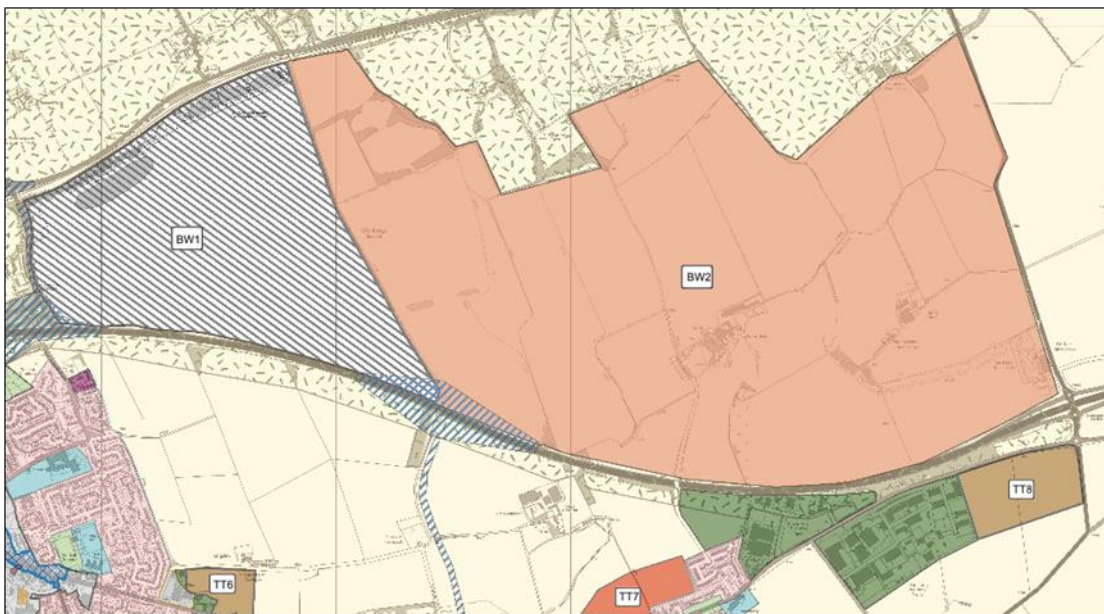
### 4.5

On the accompanying proposals map to the Local Development Plan (LDP) the Site lies within the designated Countryside as defined by Policy DC1.

### 4.6

The Site lies to the east of land allocated by Proposal BW1 (Blindwells New Settlement) for a mixed development that includes circa 1,600 homes, no less than 10ha of serviced employment land, a local centre, education and community facilities, infrastructure and associated works. The Site is within a larger area identified as land safeguarded by Proposal BW2 (Safeguarded Blindwells Expansion Area) which safeguards land to the east of the Blindwells New Settlement for a larger expansion of that new town subject to the completion of technical work demonstrating the viability of that expanded new town. Proposal BW2 states that any development proposals that would undermine the ability to expand Blindwells new settlement will not be supported.

**Figure 4.1 – Extract from East Lothian LDP (2018) Proposals Map**



### 4.7

The policies relating to this application are presented in Table 4.1 below. These are appraised in the remainder of this section.

Table 4.1 – Assessment of Relevant LDP Policies

<b>Policy</b>	<b>Detail</b>	<b>Compliance</b>
<b>DC1 Rural Diversification</b>	This policy sets out specific criteria for new development in the countryside, stating there will be agricultural support in principle for new development where it requires a countryside location.	<p>The proposal at Hoprig Mains is directly linked to an existing agricultural business where such development is supported in principle through Policy DC1.</p> <p>The application is supported by advice from a professional agricultural and rural advisor Davidson &amp; Robertson Rural who have liaised with the Council's advisors.</p>
<b>DC4 New Build Housing in the Countryside</b>	<p>Sets out specific criteria for the erection of new build housing in the countryside whereby such development will only be supported where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:</p> <p>In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or</p> <p>In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an</p>	<p>There is a direct operational requirement for the proposal regarding a viable agricultural business and therefore the principle of use is supported by Policy DC4.</p> <p>Full agricultural justification can be read in Appendix 1.</p> <p>The Applicant has provided confidentially the Farm business accounts which articulate that the off-site contractual work only brings in a small portion of income, and generally helps out financially in the less intensive periods of the farming calendar.</p> <p>The reason for the proposed development is to allow succession planning and business continuation. Mr Andrew Meikle will support the management of and assist in the day-to-day operational running of the farm business.</p> <p>The current labour requirement of the business is 4.1 standard labour units, with the requirement being on site for operational and security reasons.</p> <p>There are 3 cottages that are part owned by the business, the larger unit is occupied by Mr Graeme Meikle. The other 2 smaller units are also occupied. These being small semi-detached houses that do not meet the requirements of Mr Andrew Meikle's family, therefore a fit for purpose house is required.</p> <p>Previous findings by the independent agricultural and rural consultant relied upon by the Council has been clarified in so far as i) contractual agreements have been made transparent; ii) the value of respective contributions to the business is specified and iii) business related accounts have been made available.</p>

	<p>existing small scale rural settlement identified by this plan;</p> <p>The proposal satisfies the terms of Policy NH1.</p>	<p>The financial contribution of off-site contracting is now available and can be fully and correctly interpreted.</p>
<b>DC5 Housing as Enabling Development</b>	<p>This policy sets out the exceptional circumstances where development in the countryside can be supported.</p>	<p>In particular this meets criterion a) to enable a desirable primary use supported in principle by Policy DC1 and that the benefits of the primary use outweigh the normal presumption against new build housing.</p>
<b>DP1 Landscape Character</b>	<p>Sets out environmental impacts that any new dwelling should consider.</p>	<p>By virtue of its part 2 storey and part single storey height, size, scale, form, proportions, architectural design and its external finishes the proposed house would not be harmfully intrusive or incongruous within the landscape of the wider area.</p>
<b>DP2 Design</b>	<p>Sets out specific design criteria of all new development regarding appropriate to its location; siting density and design; position and orientation; well connected; clearly distinguished spaces and boundaries; privacy and amenity; retained features; and suitable accessed and serviced.</p>	<p>In its position the proposal would be so removed from all existing nearby residential properties so as not to give rise to significant harmful loss of sunlight or daylight. No windows are within 18 metres of any directly facing windows of any neighbouring properties nor would they be within 9 metres of the garden boundaries of any neighbouring residential property.</p> <p>Trees will be retained to the north and within the southwest corner of the site.</p> <p>The proposal adheres to the aims and objectives of Policy DP2.</p>
<p><b>T1 Transport Location and Accessibility</b></p> <p><b>T2 General Transport Impact</b></p>	<p>New development should be located on sites that are capable of being conveniently and safely accessed, including adequate car parking provision.</p> <p>New development must have no significant adverse impact on:</p> <ul style="list-style-type: none"> <li>▪ Road safety;</li> <li>▪ Convenience, safety and attractiveness of walking and cycling in the surrounding area;</li> </ul>	<p>Vehicular access to the house would be by way of a setback access formed from the existing private farm access road to the south of the site that is in turn taken from a minor public road to the south of the site. Regarding the previous application, the Council's Roads Services raised no objection, being satisfied that the proposed house could be safely accessed and provide an acceptable amount of on-site parking and would therefore not be contrary to Policies T1 and T2.</p>

	<ul style="list-style-type: none"> <li>▪ Public transport operations in the surrounding area;</li> <li>▪ The capacity of the surrounding road network; and,</li> <li>▪ Residential amenity as a consequence of an increase in motorised traffic.</li> </ul>	
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**4.8**

It would appear evident that the benefits of the proposal outweigh the normal presumption against new build housing development in the countryside. In addition, this Statement goes on to prove that the house has a direct operational requirement to support agricultural use in accordance with Policy DC4. There is no house that is available or suitable and the site adding is the only building which is suitable for conversion.

**4.9**

In addition, it is acknowledged that the development of one single house on the farm is not likely to prejudice the longer-term strategy for Blindwells New Settlement within the LDP. Indeed, quite to the contrary as the Meikles have co-operated with the Council and developers over neighbouring planning applications.

**4.10**

The Council has previously argued that the site is not within a residential area and maintains that this is a countryside location. Nonetheless, the whole area is safeguarded for residential development. Notwithstanding this, the steading is clearly part of an established building group, and it would appear that this would preclude all development within the countryside irrespective of agricultural need.

**Agricultural Justification**

**4.11**

Full agricultural justification for the proposed development is provided by a report submitted by Davidson & Robertson Rural Surveyors & Consultants, entitled Operational Needs Assessment – Hoprig Farm (10 October 2021).

**4.12**

The purpose of this report is to demonstrate the business and commercial rationale for labour associated with the land at Hoprig Mains and in turn the need for associated accommodation. It seeks to address the requirements within Policies DC1 and DC4 of the adopted ELLDP and a commentary in relation to planning policy is contained in the following section (Section 5) of this Statement.

**4.13**

Financial reports covering the last three years trading have been provided to East Lothian Council Planning Department to support this application on a private and confidential basis. This is supported by a statement from the Chartered Accountants in relation to short-medium term business projections.

# 5.0

## Farm Business

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## 5.0 Farm Business

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### 5.1

Fundamental to the planning policy argument is a clear understanding of the business operation and rationale for additional accommodation from a labour market and economic perspective. We believe that these arguments are compelling in this case and support the policy justification for accommodation on Hoprig Mains farm.

### 5.2

Hoprig Mains Farm business is managed and run operationally by Mr Graeme Meikle, with operational support from Mr John Meikle. The family also farms neighbouring land at Hoprig Farm (340 acres) and lend seasonal (harvest, sowing etc) support at Southfield farm (250 acres) and Kingston Farm (250 acres).

### 5.3

The business comprises of 250 acres of grade 1 / 2 arable farmland, with a farm steading, a farmhouse (occupied by Mr Meikle Snr and not in the ownership of the business) two small 2-bedroom cottages, and a larger 2-bedroom cottage (occupied by Mr Graeme Meikle and family) identified as Hoprig Mains Cottage.

### 5.4

Over an average annual period of 12 months, Hoprig Mains Farm generates:

- 800 tonnes of cereals.
- 400 tonnes of this being biscuit wheat.
- 300 tonnes of this being barley destined for malting and whisky distilling industry: and
- 100 tonnes of this being oil seed rape destined to be crushed for vegetable oil.

### 5.5

In more detail, the farming business is as follows:

- Hoprig Mains – Home farm of 250 acres, currently used to grow 207 acres Cereals, and 43 acres Oilseeds;
- Hoprig Farm– Adjoining farm of 340 acres (contracted to plant seeds and harvest) and bale crops. Farm currently used to grow 280 acres Cereals, and 60 acres Oilseeds;
- Southfield – Adjoining farm of 250 acres contracted to harvest and bale crop only. Farm currently used to grow 210 acres Cereal and 40 acres Oilseeds; and,
- Kingston – Farmed in conjunction with Southfield of a further 250 acres, currently all in Cereals. Contracted to harvest and bale crop only.

### 5.6

Farming at Hoprig Mains, Hoprig, Southfield and Kingston Farms is arable requiring intensive work around two periods of the year, namely sowing and harvest. The work is of course seasonal. Mr Graeme Meikle, in addition to this, also contracts himself out to support vegetable and potato farmers on farms around East Lothian during their planting and harvest periods.



## 5.7

With succession planning in mind, Mr Andrew Meikle (the applicant) is planning to return to Hoprig Mains to support the management of the farm business while offering operational support to his brother, who will continue to operate the farming side of the business.

## 5.8

As a result of mechanisation, many arable farms are operated with minimal additional employees to protect profit margins. Hoprig Mains Farm is operationally run by Mr Graeme Meikle by and large as a sole trader, yet it is physically impossible to complete all arable farming tasks without regular assistance from his father. Mr Meikle (Snr), provides this operational support presently during the busy periods of the year, working around 1 month during the sowing period, working the ground with tractor-based machinery, and working around 1 month during the harvest period, driving a tractor and trailer with grain from the fields into the farm steading.

## 5.9

Mr Meikle Snr also operates the grain dryer equipment, drying all grain to acceptable levels, before loading this grain onto lorries for onward shipping to grain merchants, maltsters and rape seed crushing plants. Outwith these busy operational periods, he also supports his son on the farm with ad-hoc jobs that could involve heavy lifting.

## 5.10

Health and safety is an important consideration for any farm and a minimum of two persons on site is not only beneficial for the running and security of the farm, but also an important factor for the Health & Safety Executive. Mr Andrew Meikle is perfectly placed to provide Mr Graeme Meikle with the necessary support.

## 5.11

The Health & Safety Executive released its “annual fatal injuries in agriculture report for Great Britain 2018 / 2019”, within which showed that during 2018, 39 people were killed in agriculture, compared with 33 the year before. In Scotland for 2018/2019, there were 13 fatalities in the agricultural industry, up by five from the previous year. A contributing factor that can be linked to these fatalities, is the sole-trader nature of modern farming and lack of employees on these farms, with more and more farmers working alone.

## 5.12

The main operational support to Mr Graeme Meikle will pass to Mr Andrew Meikle, who will be expected to work the ground during the sowing period and drive in grain during harvest. He will also be taking over the grain drying aspects of the enterprise allowing his brother to contract himself out to surrounding farms, as well as helping with two man farming jobs, including the moving of equipment and setting up of machinery.

## 5.13

Management of the farm business will involve the purchasing of machinery and equipment, required seed grain, chemicals and fertiliser for the land, as well as the selling of produce the farm creates; wheat, barley and oil seed rape as mentioned. This is highly labour-intensive work which Mr Andrew Meikle, with his experience within industry, is well placed to command. He is therefore looking to return to Hoprig Mains to provide business management and an operational farm support role and is seeking planning approval for a house converted from the existing steading.

### **5.14**

Having grown up on Hoprig Mains Farm, Mr Andrew Meikle was involved in the farming business throughout his childhood (both at Hoprig Mains and other farms around East Lothian) along with working for Grain Merchants W.N. Lindsay (Gladsmuir) during university holiday periods. He can therefore seamlessly integrate into the business.

### **5.15**

In terms of accommodation, Mr Meikle Snr lives in the farmhouse and Mr Graeme Meikle is moving out of a small 2-bedroom cottage with his family into the larger cottage / house which is being re-developed. Hoprig Mains Farm Cottages are separated from the main steading by a few metres. There is not a suitable dwelling available on the farm holding for Mr Andrew Meikle and his family, hence the application for a new house, re-developing the land of existing derelict buildings within the farm steading.

### **5.16**

Living on-site and working alongside his brother would provide considerable benefits to the farming business and enable the family farm to continue to operate successfully and profitably. In short, Mr Andrew Meikle being onsite is key to the sustainability and continued success of the whole enterprise, where the farm will benefit from his commercial acumen and innovative approach gained in Industry. This will protect the agricultural heritage of Hoprig Mains, neighbouring farms and East Lothian as a whole.

### **5.17**

There are 3 cottages within part ownership of the business. The larger unit is occupied by Mr Graeme Meikle and family and the other 2 units are smaller semi-detached units of 2 bedrooms, and accordingly are not suitable for Mr Andrew Meikle and family who require a 4-bedroom house or larger.

## **Agricultural Justification**

### **5.18**

We have now examined the Laurence Gould (LG), report and note that the Council relied entirely upon this in making its previous decision to refuse a similar application. This was despite the acknowledgement that not all financial or related information was timeously presented. We therefore find their conclusion on the business to be unsafe and unreliable in this case and that the recommendation for refusal accepted by the Council was erroneous.

### **5.19**

As a result, the applicant has engaged the services of an Agricultural Surveyor, Davidson & Robertson Rural Surveyors & Consultants, to provide updated evidence from a commercial farming perspective. This provides a clear justification in terms of labour units as required by the ELLDP policies.

### **5.20**

The main deficiencies within the Council's Agricultural assessment relate to the following:

- Hoprig Mains Farmhouse is not in the ownership of the business and remains the private residence of Mr John Meikle who plans to continue to live there;
- Agricultural labour requirement has been re-analysed and refreshed to provide a clear picture of the resource requirements on the farm which clearly exceeds current manpower resources;
- Financial records of the business together with commentary from Chartered Accountants confirms the sustainability of the business and trajectory for projection over the short – medium term;

- Contractual arrangements have been submitted, but these will form less of an important element in the business in due course in financial / revenue terms.

### **5.21**

The underlying premise of the LG report is that Mr John Meikle should give up any rights to his Farmhouse (which is a private residence), in favour of allowing it to be used by his eldest son as part of the agricultural business. This appears to be perverse in so much as Mr Meikle Snr. will still require accommodation and any new entrant in the business is justified accommodation in agricultural / labour terms. This is the principle that underpins the Council's development in the countryside policies not least its underlying objectives for the LDP in terms of sustaining a vibrant agricultural sector within East Lothian.

### **5.22**

The LG report acknowledges that there is an understandable desire to continue this residence at the farmhouse. This would appear to be the very least Mr Meikle Snr. could expect and again seems to be misaligned with the Council's core values, particularly given the wider plans and aspirations for Blindwells.

### **5.23**

It goes onto state that "this does not in itself justify the building of a new house for his son who has stated above has no operational need to reside on the farm". This statement is remarkable in itself given that the house is not new, and Mr Meikle Snr. will not be building it for his son. The assertion of no operational need is simply incorrect as demonstrated through the submitted calculations in Appendix 1.

### **5.24**

The discourse within the LG report then goes on to suggest that there is suitable accommodation on the farm at Hoprig Farm Cottages. There is also the inference that the Farmhouse was not disclosed as not being part of the business which in our view is disingenuous. If LG had assessed the property assets on the estate correctly, they would have realised that there are not four houses associated with the business but in fact only 3 at the Cottages.

### **5.25**

This basic failure to understand accommodation needs and availability appears to have been accepted by the Council on face value. In addition, no regard has been taken of the occupant's private tenancy rights and how existing tenants would or could be re-housed. Most significantly the accommodation available is not fit for purpose in terms of accommodation size.

### **5.26**

There is also a mistaken assumption that Mr Andrew Meikle would have a largely administrative role and "would not be directly involved operationally in the business in a routine way but would have a largely administrative role". This is a major misconception and suggests that his inputs are not needed despite the evidence to the contrary.

### **5.27**

Whilst it is correct that modern farming can be more flexible, it is surely not desirable that farming interests should be absentee from their landholdings. Whilst LG suggest that it is not uncommon to be located 'off site' we would suggest that there is little or no evidence to substantiate this assertion, and indeed our anecdotal evidence contradicts this.

### **5.28**

If Mr Andrew Meikle did not reside on the farm he would need to commute on a daily basis which would run contrary to the Council's underlying objective for avoiding development in the countryside. No account has been taken of this and the assumption regarding no operational need is erroneous.

### **5.29**

In terms of rebuttal the LG report suggests that the business is small scale and reliant on contracting opportunities, thereby not justifying any additional accommodation. This is a complete misinterpretation of fact. What the Council has failed to acknowledge is that this is an opportunity to adequately support the business allowing it to meet potential. This will allow the farm to operate more effectively with efficiencies allowing potential diversification into related agricultural operations.

### **5.30**

As a result of the applicants' calculations there is clear justification for 4 workers on site to operate the farm business – reference Davidson & Robertson Report. This requirement has been clearly demonstrated by evidence and associated analysis.

### **5.31**

The LG report also failed to acknowledge that the existing farmhouse did not form part of the business, nor that the cottages were unsuitable for re-location. Firstly, this would involve the removal of existing tenants with statutory rights and secondly the cottages are not of a size or configuration that is suitable for any of the applicant's family.

### **5.32**

Finally, the Health and Safety implications of lone working are considered given that this is a key issue for UK Agriculture. Again, the underlying assumption is that this is fundamentally acceptable and somehow desirable. The applicant's residence on the farm is bound to improve the H&S safeguards. In addition, no allowance is made for periods of sickness or annual leave etc.

### **5.33**

Not only is this a narrow interpretation of guidance, but it assumes one man and a machine can undertake all necessary operations independently. It is a managerial view of agriculture which is out of step with more modern enlightened practices.

# 6.0

## Material Planning Considerations

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## 6.0 Material Planning Considerations

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### Introduction

#### 6.1

The preceding sections have appraised the application proposals against relevant Development Plan policy. This Section considers and appraises the proposals against other relevant material considerations which will be of interest to East Lothian Council as the planning authority. The material considerations are detailed within:

- National Planning Framework 3 (NPF3) (2014).
- Scottish Planning Policy (SPP) (2014).
- Planning Advice Notes (PANs); and
- Related Guidance.

#### 6.2

The guidance documents have been used throughout the development of this proposal from conception and in line with the 6 qualities of successful places. It is therefore considered that proposals are compliant with guidance at both national and local levels.

### National Planning Framework 3 (NPF3 (2014))

#### 6.3

NPF3 sits at the pinnacle of the policy framework and sets out strategic aims and objectives which must be incorporated into the Development Plan. Scotland's NPF3 was approved by the Scottish Government on 23rd June 2014 and provides a framework for the spatial development of Scotland.

#### 6.4

A key objective of NPF 3 is to enable vibrant rural areas with sustainable communities whilst controlling pressure in and around towns and cities and is reflected in Paras 74 -83 of SPP. In particular Paragraph 74 seeks 'to encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality' as a policy principle. This includes provision for small scale housing which supports sustainable economic development taking account of design and environmental impact.

Through its application to national, strategic and local levels of planning, the NPF3 contributes to the delivery of the Scottish Government's vision which is to: "Create a more successful country, with opportunities for all of Scotland to flourish, through increasing sustainable economic growth."

#### 6.5

NPF3 identifies 14 National Development Areas (NDAs) which contribute to delivering the overall development strategy of this framework. The 14 NDAs do not necessarily relate to this proposal, though the wider outcomes of NPF3 are of relevance and are as follows:

- A Successful Sustainable Place – supporting economic growth, regeneration and the creation of well-designed places.
- A Low Carbon Place – reducing our carbon emissions and adapting to climate change.
- A Natural Resilient Place – helping to protect and enhance our natural cultural assets and facilitating their sustainable use; and

## 6.6

Due to changing demographics, a degree of flexibility to trial different approaches to housing provision is required in order to understand which approaches respond best to varying local requirements. NPF3 states that the Scottish Planning System should focus its efforts particularly on areas where the greatest levels of change are expected and where there is considerable pressure for development.

### **Scottish Planning Policy (SPP) (2014)**

## 6.7

SPP was published in 2014 and contains a written statement of the Scottish Government's approach to nationally important land use planning matters which are to be addressed across the country. This includes rural development and diversification and agricultural development in the countryside.

## 6.8

SPP states that 'the 1997 Act requires planning applications to be determined in accordance with the Development Plan unless material considerations indicate otherwise. As a statement of Ministers' priorities, the content of the SPP is a material consideration that carries significant weight.' And that 'planning should take a positive approach to enabling high quality development and making efficient use of land to deliver long term benefits for the public while protecting and enhancing natural and cultural resources.'

## 6.9

The first principal policy of the SPP 'introduces a presumption in favour of development that contributes to sustainable development.' SPP notes that 'the Scottish Government's central purpose is to focus governmental and public services on creating a more successful country, with opportunities for all of Scotland to flourish, through creating sustainable economic growth.'

## 6.10

Paragraphs 28 and 29 of SPP emphasise the need to achieve the right developments in the right places to support economically, environmentally and socially sustainable places. SPP states that policies and decisions should be guided by the following principles (inter alia...):

- Giving due weight to net economic benefit.
- Responding to economic issues, challenges and opportunities.
- Supporting good design and the six qualities of successful places.
- Making efficient use of existing capacities of land, buildings and infrastructure.
- Support the delivery of infrastructure, for example transport, education, energy, digital and water.
- Improving health and wellbeing; and
- Avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

## 6.11

SPP gives greater weight to development which contributes to sustainable development. It follows that where this can be achieved without adverse impacts, that permission should be granted.

## 6.12

SPP addresses the subject of promoting rural development and notes in paragraph 75 that the planning system should encourage rural development that supports prosperous and sustainable communities whilst protecting and enhancing environmental quality. It aims to guide new development brownfield sites in preference of greenfield sites and to locations where existing services and capacity are readily available. This strategy also aims to sustain existing educational, and commercial facilities.

## 6.13

In addition, SPP states that planning should create high quality places by taking a design-led approach to development. The plans and elevations associated with this application reflect this approach through SPP's 6 qualities of a successful place:

- Distinctive.
- Safe and Pleasant.
- Welcoming.
- Adaptable.
- Resource Efficient; and
- Easy to move around and beyond.

## 6.14

Furthermore, SPP promotes sustainable transport and active travel and states that 'planning can play an important role in improving connectivity and promoting more sustainable patterns of transport and travel as part of the transition to a low carbon economy.' It also states that planning 'should enable provision of a range of attractive well-designed energy efficient good quality housing contributing to the creation of successful sustainable places. The Planning System should support patterns of development which (inter alia...):

- Optimise the use of existing infrastructure.
- Reduce the need to travel, and provide safe and convenient opportunities for walking and cycling for both active travel and recreation; and
- Facilitate travel by public transport.

## 6.15

The proposal would contribute to effective placemaking through the incorporation of high quality and sustainable materials, landscaping and infrastructure in the surrounding area.

## Supplementary Planning Guidance

### 6.16

Policies within the East Lothian LDP seek to protect the countryside against unsustainable growth in commuting and suburbanisation of the countryside. The proposal will actually reduce commuting by the applicant in East Lothian.

### 6.17

It is not proposed to convert the whole farm steading to residential use, but to use a part disused and an agriculturally redundant structure for the purpose of a new dwelling. The conversion of disused buildings within an existing and operational farm steading to form a single new dwelling cannot be considered as creating "unsustainable growth" or the "suburbanisation of the countryside".



## **6.18**

The proposed site falls within the generally accepted definition of "brownfield development" viz; land which has been previously used for development. The term may cover vacant or derelict land, infill land or land occupied by redundant or unused buildings and developed land within a settlement boundary where redevelopment is acceptable.

## **6.19**

East Lothian Council approved a supplementary planning guidance document 'Farm Steading Design Guidance' as part of the East Lothian Development Plan 2018. This document confirmed that the overarching aim of the document was to "encourage new uses for redundant buildings in the East Lothian Countryside". The document seeks to cover a wide range of possibilities for control of development involving change of use or conversion of units found within farm steadings.

## **6.20**

East Lothian Council approved a supplementary planning guidance document 'Farm Steading Design Guidance' as part of the East Lothian Development Plan 2018. This document confirmed that the overarching aim of the document was to "encourage new uses for redundant buildings in the East Lothian Countryside". The document seeks to cover a wide range of possibilities for control of development involving change of use or conversion of units found within farm steadings.

## **6.21**

Policy DC3 refers to Replacement Dwellings in the Countryside but the proposal is not intended to replace any existing dwelling within Hoprig Mains Farm. The proposal is to make use of some of the redundant and ruinous buildings within the existing farmhouse curtilage. It is not practical that these buildings, in their current state, might be re-used for another suitable purpose. Existing structures have little or no merit in favour of their retention and a well-designed development, as proposed, is a desirable alternative.

## **6.22**

In the terms of Policy BW3 it is confirmed that it is the Council's intention to prepare a design brief for the larger Blindwells new settlement. This will be in the form of a non-statutory supplementary planning guidelines document to supplement the development framework for Proposal BW1. This will form the context against which future development proposals will be assessed. It also confirms that it is the intention for the preparation of this document to involve input from local landowners and stakeholders.

## **6.23**

The most recent commentary from the Council regarding Blindwells relates to their response to the request from the Scottish Government for suggestions / recommendations for sites or projects to be incorporated into the National Planning Framework No.4. In the response the Council notes that Blindwells has planning permission in principle (14/00768/PPM) and that the remaining development is safeguarded in the adopted Development Local Plan. Future development proposals incorporating the Hoprig Mains farm area and, leading to the formal planning applications, still needs to be formulated.

## **6.24**

In November 2019 the Scottish Government issued a consultation paper regarding Permitted Development (PD) rights in relation to planning and indicated that "as part of the review, consideration might be given to revising PD rights for agricultural properties". This considered that agricultural developments matters could be reviewed to consider measures which could further support, among other matters, the delivery of affordable homes in rural areas (for example, the conversion of agricultural buildings to residential uses).

## 6.25

In that regard it is clear that the application proposal is broadly in keeping with the emerging policies of the Scottish Government.

## Consultations

## 6.26

A series of internal departmental and external agency consultations was undertaken as part of the previous application. There were no objections to the proposed development, and it is clear that the desired levels of privacy and residential amenity would be achieved.

## 6.27

It is therefore suggested that any approval could be associated with normal conditions in relation to site investigations (Coal Authority) and a Scheme of Landscaping.

## Planning Advice Notes

## 6.28

National planning policy is supported by Planning Circulars, Planning Advice Notes (PAN) Advice Sheets and Ministerial / Chief Planner Letters to Planning Authorities. Planning Circulars contain guidance on policy implementation through legislative or procedural change, while PANs expand on national policy and incorporate best practice advice. The proposed design, principles and layout comply with advice on good planning practice as set out within Planning Advice Notes (PANs) published by the Scottish Government.

## 6.29

The PANs which are considered to be of particular relevance to the assessment of the proposals relating to the development of this site include:

- PAN 44 | Fitting New Developments into the Landscape.
- PAN 60 | Planning for Natural Heritage.
- PAN 61 | Planning and Sustainable Urban Drainage Systems.
- PAN 65 | Planning and Open Space.
- PAN 67 | Housing Quality.
- PAN 75 | Planning for Transport.
- PAN 77 | Designing Safer Places.
- PAN 78 | Inclusive Design.
- PAN 79 | Water and Drainage; and
- PAN 2/2011 Planning and Archaeology

## 6.30

This Statement has made a strong policy and agricultural justification for the proposed development on behalf of an essential worker needed within the existing agricultural business. Unfortunately, the Council did not properly take material considerations into account as part of its previous decision making as it was acting on information received by its agricultural consultants who only had partial knowledge of the facts. The outcome is that a vacant derelict and underused building continues to exist when it could be put to productive sustainable use on behalf of a farm employee needed for business.

# 7.0

## Conclusion and Recommendations

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## **7.0 Conclusion and Recommendations**

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### **7.1**

This application for the erection of a house utilising the existing steading building at Hoprig Mains Farm is in accordance with Policies DC1 and DC4 and DC5 of the adopted East Lothian Local Development Plan 2018. The principle of development is also in accordance with Scottish Planning Policy in relation to agricultural / rural development, and material considerations point towards a recommendation in favour of the proposed re-development and re-use of a steading building as a domestic house.

### **7.2**

New and improved information has been submitted to the Council addressing the deficiencies of the previous application and clarifying the business case, accounting and property rights on the farm. In addition, operational and financial information has been provided to the Council demonstrating the benefits of succession as part of the business plan

### **7.3**

Hoprig Mains Farmhouse is a private residence which is not in the ownership of the farm business and belongs to Mr John Meikle. Other residential cottages associated with the business are let as agricultural tenancies and would result in displacement of existing residents. In any case these are deemed to be too small for re-location.

### **7.4**

There is a demonstrable labour requirement and agricultural justification for 4 workers at the farm. The Davidson & Robertson Report provides the agricultural justification for one additional dwelling and effectively rebuts the erroneous assumptions made by Laurence Gould.

### **7.5**

On the basis of this, it can be confidently concluded that a new house is required at Hoprig Mains Farm to meet the direct operational requirement of the existing agricultural business. Available evidence has been provided to support this and satisfy Policies DC1 and DC4 of the East Lothian Local Development Plan 2018.

### **7.6**

Retention and refurbishment of the building would also maintain a heritage value to the grouping of traditional farm buildings at Hoprig Mains.

### **7.7**

It is not accepted that the proposed development would create an undesirable precedent for development in the countryside. Buildings in and around Hoprig Mains form a coherent agricultural grouping and no other permission is sought. The rural character of the Hoprig Mains area together with amenity is due to change dramatically due to the imminent strategic development of Blindwells immediately adjacent to the site.

### **7.8**

Approval would be in conformity with Scottish Planning Practice and guidance in relation to material planning considerations. It would also be in accordance with guidance issued from the Chief Planner.

## 7.9

In addition, there are significant material considerations that re-enforce this policy arguments in favour of development. Indeed, approval would improve local amenity and remove a derelict building as well as resulting in reduced commuting on the part of the applicant.

## 7.10

On behalf of our client Mr Andrew Meikle we respectfully request that East Lothian Council as the Planning Authority approves this application through its powers under the planning acts.

### Labour Requirement Calculation

The calculation of Standard Labour Units has been made using the SRUC Handbook 19/20 40<sup>th</sup> Edition. Cereal cropping requirement of 18 hrs/Ha, and 16 hrs/Ha for Oilseeds, with standard work rates used for Combining and Baling, plus the additional off farm work carried out in winter and spring, give a total for the business of 5,598.7 hours per annum. At the standard 1,900 hours per Standard Labour Unit for agriculture equates to 2.95 SLU's.

The business has a current labour requirement of 2.95 Standard Labour Units, which following the reduction of Mr John Meikle's ongoing support will be met by Mr Graeme Meikle plus Mr Andrew Meikle. The calculation can be seen below in Figure 4.2. These require to be located on site for operational efficiency and for safety. We can confirm that the business revenues can adequately support this level of labour.

### Calculation of Labour Hours

		Hectares			Hours
		Cereals	OSR	Total	
Hoprig Mains		83.8	17.4	101.2	1786.8
Hoprig		113.3	24.3	137.6	2428.2
Southfield*		85.0	16.2	101.2	67.8
Kingston*		101.2	0.0	101.2	75.9
Potato planting	spring				240.0
HGV	winter				1000.0
				TOTAL	5598.7
* harvest only - combine and baling					
Data source - SRUC Handook 19/20					
<b>Labour requirement @ 1900 hrs/Standard Labour Unit</b>					<b>2.95</b>

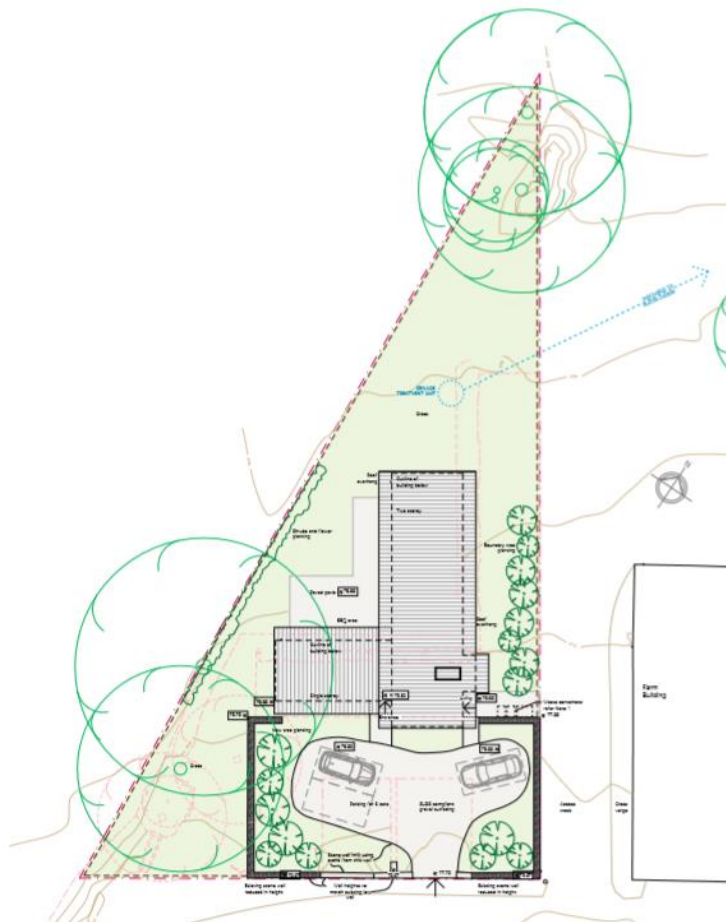
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Mr Andrew Meikle (Esq.)



**Hoprig Mains Farm**  
**Mineral Stability Assessment Report for Proposed Residential Dwelling**

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## **Appendices**

Appendix A: Site Location Plans

Appendix B: Position of BGS Boreholes Relative to the Site

Appendix C: Coal Authority Geological and Mineral Records

Appendix D: Coal Authority Report

## **Revision Changes**

Rev.	Revision Notes	Date	Prepared	Checked	Approved



Changes within the document from the previous issue are indicated by a revision change triangle.



## EXECUTIVE SUMMARY

Desktop mineral stability has been completed for a proposed residential development at Hoprig Mains Farm, near Macmerry, East Lothian.

The general area has supported significant mineral extraction in the past, with recorded mine workings within the Penston Splint Coal and Panwood Coal/ Five Foot Coal known to be present proximal to the site.

Whilst no record of shallow mining below the site within the Penston Splint Coal and Panwood Coal/ Five Foot Coal could be located, the potential for shallow unrecorded abandoned mine workings required further consideration and assessment.

The mineral assessment concluded the site is considered to be at a *low* risk of the potential for shallow abandoned mine workings within the Penston Splint Coal, but at a *moderate* risk from possible shallow abandoned mine workings in the Panwood Coal/ Five Foot Coal.

Given this elevated (*moderate*) risk, recommendations for drilling works to confirm the depth of occurrence and condition of possible workings in the Panwood Coal/ Five Foot Coal are presented.

## 1. Introduction

### 1.1 Background and Summary

On behalf of Mr Andrew Meikle and to the instruction of Michael Nisbet Architect, Stuart Burke Associates has prepared a mining risk assessment to support a planning application for the development of a private residential dwelling at Hoprig Mains Farm, Macmerry, Tranent, East Lothian EH33 1EL.

The site is located approximately 4km east of Tranent, and some 0.5km north of the A1 (Trunk Road), with access to Hoprig Mains Farm gained from the B6363, which traces approximately north/ south at this location, linking Longniddry with the A1 at Gladsmuir. The proposed new dwelling will be situated within a triangular shaped portion of land within north/ north western regions of Hoprig Mains Farm.

A site location plan, together with the proposed dwelling footprint is presented in **Appendix A**.

The general surrounding areas has supported a long history of mining with coals and ironstones, in particular being wrought from below ground and above ground (opencast) activities.

The early Ordnance Survey mapping for the general area (circa 1895) indicates shaft structures to the near north east and south of the site (approx. 0.5km), with Coal Authority records placing the site, and wider surrounding area, within a *Development High Risk Area* from mining instability.

As a result, and to inform the (mining) risk assessment, the available geological mapping, and mining and mineral extraction memoirs for the local area have been collated and reviewed. These information sources have included:

1. The British Geological Survey (BGS)
1. The Coal Authority (CA)
2. Ordnance Survey (OS) mapping
3. The National Map Library for Scotland for access to online County Geological and Mineral Mapping for the East Lothian region.

In addition, borehole records from past programmes of nearby site investigation works (circa 1950 to recent) have been examined to better inform the mining risk assessment. These borehole records, particularly records from mineral drilling for a new farm building on the southern edge of Hoprig Farm (circa 1990), have identified an elevated risk for the potential for shallow unrecorded and abandoned coal mine workings being present proximal to the development footprint.

A description of the information collated and the associated findings leading to the concluding mining risk assessment and elevated potential for mining instability is presented and developed within the following sections.

### 1.2 Report Structure

A general report structure is adopted here, with a summary of the main information sources consulted to inform an understanding of the geology and mining history of the site and surrounding area presented in Section 2. The essential elements of these information sources are considered further in Section 3, together with the associated implications for the potential for shallow mining being present. The mining risk assessment and mineral stability of the site are discussed in Section 4, with the main conclusions to emerge from these discussions presented in Section 5. Recommendations to better inform and, where necessary, mitigate the risk of shallow mining causing instability and serviceability concerns for the future dwelling are also considered in Section 5.

## 2. Information Source

### 2.1 Introduction

Within section, the main information sources used to inform the mining risk assessment are summarised, together with the main associated findings.

The pertinent findings associated with the local geology and mining activity are considered further within Section 3, with these key aspects developed to better inform the mining risk assessment.

The main sources used to gain access to essential geological and mining data is summarised as follows.

**Table 2.1.** Summary of Main Sources and Essential Information

Item	Source	Information Description
1	The British Geological Survey (BGS)	Online review of published geology, economic mineral seams, and published borehole records.
2	The Coal Authority (CA)	Online review of published records, with indication of likelihood of shallow mining risk and occurrence of mine entries (shafts and adits) from recorded and unrecorded workings.
3	Ordnance Survey (OS) Mapping	Online review of historical OS maps for local area to locate possible old and abandoned mine shafts, also indicating the likelihood of shallow mining risk.
4	National Map Library of Scotland (NMLS)	Online review of geological and economic mineral records to inform risk assessment of the depth of occurrence of possible mine workings

### 2.2 Published Geology: British Geological Survey (BGS)

The published geology is indicated to comprise the following:

1. Superficial Soils: Glacial Till (probable boulder clay)
2. Solid/ Bedrock Strata: Limestone Coal Formation comprising of units of sedimentary cycles of sandstones, mudstones, siltstones, limestones, coals, ironstones and seatearths.

A number of formerly economic mineral seams are recorded to sub- crop within the general of the site, with these recorded to include:

**Table 2.2.** Summary of Formerly Economic Coal Seams Sub- cropping Local to Site. (The Great Seam is the highest seam within the geological profile.)

Item	Coal Seam	Recorded Thickness (mm) (Approx.)	Sub- crop
1	Great (Coal) Seam	No local record	West of site +500m
2	Penston Iron Stone	No local record	West of site +300m
3	Panwood Coal/ Five Foot Coal	1500 (up to)	Proximal to site
4	Penston Splint Coal	750	Proximal to site
5	Rough or Under Coal	900	East of site +300m

Formerly economic mineral seams within reasonable and influencing proximity to the site are considered to comprise the Panwood Coal/ Five Foot Coal and Penston Splint. However, the available records indicate the occurrence of other thin and unnamed coal seams within the geological sequence local to the site and present from shallow depth (within 30m of rockhead).

A number of published borehole records are available nearby to the site, with these indicating the superficial soils to comprise approximately 2m to 3.5m of firm and stiff sandy gravelly clay (Glacial Till) over bedrock. Throughout the geological profile penetrated a number of coal seams are present and of varying thickness of approximately 0.1m to 1.5m.

The approximate position of these nearby boreholes is shown in **Appendix B**.

It is noted that the cluster of boreholes recorded in BGS archives at the southern edge of Hoprig Mains Farm are considered to be incorrectly shown. Indeed, the correct location for these boreholes is coincident with the large shed structure to the east/ south east at Raceland (Go- Karting facility), located 600m distant from the site, and just off the western side of the B6363 near to the junction with the A1.

## 2.3 The Coal Authority

### 2.3.1 Online Records

The Coal Authority online records indicate the site and wider are to be located within an area of *High Development Risk* from instability (at the ground surface) from the occurrence of *probable* shallow abandoned mine workings.

The conjecture sub-crop of the main coal seams proximal to the site are identified with these comprising the Penston Splint Coal and Rough Coal (lowest) shown to sub- crop either side of the B6363 and with strike following the (approximate) north/ south of the B6363. The conjectured sub- crop of these seams is to the east of the site, approximately 500m to 550m.

Downdip (west) of the conjectured sub- crop of the Penston Splint Coal and Rough Coal, the sub- crop of the Panwood Coal/ Five Foot Coal is also shown, with an approximate strike of north/ south at this location. The sub- crop position of the Panwood Coal is to the east of the site, approximately 250m to 300m distant.

These aforementioned coal seams are recorded to dip below the site towards the west at a shallow dip angle of approximately 4 degrees to 6 degrees to the horizontal.

Shallow abandoned mine workings are known to approach the site to the near west (approximately 200m), and possibly within the Panwood Coal/ Five Foot Coal and/ or the Penston Splint and present. However, these are more likely to be associated with Penston Splint.

An area of known mine workings is also present further to the south east (probably 300m to 500m distant), with these workings likely associated with the extraction of the Penston Splint at depths of approximately 21m below existing ground levels.

An abandoned mine shaft is recorded to be within 150m to 250m east/ north east of the site, and possibly giving (previous) access to workings in the Panwood Coal/ Five Foot Coal or Penston Splint. A further shaft structure is shown to the east/ north east of the site, approximately 650m to 700m distant, and to the near north east of Greendykes Farm. This shaft, later known as the *Dander Pit*, is likely to have accessed the Penston Splint Coal.

The proximity of these known shallow abandoned mine workings and occurrence of abandoned mine shafts in relation to the site is presented in **Appendix C**, together with the conjectured position of the sub- cropping coal seams.

### 2.3.2 Coal Authority Report

Given the known occurrence of nearby shallow coal mining and abandoned mine shafts, and an associated high likelihood of *probable shallow undermining*, a Coal Authority report for the site and immediate surrounding area was obtained. The Coal Authority report is presented in **Appendix D**.

(At the time of writing, and due to the ongoing disruption caused by the COV19 pandemic, the Coal Authority report is yet to be received.)

## 2.4 Ordnance Survey Record

The Ordnance Survey (OS) record indicates underground mining to be present within the general area before (circa) 1843, with several shafts noted to the south (>1km distant). A pump is shown to the west/ north west of the site, just north east of Greendykes Farm. This pump could be associated with a water well, else local measures used to control the ingress of groundwater into mine workings. Indeed, later OS map editions, such as 1857 and later, show a *shaft* coincident with the location of the *pump*, which is no longer recorded. From (circa) 1888, this shaft is shown coincident with the Dander Pit, with linking *incline* or tramway used to service the pit.

Later OS editions describe an increase in mining activity within the wider area, with additional (underground) collieries and opencast workings now present.

## 2.5 County Geological and Mineral Plans

County Geology and Mineral Plans from (circa) 1860 and 1900 have been examined, and which describe underground mining activity within the general area of the site from shallow depth (typically less than 30m below rockhead).

Recorded mining activity local to the site is principally associated with the extraction of the Penston Splint Coal and Panwood Coal/ Five Foot Coal. To the south west of the site (approximately 950m to 1km) the Penston Splint Ironstone was also wrought from old shafts now within Macmerry Business Park.

The available mapping places the site to the west and downdip of the Penston Splint Coal, with the conjectured outcrop of the Penston Splint Coal placed just west of the B6363 and approximately 600m from the site.

From consideration of the recorded depth of mineral seams, such as the Great Seam and Penston Splint, together with the associated conjecture sub- crops, the general angle of dip and dip direction is estimated at 4.8 degrees to 5 degrees to the west/ south west. Further to the east, however, and on the opposite side of the B6363, steeper angles of dip are reported with 8 degrees and 12 degrees recorded.

Nonetheless, the reported incidence of the depth to the Penston Splint Coal proximal to the site, down strike and to the near south and south east (200m and 270m respectively), corroborates a shallow dip angle of 4.5 degrees to 5 degrees. At these aforementioned locations, the Penston Splint Coal is recorded at depths of approximately 45m and 32m depth. It follows therefore, that the Penston Splint Coal is likely to occur at similar depths below the site.

Generally adopting this shallow angle of dip for the mineral seams proximal to the site, places the Panwood Coal/ Five Foot Coal approximately 38m to 40m above the Penston Splint Coal. Whilst little information is presented within mineral mapping for the Panwood Coal/ Five Foot Coal local to the site, the latter geological/ mineral sequence would place the sub- crop of the Panwood Coal/ Five Foot Coal to the near east of the proposed development footprint, and dipping below the site at shallow depth, possible around 15m to 20m below ground level.

Local to the site, the Penston Splint is recorded at approximately 900mm and 500mm thick, and reported in the mineral memoirs to be up to 1.5m thick.

No recorded of the depth of occurrence of the Panwood Coal/ Five Foot Coal local to the site is given within the available mapping records. However, the conjectured sub- crop of the Panwood Coal/ Five Foot Coal is shown to the south (+1Km), with strike north/ south and dip to the west/ south west, but the northerly trace of this sub- crop is truncated at just north west of the settlement of Penston, which is south of the current route of the A1.

## 2.6 Summary

From the available information it is evident the general area surrounding the site has supported significant mining activities with these being present from shallow depth (<30m below ground level).

Indeed, the Coal Authority records, supported by geological and mineral records recovered from the British Geological Survey and County Series (Geology and Mineral) mapping, has identified the occurrence of shallow mine workings within the Penston Splint Coal, in particular, within the general locality of the site. The occurrence of mine workings within the Panwood Coal/ Five Foot Coal, remains uncertain, however.

Historical drilling records (from circa 1990) catalogued by the BGS coincident with Hoprig Mains Farm are considered to be incorrectly position. Indeed, these drilling records, which encountered significant thickness of coals from rockhead to approximately 12m depth, were undertaken for the construction of a new shed at Raceland (go- karting facility), positioned some 600m to the east/ south east of Hoprig Mains Farm and the proposed development site.

Whilst these incorrectly placed borehole records (now) have no direct significance for the proposed development, they do merit further inspection particularly in relation to better informing the depth of occurrence and potential for working of the Penston Splint Coal and Panwood Coal/ Five Foot Coal below site, and giving greater confidence to the overall mineral/ mining stability risk assessment.

### 3. Geological and Mining/ Mineral Records

#### 3.1 Introduction

Within this section further assessment of the collated geological and mineral/ mining data is carried out, with a view to better informing and giving greater confidence to the occurrence of formerly economic mineral and abandoned mine entries (shafts and adits) within influencing distance of the site.

Data recovered from the Coal Authority, and British Geological Society (BGS) are of particular focus here.

#### 3.2 Geology and Mining

The records obtained from the Coal Authority and BGS indicate the conjectured sub- crop of the Penston Splint Coal near coincident with the north/ south trace of the B6363. Coal Authority records highlight the occurrence of shallow workings in this seam to the near west and downdip of the conjecture sub- crop position.

Further workings are shown to the south and west of the site (approximately 300m) and are also considered likely to be associated with deeper workings in the Penston Splint Coal and Penston Splint Ironstone (south west). The latter being determined from the geological mapping of faults exposed within workings for the Penston Splint Coal during extraction. No similar records are available, however, for the Panwood Coal/ Five Foot Coal; although Coal Authority mapping provides better detail of the conjecture sub-crop of this seam proximal to the site.

Borehole records (incorrectly placed at Hoprig Mains Farm) intercept a thick deposit of coal from rockhead to 10m depth (approximately). This coal is considered to comprise the Penston Splint Coal, with the boreholes intercepting this seam at or near to sub- crop. Indeed, the mineral characteristics of this seam corroborates with the published memoirs and mineral mapping with the coal (Penston Splint Coal) occurring in more than one leaf (typically 2No.), and up to 2.3m thick (generally 0.9m to 1.3m thick). Locally a *void* was encountered and likely associated with shallow unrecorded workings at rockhead/ sub- crop within this seam.

The confirmed occurrence of the Penston Splint Coal within these boreholes gives confidence to the sub- crop position of this seam, with the estimated dip and dip direction placing the Penston Splint Coal at a depth of approximately 40m to 50m below ground level beneath the site. Assuming the Penston Splint Coal is mined below the site and at the aforementioned maximum seam thickness of 2.3m, the estimated depth of occurrence of this seam below the site is considered sufficient to prevent instability at the ground surface. Indeed, the latter is estimated from adopting a minimum (overlying) depth of rock cover to worked seam height ratio of 12:1.

Whilst there is no record of workings in the Penston Splint Coal beneath the site, should these be present, however, the overlying depth of rock cover is considered sufficient to prevent instability at the ground surface and thence affecting the serviceability of the proposed dwelling. (It is noted that the shallow covering of superficial soils at the site and wider area (approximately 3m to 5m of bouldery clay) is ignored from the mining stability assessment.)

The sub- crop position of the Panwood Coal/ Five Foot Coal conjectured by The Coal Authority is approximately 250m to 300m up- dip (east) of the site. However, the estimated dip angle (approximately 4.8 to 5 degrees) and recorded dip direction places the Panwood Coal/ Five Foot Coal at approximately 20m to 25m below ground level. The Panwood Coal/ Five Foot Coal is reported in the memoirs to be up to 1.5m thick, which if indeed mined below the site would require a minimum overlying rock cover of approximately 18m -again adopting a minimum (overlying) depth of rock cover to worked seam height ratio of 12:1.

Therefore, correcting for the shallow depth of superficial cover present at the site, approximately 2m to 3m, the available rock cover above the Panwood Coal/ Five Foot Coal equals to the minimum required of 18m.

Whilst a conservative assessment has been applied here, the approach does not accommodate variability in the sub- crop location, such as adjustment to the west and near to the site, and which would raise the position of the Panwood Coal/ Five Foot Coal within the geological profile relative to the site.

Unfortunately, the geological and mineral record local to the site does not report on the occurrence of the Panwood Coal/ Five Foot Coal. Indeed, the available BGS deep boreholes do not penetrate deep enough into bedrock to intercept the Panwood Coal/ Five Foot Coal. However, it is also possible the Panwood Coal/ Five Foot Coal, at this location, is not developed or of poor quality and omitted from the geological record as a result.

Nonetheless, uncertainty associated with the local occurrence of the Panwood Coal/ Five Foot Coal and potential for unrecorded and abandoned mine workings being present remains. Indeed, the recorded maximum worked thickness of this seam within the mineral memoirs (up to 1.5m) further leads to caution, particularly for a private residential dwelling.

### **3.3 Summary**

In summary, further assessment of the pertinent geological and mining data has identified the main formerly economic coal seams relative to the site, together with the key geological metrics, such as dip and dip direction, associated with these seams.

The surface stability of the site is considered not to be at risk from instability from potential shallow abandoned mine workings within the Penston Splint Coal. The Penston Splint Coal has been extensively mined throughout the local area, with Coal Authority records reporting the approach of (known) areas of mining in this seam to approach site from the west and east. Whilst not proven, it is not improbable that unrecorded shallow abandoned mine workings in the Penston Splint Coal are present below the site.

Uncertainty remains with the occurrence and potential for shallow unrecorded abandoned mine workings with the Panwood Coal/ Five Foot Coal. Indeed, from the available information, no record of working of the Panwood Coal/ Five Foot Coal could be located. In addition, record details of the Panwood Coal/ Five Foot Coal within the local area are largely absent, with the sub- crop position of this seam within Coal Authority records based on conjecture and estimated from known reference data associated with the lower Penston Splint Coal.



## 4. Discussion and Mineral/ Mining Risk Assessment

The absence of clear records for the Panwood Coal/ Five Foot Coal within the local area and particularly in relation to the site does raise uncertainty for the mineral stability of this seam relative to the site.

The estimated sub- crop position of the Panwood Coal/ Five Foot Coal is based on the geological and mineral profile for the local area, and particularly the position of these seam relative to the Penston Splint Coal. Whilst this estimated or conjectured sub- crop position of the Panwood Coal/ Five Foot Coal (and based on the relative position to the known sub-crop of the Penston Splint Coal) renders a satisfactory depth of rock cover above the seam, the redundancy or factor of safety against possible variation of this sub- crop position and/ or shallower angle of dip, is unity.

In addition, the reported thickness of the Panwood Coal/ Five Foot Coal within the mineral memoirs (up to 1.5m) would render this seam attractive for extraction, and as a result, and particularly in the absence of any associated data, renders the mineral stability of this seam on the ground surface uncertain.

Alternatively, and as noted above, the available geological and mineral data is sufficiently detailed to support confident assessment of the mineral stability of the Penston Splint Coal seam on the stability of the ground surface. Indeed, and at this location, the Penston Splint Coal is considered to be of satisfactory mineral stability.

To this end, therefore, the potential for mineral instability from the Penstone Splint Coal is considered to be *low*, but of *moderate* risk for the Panwood Coal/ Five Foot Coal and due to uncertainty associated with the sub crop position and dip and dip direction of this seam relative to the site.

It is understood this level of risk (*moderate*) of instability within the Panwood Coal/ Five Foot Coal is unacceptable for a private residential development. However, to better understand this risk it is recommended that a single borehole is drilled, using rotary methods, coincident with the footprint of the proposed dwelling to give confidence of the depth of occurrence and condition of the Panwood Coal/ Five Foot Coal at this location. Based on the available information, this borehole should be drilled to a depth of at least 25m below rockhead.

If present, a minimum height of competent rock cover above the Panwood Coal/ Five Foot Coal of 18m should be present. However, satisfactory mineral stability will also be considered to be present should the Panwood Coal/ Five Foot Coal not be located/ encountered within this recommended minimum depth of drilling (25m).

A Coal Authority permit to undertake these investigative drilling works will be required.

It is highlighted the site is within an area where recorded and unrecorded mine workings have occurred with associated recorded and unrecorded incidence of abandoned mine entries, such as shafts and adits. Whilst we could not find any record of abandoned mine entries within and immediately adjacent to the site, the potential for unrecorded mine entries remains and vigilance should be maintained through the groundworks for the development.

## 5. Conclusions and Recommendations

From the geological and mining assessment completed the following main conclusions have emerged.

1. The site and surrounding area within an area of past significant mineral extraction of coals and ironstone from shallow depth (less than 30m).
2. The site is within an area of *High Development Risk* (Coal Authority) from instability at the ground surface from (*probable*) shallow abandoned mine workings.
3. The available records indicate the formally economic coal seams local to the site include the Penstone Splint Coal and Panwood Coal/ Five Foot Coal. Both these seams are conjectured to sub- crop to the near east of the site, and dip below the site at approximately 4 degrees to 5 degrees towards the west/ south west.
4. No record of workings below the site or immediate surrounding area within the Penstone Splint Coal and Panwood Coal/ Five Foot Coal was found from the available information. However, given the significant mineral extraction history of the surrounding area, the potential for unrecorded working of these seams cannot be discounted.
5. Reinterpretation of the incorrect positioning of mineral drilling records obtained from the BGS, which placed these records coincident with the southern edge of Hoprig Mains Farm, repositioned these data coincident with Raceland (go- karting facility), approximately 600m to the east/ south east of the site. Correct positioning of these drilling data confirmed the conjectured sub- crop position of the Penston Splint Coal, and from which the depth of occurrence of this seam beneath the site could be confidently estimated.
6. The depth of occurrence of the Penston Splint Coal below the site is estimated at approximately 40m to 50m below ground level, with the minimum required depth of rock cover to ensure a satisfactory factor of safety against instability at the ground surface (from possible unrecorded and abandoned mine workings) is approximately 30m. The latter is determined from a maximum recorded seam thickness of 2.3m and adopting a minimum (overlying) depth of rock cover to worked seam height ratio of 12:1.
7. The potential for mineral instability at the ground surface from abandoned shallow work mine workings in the Penston Splint Coal is therefore considered to be *low*.
8. The potential for shallow abandoned mine workings within the Panwood Coal/ Five Foot Coal is considered to be *moderate*, however; with this elevated risk rating emerging from uncertainty associated with the seam sub- crop position and depth of occurrence of this seam relative to the site.
9. Indeed, and based on back- referencing to the known position of the sub- crop of the Penston Splint Coal, the depth of occurrence of the Panwood Coal/ Five Foot Coal below the site is estimated at approximately 20m to 25m below ground level, and which at this location, equates to approximately 18m to 20m below rockhead.
10. The minimum required depth of rock cover overlying possible abandoned shallow mine workings within the Panwood Coal/ Five Foot Coal is approximately 18m- again adopting a minimum (overlying) depth of rock cover to worked seam height ratio of 12:1.
11. Nevertheless, the unconfirmed conjectural sub- crop position of the Panwood Coal/ Five Foot Coal relative to the site raises uncertainty for the depth of occurrence of this seam below the site and diminishes the confidence that the required minimum depth of rock cover can be achieved.
12. As a result, and in view of the associated *moderate* risk for the potential for instability at the ground surface from possible workings in the Panwood Coal/ Five Foot Coal, a single borehole should drilled

to depths of up to 25m below rockhead, and coincident with the footprint of the proposed dwelling to confirm the depth of occurrence and condition of this seam below the site.

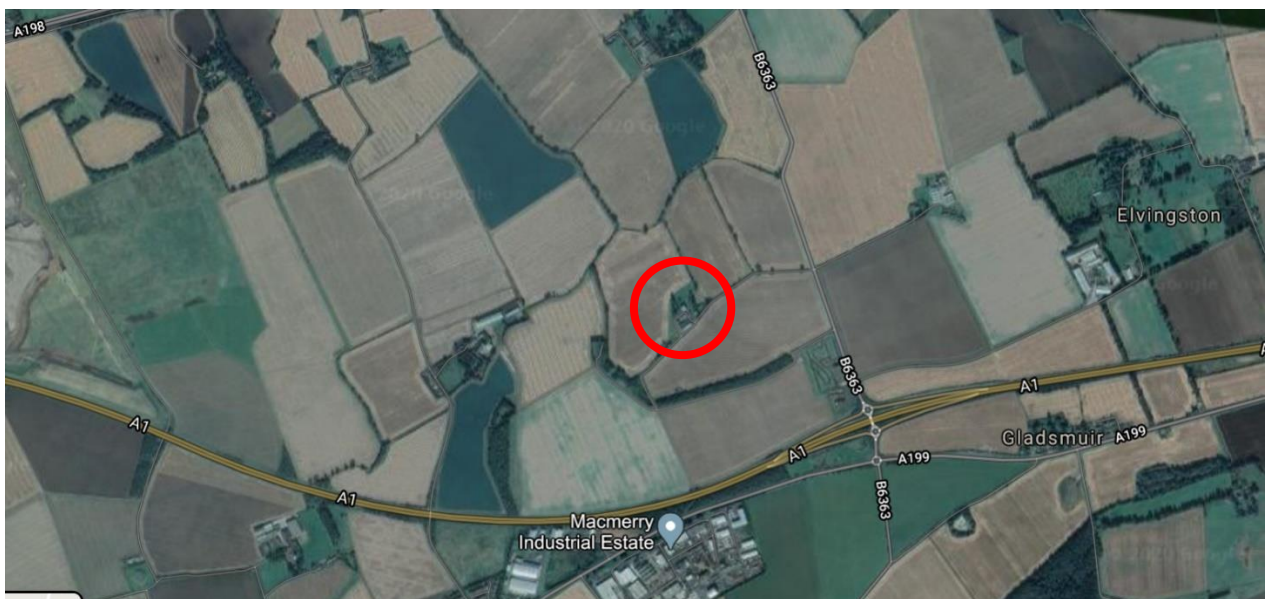
**Appendix A:** Site Location Plans

**SBA1862: Meikle Hoprig Main Farm**

**Appendix A: Site Location Plans**



**Figure 1. Site Location Plan**



**Figure 2. Site Location Plan**

**Appendix B:** Position of BGS Boreholes Relative to the Site

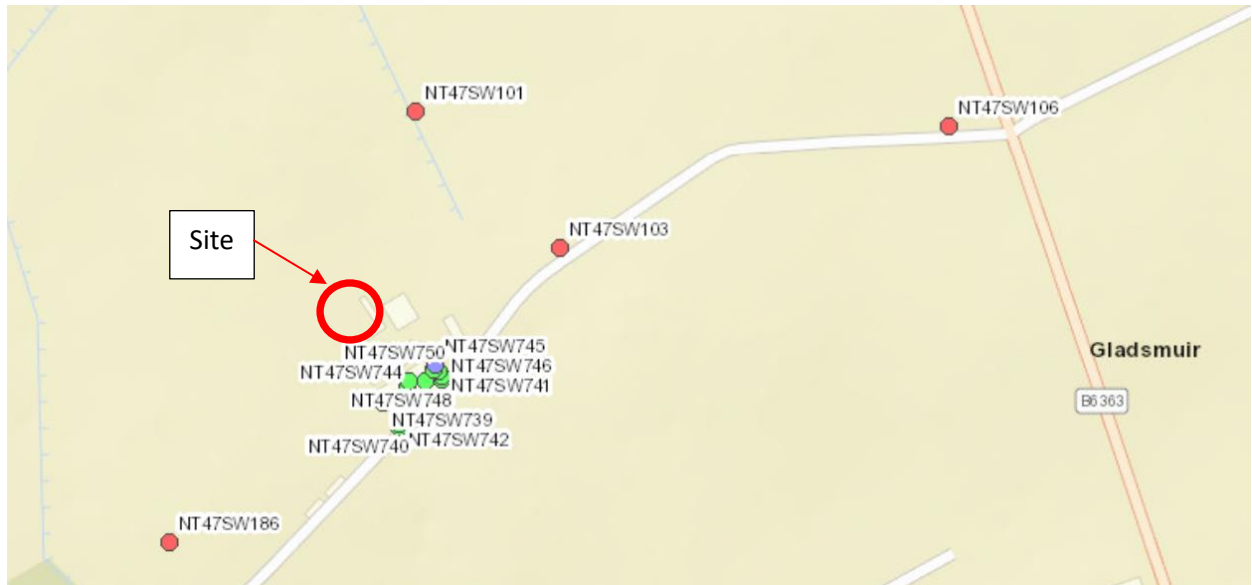
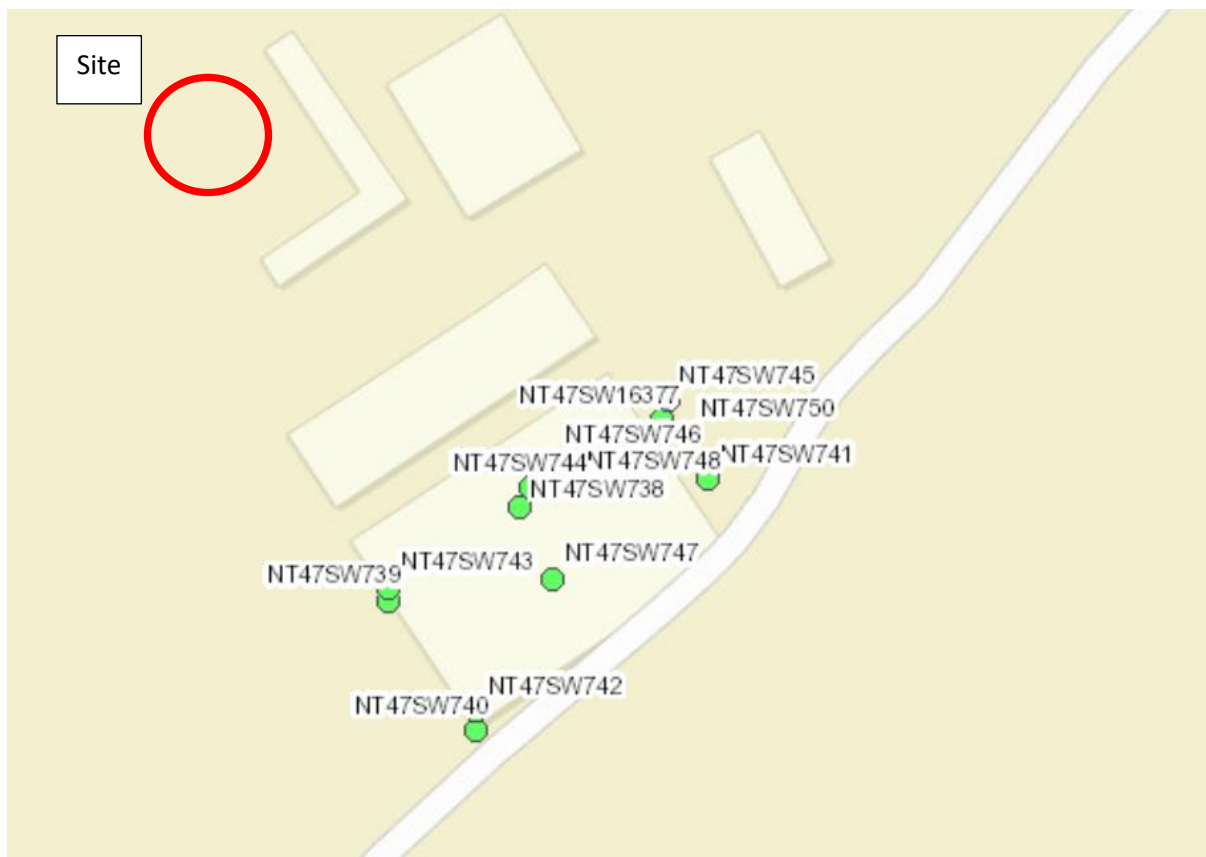
**SBA1862: Meikle Hoprig Main Farm**
**Appendix B: Published Borehole Records**


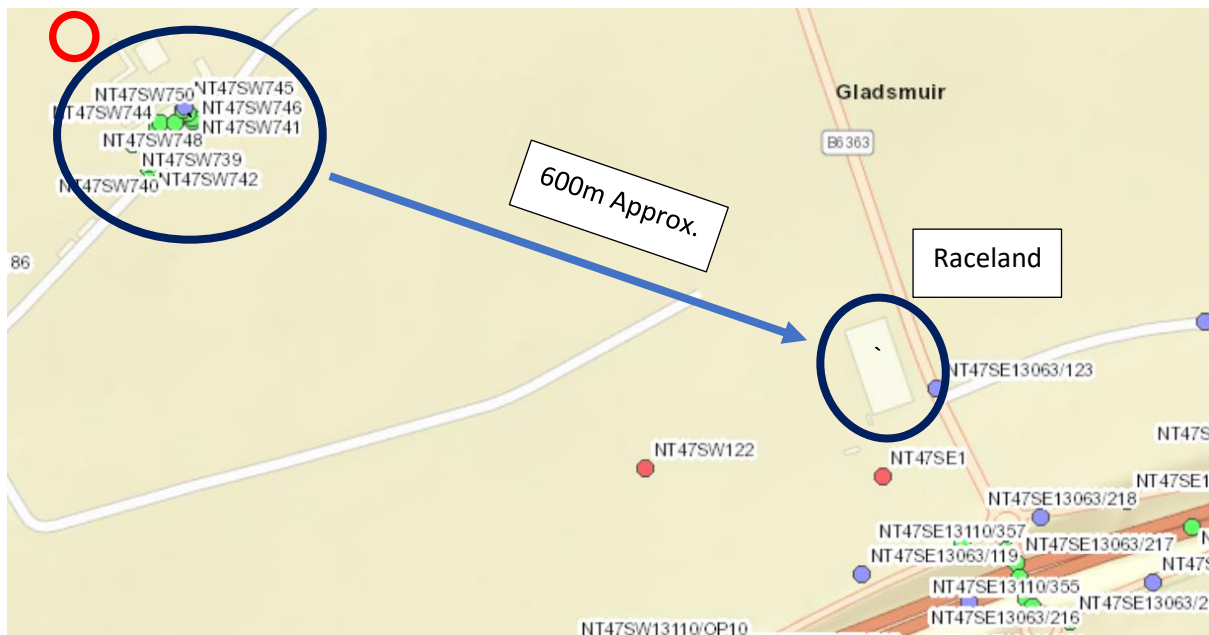
Figure 1. Deep boreholes (red) proximal to site. Shallow boreholes green and blue.



**Figure 2.** Shallow boreholes (green) proximal to site, but thought to be interpreted and placed at the wrong location. These boreholes are thought to be associated with the Go- Carting ground (Raceland) located some 600m to the east/ south east of the site, and just off the western side of the B6363 near to the junction with the A1.

**SBA1862: Meikle Hoprig Main Farm**

**Appendix B: Published Borehole Records**



**Figure 3.** Correct location of boreholes at Raceland, but incorrectly shown at Hoprig Mains Farm.



**Appendix C:** Coal Authority Geological and Mineral Records

SBA1862: Meikle Hoprig Main Farm

Appendix C: Known Mine Workings and Mine Shafts Proximal to Site

Map Key

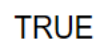
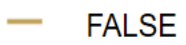
Mine Entry



Seam Level



Outcrop



Coalfield Consultation Area



Underground Working

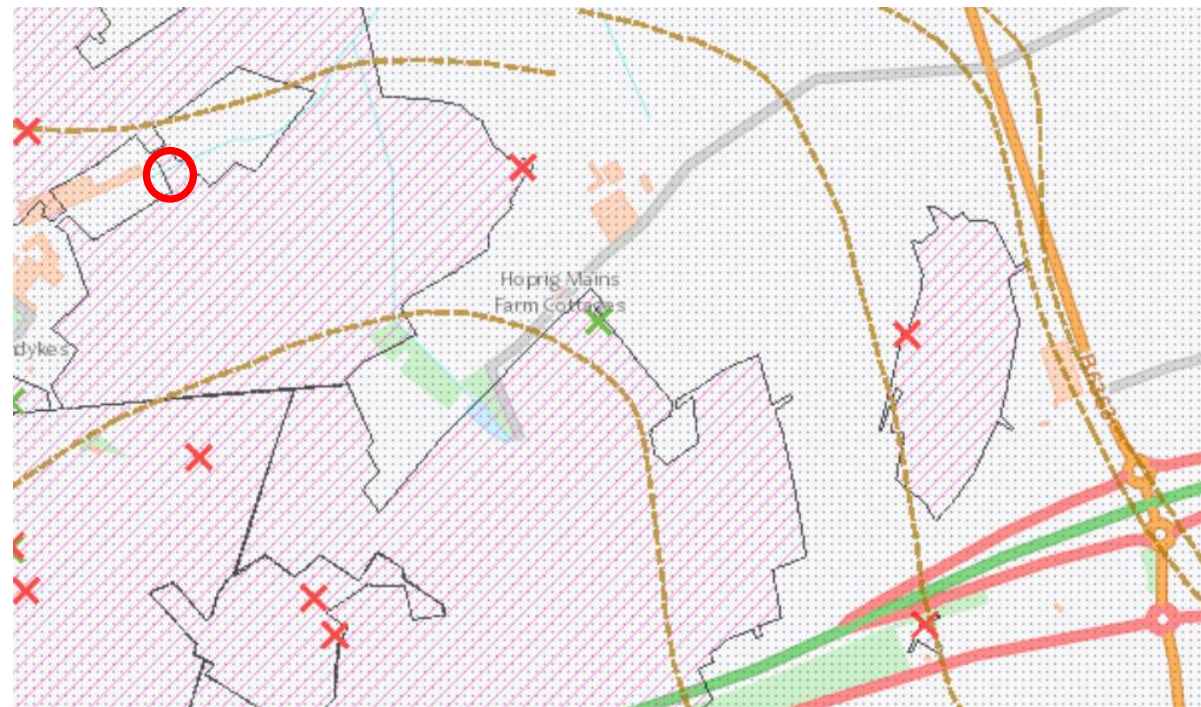


Figure 1. Proximity of abandoned mine workings and abandoned mine shafts relative to site.

**Appendix D:** Coal Authority Report



**DAVIDSON  
& ROBERTSON**  
RURAL SURVEYORS & CONSULTANTS

**CONFIDENTIAL**

## **Report**

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**On**

**Operational Needs Assessment**

**at**

**Hoprig Mains  
Tranent  
EH33 1EL**

**For**

**Andrew Meikle  
G Meikle & Co**

**Date of Report: 29 Jul 2022**

**S M Hall, BSc(Hons), FRICS, FAAV, ACI Arb, FRAGS**

**REF: HOP002/113/21**

Riccarton Mains  
Currie  
Midlothian  
EH14 4AR

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- 1.3 Background**

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- 2.3 Current Farm Policy**
- 2.4 Farm buildings and Machinery**
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### **6.0 SIGNATURE**

## **APPENDICES**

- 1. Labour Requirement Calculations**

## 1.0 INTRODUCTION

### 1.1 Report

Davidson & Robertson has been instructed to prepare an agricultural justification report to evaluate the essential need for an additional dwelling at Hoprig Mains, Tranent, EH33 1EL.

### 1.2 Author

Martin Hall BSc(Hons) FRICS FAAV ACI Arb FRAgS, Director has prepared this report to demonstrate the viability for an additional dwelling as part of the succession planning for continuing the family farming business of G Meikle & Co.

### 1.3 Background

It is understood a planning application was submitted in 2020 and refused. A revised application is being submitted to which this supporting report forms part. It is understood that East Lothian Council have requested an agricultural justification report as part of any application.

## 2.0 THE AGRICULTURAL BUSINESS

### 2.1 Background

The business trades as a partnership with two partners, Graeme Meikle and his father John Meikle. John Meikle is looking to reduce his input and Andrew Meikle is being introduced as a partner to take over the role of John Meikle as succession of this viable and important agricultural business.

The business farms 1090 acres of high quality arable land across four units. Most of the land is at Hoprig Mains, or immediately adjacent to it at Hoprig and Southfield. The main enterprise is arable farming growing a range of arable and oilseed crops in rotation.

Hoprig Mains operates under Location Code 77/370/0019.

There is no suitable house at Hoprig Mains for Andrew Meikle and family and this is a problem for the business. The business operates from Hoprig Mains and this is the reason for a house at this location, as is covered more fully in the report.

Table 1 – summary of farm units and areas

<b>Unit Name</b>	<b>Area (acres)</b>	<b>Area (hectares)</b>
Hoprig Mains	250	101.1
Hoprig	340	137.6
Southfield	250	101.1
Kingston	250	101.1
<b>Total</b>	<b>1090</b>	<b>440.9</b>

## 2.2 Land Capability

The land is described in the James Hutton Institute Land Capability for Agriculture classification as mostly grade 3.1 with some 2 and some 3.2.

Class 1 Land – Land capable of producing a very wide range of crops

*Cropping is highly flexible and includes the more exacting crops such as winter harvested vegetables. The level of yield is consistently high.*

Class 2 Land – Land capable of producing a wide range of crops

*Cropping is fairly flexible, and a wide range of crops can be grown, but the land may be unsuited to winter harvested crops. The level of yield is high but less consistently obtained than on Class 1 due to the effects of minor limitations affecting cultivation crop growth or harvesting.*

Class 3.1 Land – Land capable of producing consistently high yields of a narrow range of crops and/ or moderate yields of a wider range. Short grass leys are common.

*Land in this division is capable of producing consistently high yields of a narrow range of crops (principally cereals and grass) and/or moderate yields of a wider range (including potatoes, field beans and other common root crops). Short grass leys are common.*

Class 3.2 Land – Land capable of average production though high yields of barley, oats and grass can be obtained. Grass leys are common.

*Land in this division is capable of average production but high yields of barley, oats and grass are often obtained. Other crops are limited to potatoes and forage crops. Grass leys are common and reflect the increasing growth limitations for arable crops and degree or risk involved on their production.*

## 2.3 Current Farm Policy

The following shows the land use for year 2020 as returned on the 2021 census data:-

Holding	Cereals (Ac)		Oilseeds (Ac)	
	Ac	Ha	Ac	Ha
Hoprig Mains	207	83.8	43	17.4
Hoprig	280	113.3	60	24.3
Southfield	210	85.0	40	16.2
Kingston	250	101.2	0	0
<b>Totals</b>	<b>947</b>	<b>383.3</b>	<b>143</b>	<b>57.9</b>

In addition it is worth pointing out that under the greening rules of the basic payment scheme the business retains buffer strips and field margins for the benefit of wildlife and to reduce diffuse pollution.



## **2.4 Farm Buildings and Machinery**

The business is well equipped with machinery and farm buildings so that virtually all the work can be done by own labour although with John Meikle reducing his input and this will be replaced by Andrew Meikle.

## **2.5 Current Labour and Housing Provision**

There are currently one full time and 2 part time partners in the business – Graeme Meikle is full time, John Meikle who is reducing time input and Andrew Meikle who is replacing John to become full time in due course. Andrew currently lives off farm some 8 miles away.

There 3 cottages on the farm. One larger one occupied by Graeme Meikle and 2 small semi detached cottages which are let out on long term secure tenancies, and not of sufficient size for Andrew and his family.

The farmhouse is separately owned by John who will continue to reside there.

## **2.6 Proposed Farm Structure**

It is proposed to continue to farm with the existing land and buildings in the same manner.

## **3.0 LABOUR REQUIREMENT**

### **3.1 Standard Labour Requirements**

Labour requirement for farm businesses can be calculated using standard labour requirement calculations. Standard labour requirements are published in the SAC Farm Management Handbook, and the 2020/21 Edition has been used for the calculations at Hoprig Mains.

The calculations in this report are shown in Appendix 1 and are based on the current farming system.

Basing the requirement on a standard labour unit equating to 1900 hours per annum the calculations show a labour requirement of 4.1 at Hoprig Mains. There will be a peak requirement in the late summer and autumn due to harvest of crops and sowing of winter crops. Spring is also busy due the sowing of spring crops as well as the application of fertilizer and spraying. Peak periods can and are met by working very long hours but there is sufficient to justify additional labour units for this family business.

These calculations demonstrate that the business does not have sufficient labour for the work required.



## **4.0 FUNCTIONAL REQUIREMENTS FOR A DWELLING HOUSE**

### **4.1 Labour**

The standard labour requirement calculations demonstrate that there is a requirement for additional labour for this business.

The transition of duties of John Meikle to Andrew Meikle is already underway and will be enabled with a house for Andrew on the farm.

The dwelling requires to be suitable for Andrew Meikle and his family, and also to be energy efficient to meet the energy standards required by government policy both now and in the future.

### **4.2 Security & Safety**

There are health and safety issues when operating large farm equipment that may require the presence of at least two key workers at any one time.

Crime in rural Scotland is a major problem for farming businesses, as reported by Police Scotland and the national Farmers Union Scotland. Security is enhanced by having key workers living on the farm. An additional worker living on the farm will improve health and safety as well as security of equipment.

### **4.3 Financial outlook**

The farming system adopted are profitable enterprises and there is a good outlook for the business financially.

Farm profitability figures are published annually by Scottish Government and are published in the SAC Farm Management Handbook 2020/21. They demonstrate arable/cereal farming is profitable. The average farm size in the sample of 25 Specialist Cereal Farms was 144 Ha, so Hoprig Mains is one of the larger cereal units in Scotland enhancing its viability and profitability further.

Farm accounts are produced annually by Greaves West & Ayre and the letter from them confirms the profitable status of the business. This letter will be made available on a confidential basis as a separate standalone document.

## **5.0 CONCLUSION**

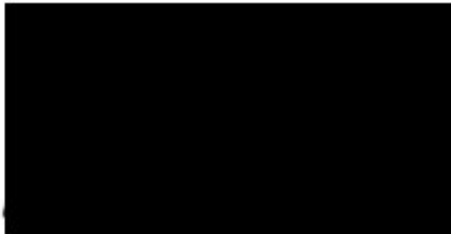
The generational succession of the successful farming business at Hoprig Mains requires a dwelling for a family located at the base for operational and safety and security reasons.

The labour requirement calculations demonstrate that the business requires additional labour with an overall requirement of 4.1 against the current provision of 2 and therefore there is adequate justification for at least an additional house.

**6.0 STATEMENT**

I confirm that we have no conflicts of interest.

Signed:



.....  
S M Hall, BSc(Hons) FRICS, FAAV, ACI Arb, FRAgS

Date:

29<sup>th</sup> July 2022

.....

## LIST OF APPENDICES

### 1. Labour Requirement Calculations

## APPENDIX 1

### LABOUR REQUIREMENT CALCULATIONS

<b>CROP</b>	<b>AREA (Ha)</b>	<b>STANDARD LABOUR REQUIREMENT*</b>	<b>TOTAL</b>
Cereals	383.3	18	6899.4
Oilseeds	57.9	16	926.4
		<b>FARM TOTAL</b>	<b>7825.8</b>
<b>Labour Units based on 1900 hours/labour unit</b>			<b>4.1</b>

\*source – SAC Farm Management Handbook 21/22 – Stated in hours/ha/annum



13<sup>th</sup> March 2020

East Lothian Council  
Environment Reception John Muir House  
Haddington  
EH41 3HA

Development Operations  
The Bridge  
Buchanan Gate Business Park  
Cumbernauld Road  
Stepps  
Glasgow  
G33 6FB

Development Operations  
Freephone Number - 0800 3890379  
E-Mail - [DevelopmentOperations@scottishwater.co.uk](mailto:DevelopmentOperations@scottishwater.co.uk)  
[www.scottishwater.co.uk](http://www.scottishwater.co.uk)

Dear Local Planner

**EH33 Macmerry Hoprig Mains Farm Land West Of  
PLANNING APPLICATION NUMBER: 20/00250/P  
OUR REFERENCE: 790179  
PROPOSAL: Erection of 1 house and associated works**

**Please quote our reference in all future correspondence**

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

#### **Water**

- There is currently sufficient capacity in the Castle Moffat Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- Please note the nearest public water main is approximately 500 metres from the proposed site.

#### **Foul**

- Unfortunately, according to our records there is no public Scottish Water, Waste Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

**The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.**

## **Surface Water**

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will **not** accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

### **General notes:**

- **Scottish Water asset plans can be obtained from our appointed asset plan providers:**

**Site Investigation Services (UK) Ltd**  
**Tel: 0333 123 1223**  
**Email: [sw@sisplan.co.uk](mailto:sw@sisplan.co.uk)**  
**[www.sisplan.co.uk](http://www.sisplan.co.uk)**

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.
- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- **Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-your-property/new-development-process-and-applications-forms>**

## Next Steps:

- **Single Property/Less than 10 dwellings**

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- **10 or more domestic dwellings:**

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- **Non Domestic/Commercial Property:**

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at [www.scotlandontap.gov.uk](http://www.scotlandontap.gov.uk)

- **Trade Effluent Discharge from Non Dom Property:**

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email [TEQ@scottishwater.co.uk](mailto:TEQ@scottishwater.co.uk) using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/our-services/compliance/trade-effluent/trade-effluent-documents/trade-effluent-notice-form-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at [www.resourceefficientscotland.com](http://www.resourceefficientscotland.com)

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at [planningconsultations@scottishwater.co.uk](mailto:planningconsultations@scottishwater.co.uk).

Yours sincerely

**Erin Drummond**

Erin.Drummond@scottishwater.co.uk





The Coal  
Authority



INVESTOR IN PEOPLE



RTPI  
Learning Partner

200 Lichfield Lane  
Berry Hill  
Mansfield  
Nottinghamshire  
NG18 4RG

Tel: 01623 637 119 (Planning Enquiries)

Email: [planningconsultation@coal.gov.uk](mailto:planningconsultation@coal.gov.uk)

Web: [www.gov.uk/coalauthority](http://www.gov.uk/coalauthority)

For the Attention of: Mr David Taylor – Case Officer  
East Lothian Council

[By Email: [environment@eastlothian.gov.uk](mailto:environment@eastlothian.gov.uk)]

4 May 2020

Dear Mr Taylor

**PLANNING APPLICATION: 20/00250/P**

**Erection of 1 house and associated works at Hoprig Mains Farm, Gladsmuir, Macmerry, East Lothian, EH33 1EL - RECONSULTATION**

Thank you for your consultation letter of 30 April 2020 seeking the further views of the Coal Authority on the above planning application.

**The Coal Authority Response: Material Consideration**

As you are aware, the application site falls within the defined Development High Risk Area; therefore within the site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application. The Coal Authority's information indicates that the site lies in an area where historic unrecorded coal mining activity is likely to have taken place at shallow depth.

We note that the applicant has now submitted a Mineral Stability Assessment Report (28 April 2020) in support of their planning application. Based on a review of appropriate sources of coal mining and geological information, the report concludes that there exists a moderate risk for the potential for instability at the surface from possible shallow underground mine workings in the Panwood Coal/ Five Foot Coal seam.

As such, the report makes recommendations for the drilling of a single borehole to depths of up to 25m below rockhead within the footprint of the proposed dwelling to confirm the depth and condition of the aforementioned coal seam.

The Coal Authority welcomes the recommendation for the undertaking of intrusive site investigations. These should be designed by a competent person to properly assess ground conditions and to establish the exact situation regarding coal mining legacy which could pose a risk to the proposed development. However, depending upon the results of

the initial borehole, additional boreholes may be required to prove that any coal seam of workable thickness encountered within influencing distance of the surface has not been worked beneath the site of the proposed dwelling. The applicant should ensure that the exact form of any intrusive site investigation is agreed with the Coal Authority's Permitting Team as part of a permit application.

The Mineral Stability Assessment Report does not outline what remedial measures are likely to be required in the event that mine workings are encountered beneath the site. The findings of the intrusive site investigations should therefore be interpreted by a competent person and should be used to inform any mitigation measures, such as grouting stabilisation works and foundation solutions, which may be required in order to remediate mining legacy affecting the site and to ensure the safety and stability of the proposed development.

The submitted report does not provide any assessment of risk posed by mine gas migration. Given the potential presence of shallow unrecorded mine workings beneath the site, the LPA may consider it prudent to seek comments from the Council's Environmental Health / Public Protection Team on this matter and any resultant need for gas monitoring and/or the incorporation of appropriate gas protection measures within the proposed development.

#### The Coal Authority Recommendation to the LPA

The Coal Authority concurs with the recommendations of the Mineral Stability Assessment Report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

As such, should planning permission be granted for the proposed development, we would recommend that the following conditions are included on the Decision Notice:

- ***No development shall commence (excluding the demolition of existing structures) until intrusive site investigations have been carried out on site to establish the exact situation in respect of coal mining legacy features. The findings of the intrusive site investigations shall be submitted to the Local Planning Authority for consideration and approval in writing. The intrusive site investigations shall be carried out in accordance with authoritative UK guidance.***
- ***Where the findings of the intrusive site investigations (required by the condition XX above) identify that coal mining legacy on the site poses a risk to surface stability, no development shall commence until a detailed remediation scheme to protect the development from the effects of such land instability has been submitted to the Local Planning Authority for consideration and approval in writing. Following approval, the remedial works shall be implemented on site in complete accordance with the approved details.***
- ***Following implementation and completion of the approved remediation scheme (required by condition XX above) and prior to the first occupation of the development, a verification report shall be submitted to and approved in writing***

**by the Local Planning Authority to confirm completion of the remediation scheme in accordance with approved details.**

The Coal Authority therefore **withdraws its objection** to the proposed development **subject to the imposition of the above conditions**. This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

**Please note that whilst we recommend that the above planning conditions are applied if planning permission is granted, due to the Covid-19 pandemic, our own staff resources are significantly reduced. Until further notice we are therefore not able to offer any comments in relation to further related applications that may be made for the discharge of conditions.**

**We would be very grateful if you could refrain from sending the Coal Authority any consultations relating to the discharge of conditions until further notice. We trust that in this difficult time the local planning authority will appropriately consider the information submitted by applicants to assess whether any mining legacy related conditions have been duly complied with.**

Please do not hesitate to contact me if you wish to discuss the above matters further.

Yours sincerely

*James Smith*

**James Smith** *BSc. (Hons), Dip.URP, MRTPI*  
**Planning Liaison Manager**

#### General Information for the Applicant

Under the Coal Industry Act 1994 any intrusive activities, including initial site investigation boreholes, and/or any subsequent treatment of coal mine workings/coal mine entries for ground stability purposes require the prior written permission of The Coal Authority, since such activities can have serious public health and safety implications. Failure to obtain permission will result in trespass, with the potential for court action. In the event that you are proposing to undertake such work in the Forest of Dean local authority area our permission may not be required; it is recommended that you check with us prior to commencing any works. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at:

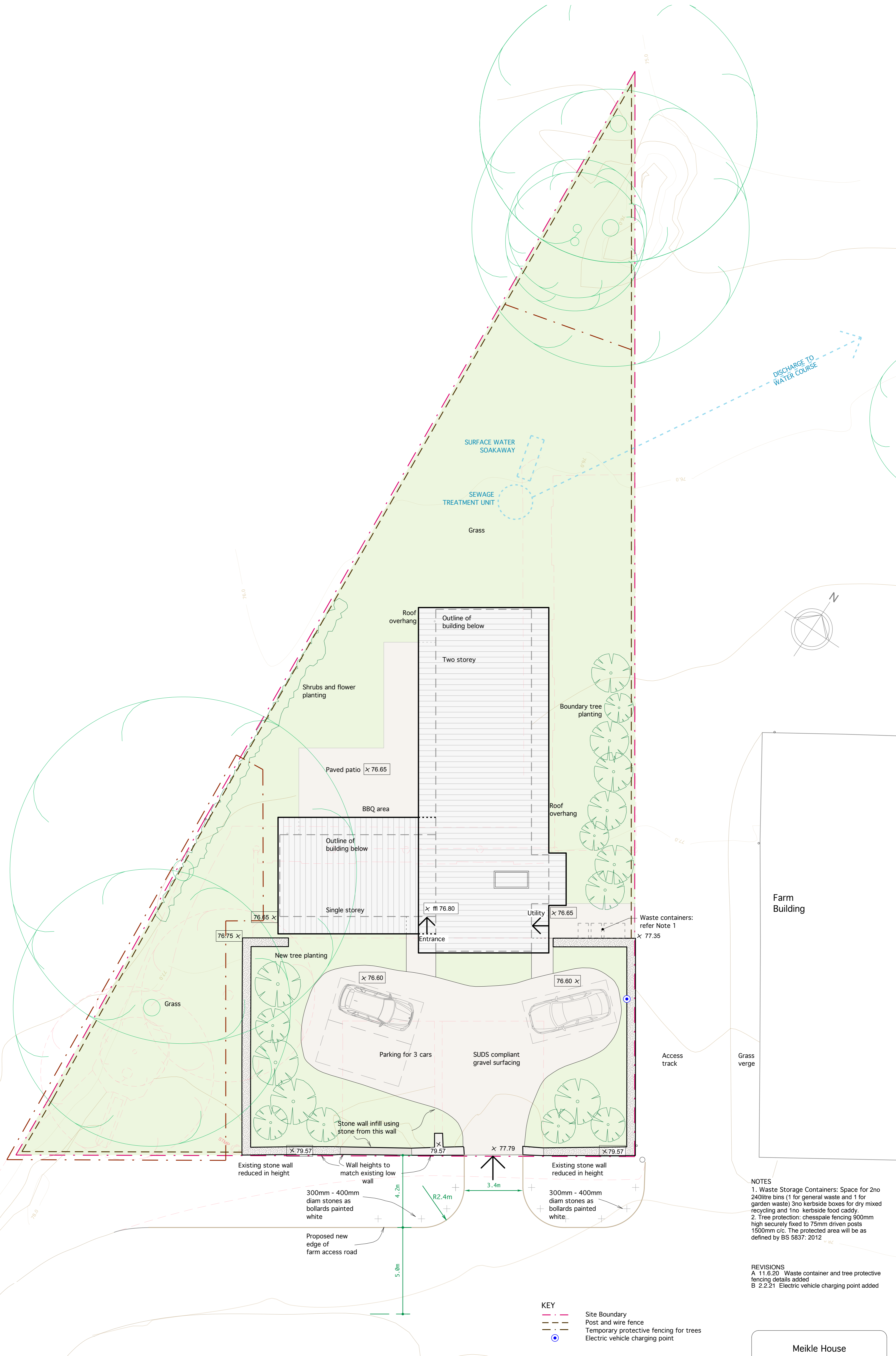
[www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property](http://www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property)

#### Disclaimer

The above consultation response is provided by The Coal Authority as a Statutory Consultee and is based upon the latest available data on the date of the response, and

electronic consultation records held by The Coal Authority since 1 April 2013. The comments made are also based upon only the information provided to The Coal Authority by the Local Planning Authority and/or has been published on the Council's website for consultation purposes in relation to this specific planning application. The views and conclusions contained in this response may be subject to review and amendment by The Coal Authority if additional or new data/information (such as a revised Coal Mining Risk Assessment) is provided by the Local Planning Authority or the Applicant for consultation purposes.

*In formulating this response The Coal Authority has taken full account of the professional conclusions reached by the competent person who has prepared the Coal Mining Risk Assessment or other similar report. In the event that any future claim for liability arises in relation to this development The Coal Authority will take full account of the views, conclusions and mitigation previously expressed by the professional advisers for this development in relation to ground conditions and the acceptability of development.*



**NOTES**  
 1. Waste Storage Containers: Space for 2no 240litre bins (1 for general waste and 1 for garden waste) 3no kerbside boxes for dry mixed recycling and 1no kerbside food caddy.  
 2. Tree protection: chesspale fencing 900mm high securely fixed to 75mm driven posts 1500mm c/c. The protected area will be as defined by BS 5837: 2012

**REVISIONS**  
 A 11.6.20 Waste container and tree protective fencing details added  
 B 2.2.21 Electric vehicle charging point added

**KEY**  
 - - - Site Boundary  
 — Post and wire fence  
 - - - Temporary protective fencing for trees  
 ● Electric vehicle charging point

**SCALE**  
 0 metres 5 10

**Meikle House**  
**SITE PLAN**

<b>DRAWING NUMBER</b> 04B	<b>SCALE</b> 1:100 @A1	<b>DATE</b> March 2020
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Map Centre 344,462 673,757

0m 25m 50m 75m 100m 125m



Meikle House Site

Issues

Hoprig Mains

JPM private residence

79.2m

Hoprig Mains Farm Cottages

**REVISIONS**

A 19.11.20 Private residence shown

81.4m

Pond



1 Biggar Business Park  
Market Road, Biggar, ML12 6FX

Client: **Andrew Meikle**

Project: **Meikle House Hoprig**

Title: **LOCATION PLAN**

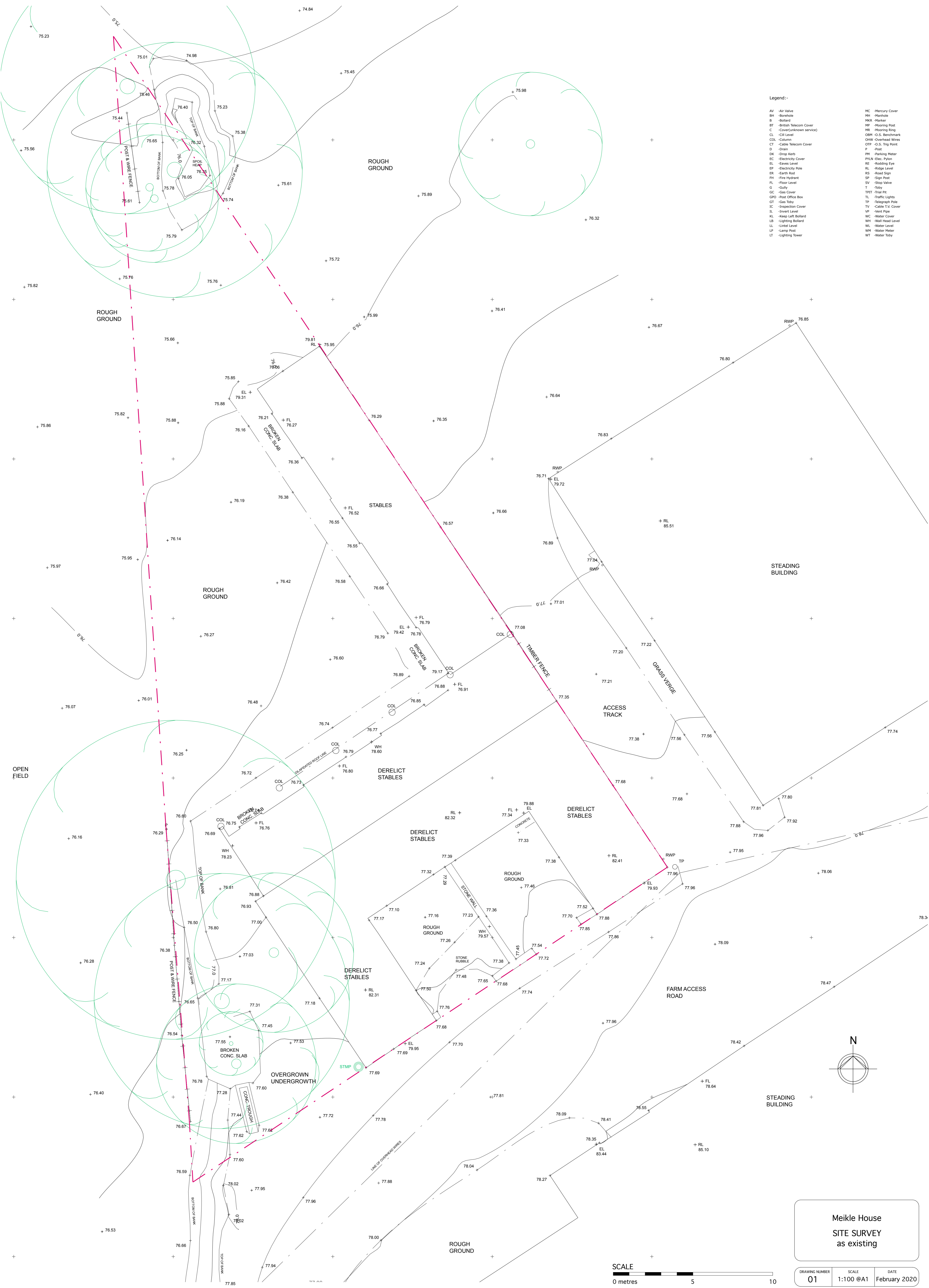
Scale: 1:2500 @A4

Date: 6 Jan 20

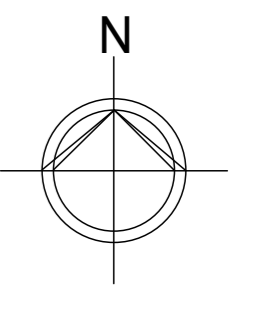
Drawn By: MN

Dwg no: **001A**





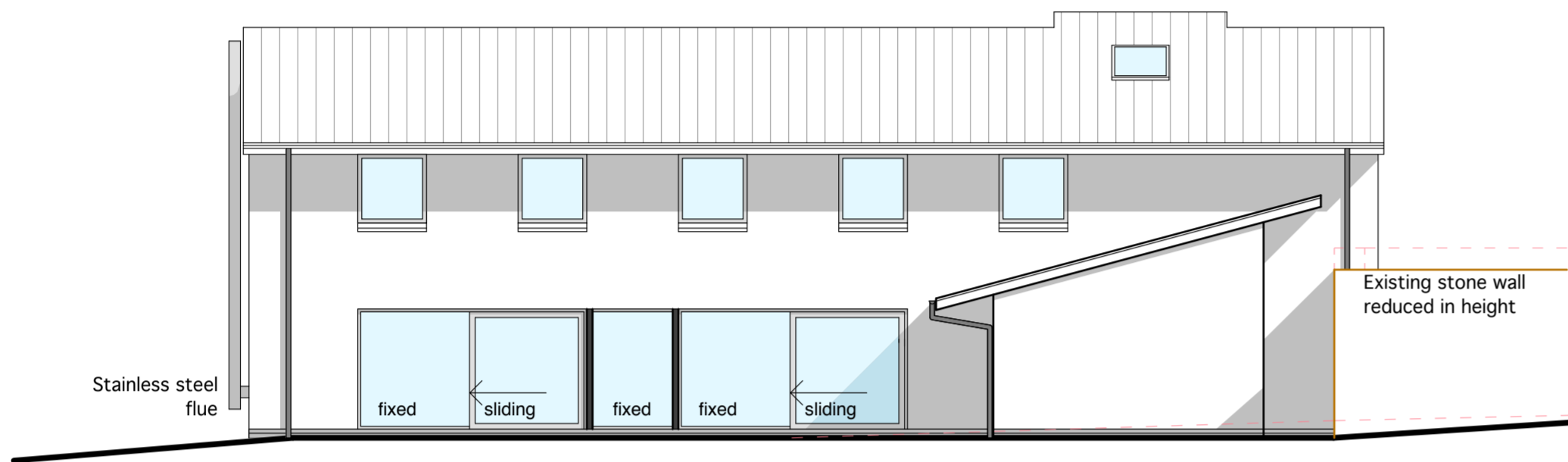
- Legend:-**
- AV - Air Valve
  - BH - Borehole
  - B - Bollard
  - BT - British Telecom Cover
  - C - Cover (unknown service)
  - CL - Cill Level
  - COL - Column
  - CT - Cable Telecom Cover
  - D - Drain
  - DM - Drop Man
  - EC - Electricity Cover
  - EL - Eaves Level
  - EP - Electricity Pole
  - ER - Earth Rod
  - FL - Floor Level
  - G - Gully
  - GC - Gas Cover
  - GRO - Post Office Box
  - GT - Gas Tally
  - IC - Inspection Cover
  - IL - Invert Level
  - KL - Keep Left Bollard
  - LB - Lighting Bollard
  - LL - Limit Level
  - LP - Lamp Post
  - LT - Lighting Tower
  - MC - Manhole
  - MH - Manhole
  - MKR - Marker
  - MP - Mooring Post
  - MR - Mooring Ring
  - OBM - O.S. Benchmark
  - OHW - Overhead Wires
  - OTF - O.S. Trip Point
  - P - Post
  - PM - Parking Meter
  - PYLN - Electric Pylon
  - RE - Rodding Eye
  - RL - Ridge Level
  - RS - Road Sign
  - SP - Sign Post
  - SV - Stop Valve
  - T - Tolly
  - TPIT - Trial Pit
  - TL - Traffic Lights
  - TP - Telegraph Pole
  - TV - Cable T.V. Cover
  - VP - Vent Pipe
  - WC - Water Cover
  - WH - Water Head Level
  - WL - Water Level
  - WM - Water Meter
  - WT - Water Tolly



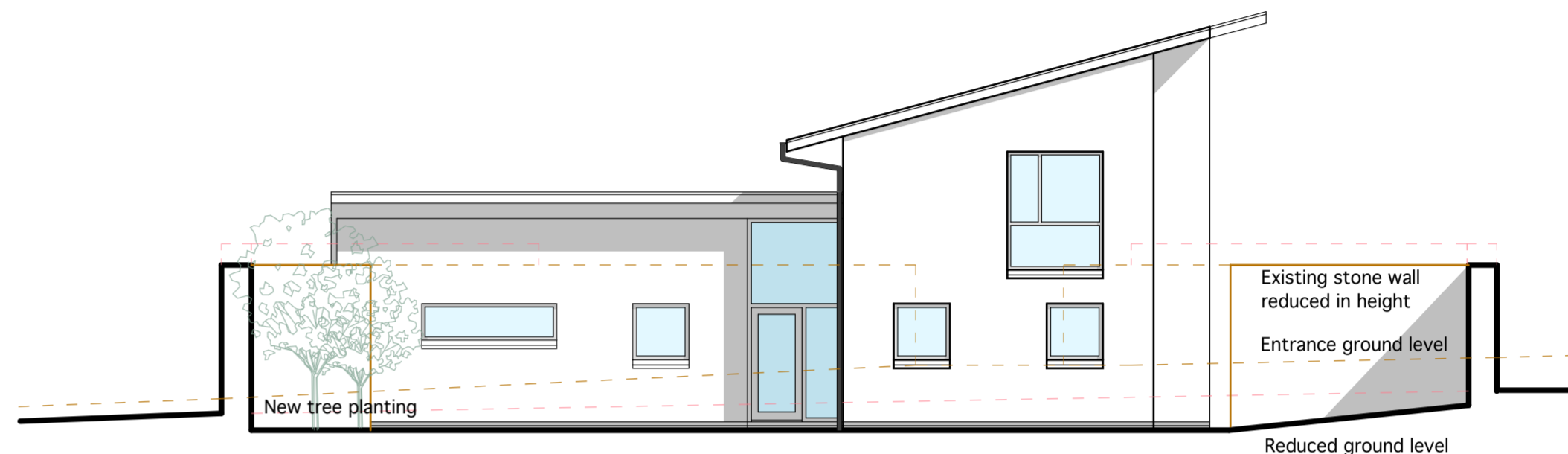
**Meikle House**  
**SITE SURVEY**  
 as existing



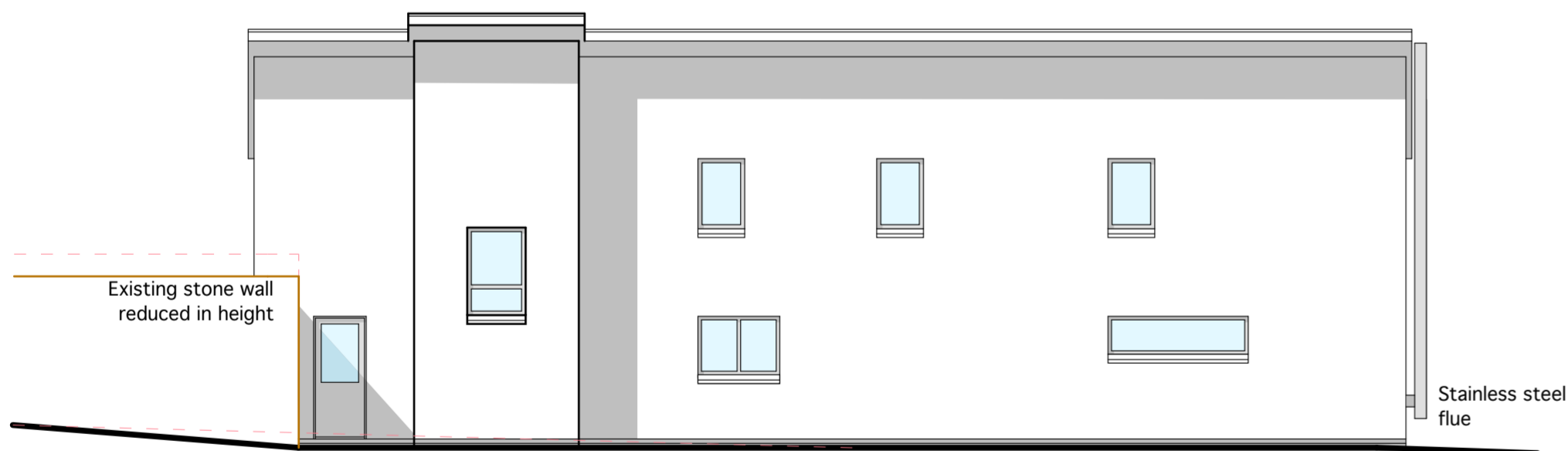
DRAWING NUMBER	SCALE	DATE	
01	1:100 @A1	February 2020	



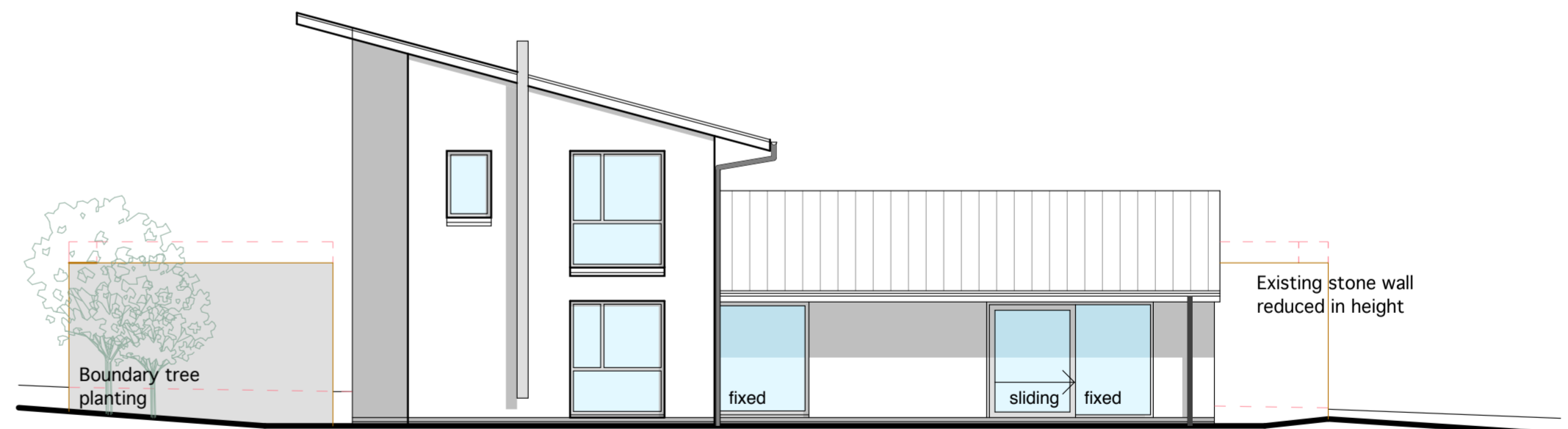
WEST ELEVATION



SOUTH ELEVATION



EAST ELEVATION



NORTH ELEVATION

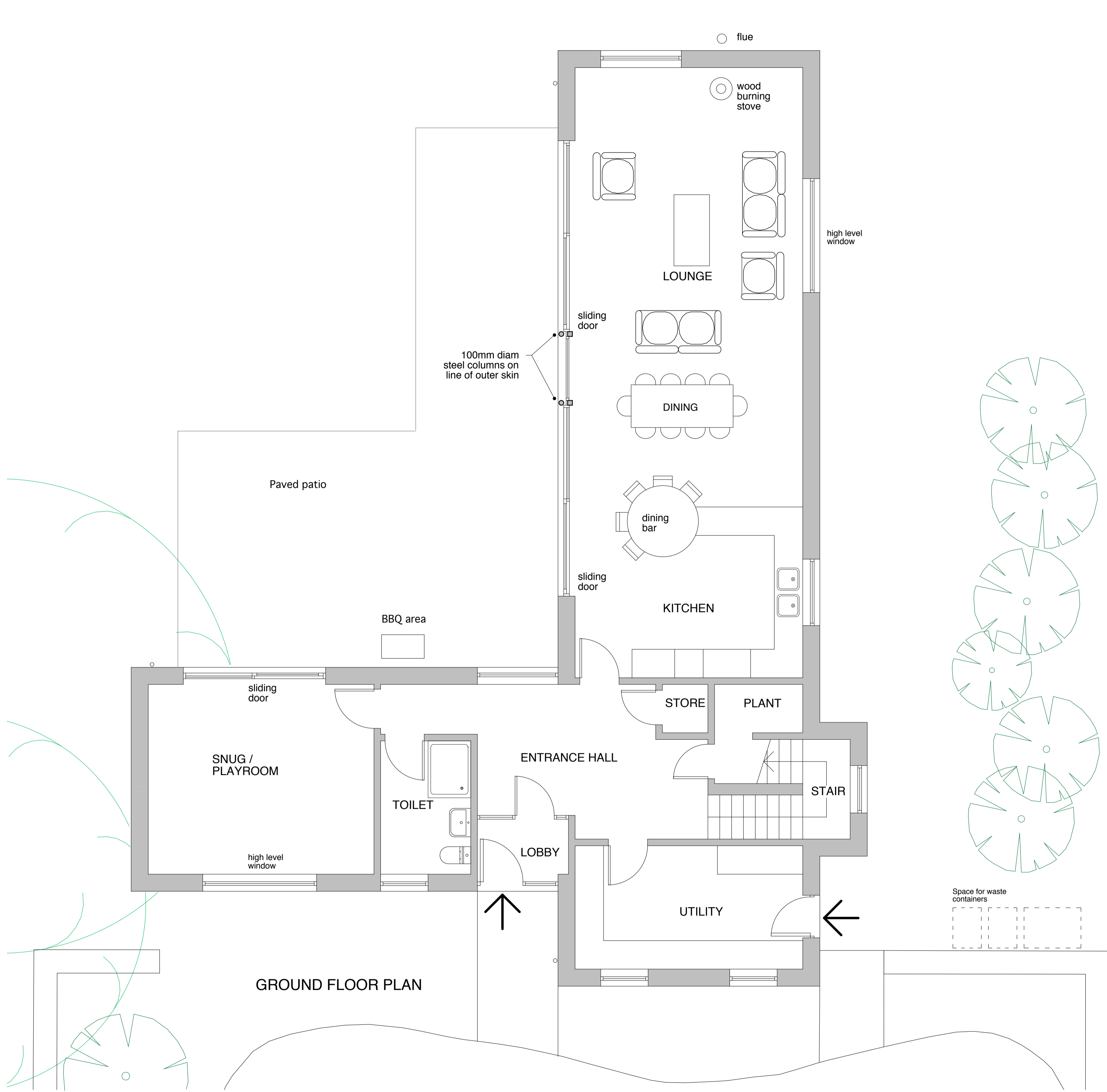
NOTES  
 External finishes  
 Roof: profiled metal  
 Walls: textured render colour white; base courses dark grey facing brick  
 Rainwater goods: black  
 Window frames and external doors: timber painted grey

SCALE  
 0 metres 5 10

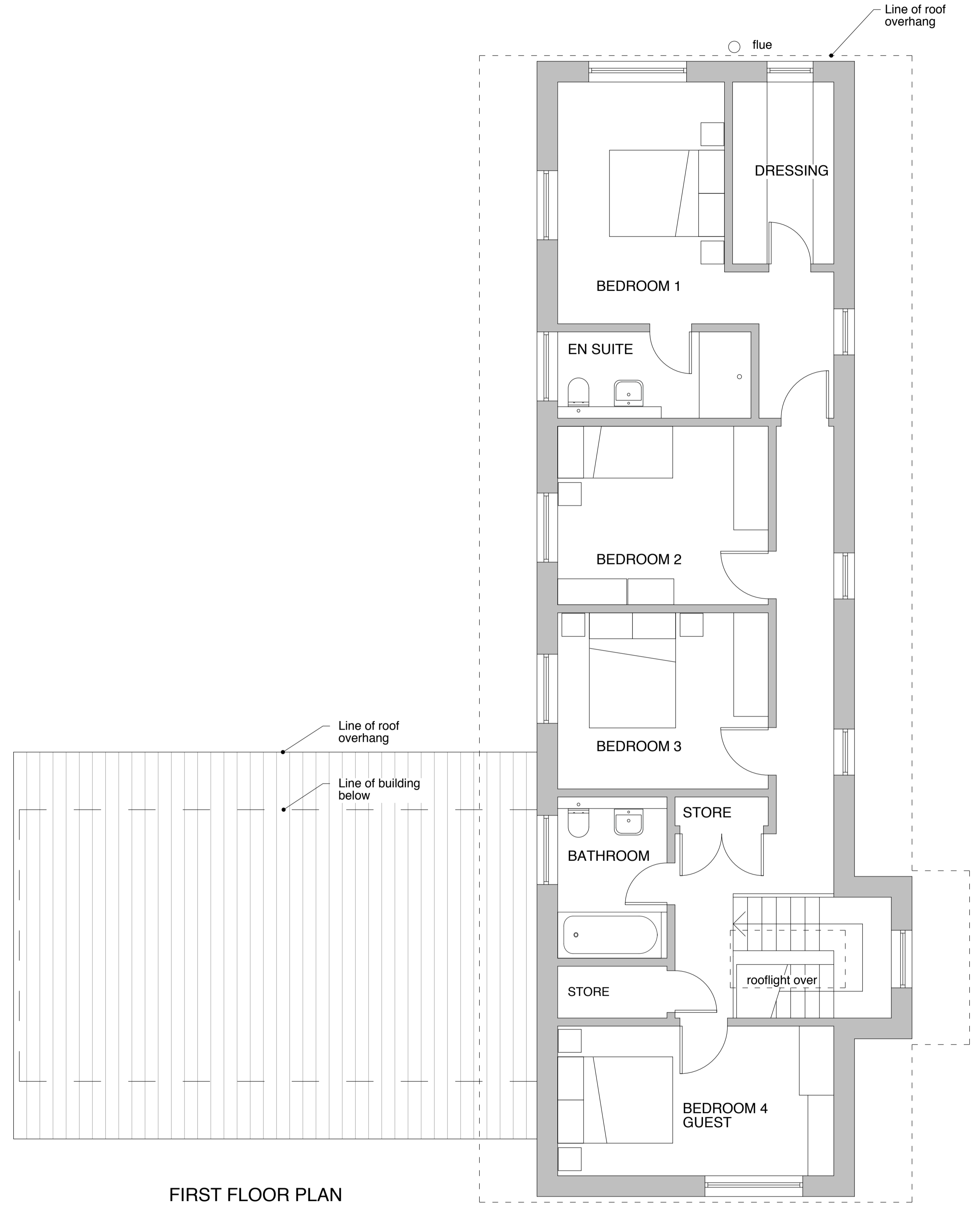
Meikle House  
 ELEVATIONS

DRAWING NUMBER 03	SCALE 1:100 @A2	DATE January 2020
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GROUND FLOOR PLAN



FIRST FLOOR PLAN

SCALE  
0 metres 1 2 3 4

Meikle House  
FLOOR PLANS

DRAWING NUMBER	SCALE	DATE
02	1:50 @A1	February 2020