



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

**TUESDAY 10 JANUARY 2023  
VIA A DIGITAL MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Allan  
Councillor J Findlay  
Councillor A Forrest  
Councillor N Gilbert  
Councillor C McGinn  
Councillor S McIntosh  
Councillor K McLeod  
Councillor J McMillan  
Councillor C Yorkston

**Other Councillors Present:**

Councillor L-A Menzies

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Ms S McQueen, Planner  
Mr D Taylor, Planner  
Ms F Haque, Solicitor  
Ms M Haddow, Transportation Planning Officer  
Ms P Gray, Communications Officer  
Ms L Hunter, Transportation Planner  
Mr M Cernicchiaro, Architect  
Mr C Clark, Senior Environmental Health Officer  
Ms A Stewart, Housing Enabler

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr B Hampton, Ms S Lamb  
Item 3: Mr S Herriot, Mr K Thomson, and Mr B Hickman  
Item 4: Mr M Cernicchiaro

**Apologies:**

Councillor D Collins  
Councillor C Cassini

**Declarations of Interest:**

None

**1. MINUTES OF PLANNING COMMITTEE MEETING, 6 DECEMBER 2022**

The minutes were agreed as an accurate record of the meeting.

**2. PLANNING APPLICATION NO. 18/00109/PM: ERECTION OF 171 HOUSES, 24 FLATS, 14 BUSINESS UNITS (CLASS 4, 5, 6), ONE RETAIL UNIT (CLASS 1), RESTAURANT (CLASS 3)/BAR (SUI GENERIS) AND ASSOCIATED WORKS, LAND AT WINDYGOUL, ELPHINSTONE, TRANENT**

A report was submitted in relation to Planning Application No. 18/00109/PM. Keith Dingwall, Service Manager – Planning, presented the report, summarising the key points. The report recommendation was to refuse consent.

Officers responded to questions from Members. Councillor McGinn raised questions relating to sports provision and traffic. Mr Dingwall advised that the applicant felt there was no policy basis for the planning authority to require a contribution to sports provision; officers countered that the Local Development Plan (LDP) and supplementary guidance said contributions should be considered for windfall housing developments. He added that infrastructure, including sports infrastructure, was a material planning consideration and therefore a competent reason for refusal. He said that all consultees had concluded there were acceptable links through the site. The core path between the east of the site and Windygoul South was to be upgraded as part of another development. He noted that Local Members regularly expressed concerns about the traffic on Elphinstone Road, but advised that transportation officers had not recommended refusal on that basis. Morag Haddow, Transportation Planning Officer, added that officers were happy with the Transport Assessment and the contributions being made towards the town centre changes in Tranent.

Responding to questions from Councillor McLeod, Mr Dingwall advised that the council did not ordinarily take on maintenance in a private area; it would be for the developer to make arrangements for the upkeep of the play areas. He said that the determination could only be made for the proposed level of affordable housing as part of the application, but there was provision for an applicant to seek to vary or amend the terms of the affordable housing contribution at a later date. Responding to questions from Councillor Gilbert, Anna Stewart, Housing Enabler, advised that 49 units would be for social rent, and the remaining affordable housing would be for midmarket rent; prices would be negotiated at a later stage, with a fall-back position within the local housing allowance. Who would deliver the midmarket rent properties had not yet been determined.

Responding to further questions, Mr Dingwall confirmed that the proposals satisfied Local Development Plan (LDP) requirements for open space. He acknowledged that the density of housing was higher than in some developments, but based on the layout, and the existing character of the housing to the north of the site, the density was considered to be acceptable. He confirmed also that there was still adequate land supply within the LDP to build the 10,050 houses required by the Scottish Government.

Bruce Hampton was present on behalf of Mactaggart and Mickel. Responding to questions from Councillor McGinn, he said that the developer disagreed with officers around policy interpretation and the size of the contribution required towards sports provision. He advised that legal advice had been taken on the matter and shared with the planning authority. He advised that all space that was not private/adopted spaces would be factored, but a factor had not yet been appointed. Mr Hampton and Councillor McGinn discussed the industry's approach to factors, and Councillor McGinn expressed concern that factors did not always abide by plans and the costs to residents could rise year-on-year. He asked that Mactaggart and Mickel undertake a review of factoring arrangements to ascertain whether customers were happy. He disputed that it was a simple process to remove and replace factors, and Mr

Hampton responded that the company reviewed past performance and satisfaction, and was keen to align itself with good factors. Councillor McGinn also remained concerned about the volume of traffic through Tranent and on Elphinstone Road, and that the application would substantially increase traffic. Mr Hampton said that extensive studies had been undertaken, and some of the developer contributions would go towards upgrading the road network to the north. He argued that the site was not suitable for business and employment use due to the unsuitability of the road network for articulated lorry transport, and said housing would be a better answer for the site. He pointed out that the development offered the opportunity to finish the southern link road, thus offering a better route from Windygoul South than would exist if the site remained undeveloped in the short term.

Councillor Menzies raised concerns over the voting arrangements in residents' associations for sites which had a large proportion of residents who are renting. Mr Hampton suggested that Members could require that a draft Deed of Conditions be approved prior to the development beginning. He gave an account of previous interactions with housing associations and said that the contract discussion could be built into the process earlier.

Responding to a question from Councillor Findlay, Mr Hampton gave an account of some of the reasons the site was considered unsuitable for economic development: there was an overprovision of industrial land and no market for 22 acres of employment land in that location; the juxtaposition with residential sites on the northern and eastern flanks did not work; and traffic issues would be caused by articulated lorries accessing the site. The developer had, however, committed a zone in the eastern corner to provide infrastructure and build an initial office block of 4000ft<sup>2</sup> to be used as a sale area.

Councillor McGinn, Local Member, said he would not support the application. He remained concerned over: the issues around sports provision; the volume of traffic increasing substantially; factoring arrangements; and it being a speculative application designed to override the LDP for more profitable housing. He suggested that the Committee write to the Scottish Government to discuss local authorities maintaining control of areas of economic development land identified under LDPs. He felt that if permission was not granted to take control, there was a danger of losing employment land to housing, or facing numerous speculative applications.

Councillor Menzies, Local Member, said that employment was right for the site, and said the area could not continue building satellite towns, and instead needed to provide sustainable employment and adequate healthcare within the county. She said that although the active travel provisions met requirements, she felt they plans were still poor and not where ambitions should lie. She noted issues of overcapacity within the school, GP surgery, and roads within the area. She also highlighted the difference between employment spaces and office blocks. Councillor McLeod, Local Member, echoed his colleagues' remarks, particularly since the site was earmarked for commercial use in the LDP. He would not support the application.

Councillor McIntosh highlighted local concerns about overdevelopment, building houses on agricultural land, and a lack of employment opportunities. As such, she would not support the development of housing on employment land. Councillor McMillan drew attention to the Economic Development Strategy and the key indicator to increase the number of jobs and inward investment in the county; it was known that there was a demand for small units for expansion. He highlighted National Planning Framework 4 (NPF4) and issues around the local economy and wellbeing. He supported Councillor McGinn's idea to write to the Scottish Government. He felt that the development did not help to strike the balance of the need for local jobs and leisure alongside housing, and would not support the application.

The Convener noted the difficulties faced previously in finding land for 10,050 houses across the county, but said delivery of these houses and associated infrastructure was well

underway across all communities. He highlighted that landowners and developers were not bringing forward economic development land. He felt that the council needed power to bring this forward, to ensure new and expanding businesses could stay within the county. He agreed that the Committee should write again to the Scottish Government. Businesses in East Lothian were looking to expand and develop, but adequate facilities were not available. He said that approval of this application would mean the planning system was broken, and reiterated that the site was for economic development use and needed to remain so. He also noted the revenue consequences of new housing, only around 25% of which was covered by council tax; he said that East Lothian could not afford to develop any more housing than was allocated within the LDP. He recommended that Members support the officer recommendation to refuse consent.

Councillor McGinn proposed that the Committee write to Scottish Government Ministers regarding the protection of economic development land, and this was seconded by McMillan. The Convener moved to a roll call vote on this proposal, and this was supported unanimously by Members.

The Convener then moved to the vote on the report recommendation, taken by roll call. The officer recommendation to refuse consent was supported unanimously.

## DECISION

The Planning Committee refused permission for the following reasons:

- 1 The proposed residential development would result in the loss of employment land that is part of the established employment land supply of Tranent, to the detriment of East Lothian's economy, contrary to Proposal TT3 and Policy EMP1 of the adopted East Lothian Local Development Plan and Scottish Planning Policy: June 2014.
- 2 The proposed residential development would lead to an unacceptable loss of prime agricultural land, contrary to Policy NH7 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.
- 3 Without the developer contributions towards sports provision the proposed development is unacceptable due to a lack of sports infrastructure and is therefore contrary to Policy DEL1 and Proposals TT3 and CF1 of the adopted East Lothian Local Development Plan 2018.

The Planning Committee also agreed to write to Scottish Government Ministers regarding the protection of economic development land.

### **3. PLANNING APPLICATION NO. 22/00992/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITION 1 OF PLANNING PERMISSION IN PRINCIPLE 21/01474/PPM - RELATING TO THE DETAILED LAYOUT, SITING, DESIGN AND EXTERNAL APPEARANCE OF THE ONSHORE SUBSTATION AND ONSHORE TRANSMISSION WORKS ASSOCIATED WITH THE OFFSHORE INCH CAPE WIND FARM, FORMER COCKENZIE POWER STATION SITE, PRESTONPANS**

A report was submitted in relation to Planning Application No. 22/00992/AMM. David Taylor, Planner, informed the Committee that the council's Senior Engineer – Flood Protection had advised that a Surface Water Drainage Strategy submitted for the wider former Cockenzie Power Station site as part of Condition 10 of permission 21/01474/PPM included land which was the site of an onshore substation, the subject of the current application. Therefore, recommended Condition 6 in the report of handling for the current application would be

deleted. He then presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to questions from Members, and Simon Herriot, agent, and Keith Thomson, on behalf of Inch Cape Wind, were also present to answer questions. Mr Taylor confirmed that a new fence would be erected along the existing site boundary to the west. Responding to questions from Councillor McIntosh, Mr Taylor confirmed that officers were satisfied with the flood event modelling, which had taken into account sea level rises. Councillor Gilbert asked about illumination of the facility at night. Mr Thomson reassured Members that lighting at night would be kept to a minimum, with the best technology used to make sure no disturbance was caused, but said there were no plans to light the facility in colour. Councillor McGinn asked about the closure of the John Muir Way, and Mr Taylor advised that the only closure of this section would be during landfill works; disruption and closure of the footpath would be kept to a minimum and restored accordingly on completion.

Bryan Hickman raised questions and representation about the application on behalf of Cockenzie and Port Seton Community Council. The community council noted that the Environmental Impact Assessment (EIA) had been produced in 2018, and felt this should be updated as the sight was now much busier. He raised that the EIA did not refer to sound pollution, or risk from fire or theft. He also questioned whether the site would be manned 24 hours per day. He noted that the John Muir Way was used for fishing as well as walking, and asked why the whole section had to be closed. He questioned some of the planting chosen for the site, and said that sea buckthorn was very invasive. He also asked about the impact on the existing road system when materials were delivered to the site, since the proposed new road was unlikely to be ready before this development began.

Mr Taylor responded to the questions raised by Cockenzie and Port Seton Community Council. He confirmed that the EIA had been produced in 2018 and then revisited in 2021. He advised that an Operational Noise Impact Assessment had been submitted and approved, with no issues raised by Environmental Health. Landscaping proposals had also been submitted but not yet approved; he highlighted Condition 4 which required a final scheme of landscaping to be submitted for approval, but said the applicant had taken on board Landscape Officer comments. He also advised that no concerns had been raised by Road Services over deliveries to the site during construction.

Mr Thomson also responded to the community council's comments. He advised that the site would generally be unmanned, but there would be regular presence of personnel in low numbers. He advised that mitigation against risk of fire had been factored into the design, including fire walls incorporated into the substation walls. He gave reassurance that this part of the John Muir Way would be kept open wherever possible, and a diversion would be in place when an area to the northwest of the site would have to be closed temporarily. Mr Herriot added that the planning permission in principle from 2018 (and renewed in 2021) contained 14 conditions, and these controls remained in place; the information before Members for the current application related only to Condition 1 of permission 21/01474/PPM. He noted that landscaping was controlled by Condition 1 and Condition 13 of the parent permission. Councillors McMillan and McIntosh raised landscaping, and Councillor McIntosh highlighted Biodiversity Officer comments that the scrubs would have to be maintained to avoid detriment to the wading birds. The Convener said that the Landscape Officer and Biodiversity Officer would ensure appropriate planting for the location would be put in place.

Councillor Yorkston commented on the historic importance of the site for the production and distribution of electricity, and said it made sense to utilise the resource. He noted that there was still a great deal of land left to develop other employment and economic development opportunities. He noted the polluting effect of the former power station, and he would support this proposal to expand the potential of the site to bring clean and green energy into the national grid. Councillor Gilbert echoed these comments, and was glad that the substation

would use as little land as possible to the north of the site, regarded as the prime area. He would support the lighting plan having received reassurance that it was as robust as it could be.

The Convener commented on the long process to bring the substation forward. East Lothian had played an important role in supplying the country's energy needs, and would continue to do so by helping to supply green energy. He commented that there was more to do across the county to ensure the energy supply was greener and safer. He then moved to the vote on the report recommendation, to grant consent, taken by roll call. Members unanimously supported the officer recommendation.

## **DECISION**

Members agreed that Approval of Matters specified in conditions for the detailed layout, siting, design and external appearance of the Onshore Substation and onshore transmission works be granted subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

The above mentioned details shall include a final site setting-out drawing to a scale of not less than 1:200, giving finished ground levels of the development relative to existing ground levels of the site and of adjoining land and building(s). The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing.

Reason:

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

- 3 Notwithstanding that which is stated on the drawings docketed to this approval of matters specified in conditions, a detailed specification of all external finishes of the proposed development shall be submitted to and approved by the Planning Authority prior to the use of the finishes in the development. All such materials used in the construction of the development shall conform to the details so approved.

Reason:

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

- 4 The submitted landscape information is not hereby approved. Instead, and prior to the commencement of development, a scheme of landscaping taking account of the detailed layout of the Onshore Substation hereby approved shall be submitted to and approved in writing by the Planning Authority.

The scheme shall provide details of the height and slopes of any mounding on or recontouring of the site, species, habitat, siting, planting distances and a programme of planting. It should also address long term management of the approved planting.

In accordance with the approved scheme all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of five years from the completion of

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

Reason:

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

- 5 Prior to the commencement of any development of the offshore export cables from the Inch Cape offshore wind farm to the northwest of the application site and the closure of the coastal footpath to the north, details of the footpath diversion to be provided shall be submitted to and approved by the Planning Authority.

The details submitted shall comply with the following requirements:

- i) the section of the coastal footpath to the north to be closed-off shall include only that area of development of the offshore export cables from the Inch Cape offshore wind farm to the northwest of the site and public access to the remaining areas of coastal footpath shall be retained;
- ii) during periods when no development of the offshore export cables from the Inch Cape offshore wind farm is undertaken the coastal footpath will remain fully in use;
- iii) a signage strategy to ensure that adequate signage shall be erected at each access to the footpath diversion at least 14 days prior to its implementation and for the duration of its use to include information on the diversion route, the dates during which it will operate and contractor contact details; and
- iv) all areas of the footpath diversion shall be finished in a permeable hardsurface.

Thereafter the footpath diversion shall be available for use by the public for the duration of the construction phases of the offshore export cables from the Inch Cape offshore wind farm to the northwest of the application site unless otherwise agreed by the Planning Authority.

Reason:

To safeguard safe access by members of the public.

#### **4. PLANNING APPLICATION NO. 22/00180/PM: ERECTION OF SCHOOL/CHILDREN'S NURSERY AND ASSOCIATED WORKS, WHITECRAIG PRIMARY SCHOOL AND LAND TO THE SOUTH WEST OF WHITECRAIG PRIMARY SCHOOL, WHITECRAIG, MUSSELBURGH**

A report was submitted in relation to Planning Application No. 22/00180/PM. Stephanie McQueen, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Officers responded to Member questions, and Michael Cernicchiaro, Architect, was present on behalf of East Lothian Council. Mr Cernicchiaro advised that work was expected to begin on site in June 2023, with building work completed by the end of the August school break in 2024. Ms McQueen said that the Flooding and Drainage Officer was satisfied that there were appropriate controls in place to mitigate flooding risks. Officers would welcome children being involved in selecting which trees would be planted and would suggest to the school that pupils become involved in this way. Mr Cernicchiaro confirmed that the dining hall design had been calculated using peak roll projections for the school, so there would be room to feed all children at the same time. He said consideration had been given to retrofitting existing buildings, but the condition of the existing building, including poor energy efficiency and the presence of asbestos, meant that a decision was made to replace. Energy performance modelling had shown that installation of air source heat pumps, detailing to

increase the airtightness of the building, and incorporating higher levels of insulation met all leap funding requirements for energy and sustainability, as well as all planning requirements.

Responding to questions from Councillor McGinn, Ms McQueen advised that Road Services had been satisfied that all roadside disabled parking spaces would be retained, and driveway access would also be retained. The setback required for signalised junctions would actually have a positive impact on the access driveways, which would be less likely to be blocked by people trying to park close to the roundabout. Liz Hunter, Transportation Planner, added that double yellow lines would be installed on Cowpits Road over the first 15m north from the new signalised junction; this would give greater protection to the white bar markings currently covering two driveways.

Members welcomed the new Whitecraig Primary School, commenting on the innovative design as being ambitious and an investment in Whitecraig's young people, staff, and community. Councillor McGinn said he was delighted with the timescales involved. Councillor McIntosh noted that it was the first public building she had considered as a Planning Committee Member that was being built to Passivhaus standards, and Councillor McMillan highlighted the importance of encouraging behaviour change towards active travel to school.

The Convener noted the rate of growth within the school estate and the revenue and capital pressures the council faced. He welcomed the building's energy efficiency, which would keep costs down, and its spectacular design. He then moved to the vote on the report recommendation, to grant consent, taken by roll call. Members unanimously supported the officer recommendation.

## **DECISION**

The Committee agreed planning permission for the proposed primary school and its associated works be granted subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 3 years from the date of this permission.

Reason:

Pursuant to Section 58 of the Town and Country Planning (Scotland) Act 1997 as amended.

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

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

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

Reason:

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

- 3 Prior to any works beginning on site (and where risks have been identified), the remediation of the site shall be carried out in accordance with the Remediation Strategy docketed to this grant of planning permission unless otherwise approved in writing by the Planning Authority in consultation with the Council's Contaminated Land Officer.



The approved Remediation Statement must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out the agreed remediation. Following completion of the measures identified in the approved Remediation Statement, a Validation Report shall be submitted that demonstrates the effectiveness of the remediation carried out. The Validation Report shall be submitted to and approved in advance in writing by the Planning Authority prior to the commencement of use of the new school hereby approved.

In the event that 'unexpected' ground conditions (contamination) are encountered at any time when carrying out the development hereby approved, work on site shall cease and the issue shall be reported to the Planning Authority immediately. At this stage a Site Investigation and subsequent Risk Assessment may have to be carried out, if requested by the Planning Authority. It may also be necessary to submit a Remediation Strategy should the reporting determine that remedial measures are required. It should also be noted that a Verification Report would also need to be submitted confirming the satisfactory completion of these remedial works.

If no 'unexpected' ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to the commencement of use of the new development.

Reason:

To ensure that the site is appropriately remediated and is clear of any contamination found to be present prior to the use of the building approved.

- 4 Prior to the commencement of use of any part of the school hereby approved, the proposed signalised junction also hereby approved, shall have been installed, made operational, and been subject to an independent Stage 3 Road Safety Audit and any points raised by that Audit satisfactorily addressed. The proposed signalised junction shall be laid out in accordance with the details for it shown on docketed drawing no. J5278-sk001 Rev G (G3 Consulting Engineers drawing) unless the Planning Authority agree to any variation.

Double yellow line restrictions shall be installed on the east side of Cowpits Road in line with the extents shown on docketed drawing no. J5278-sk001 Rev G (G3 Consulting Engineers drawing) in order to maintain forward visibility to the signalised junction. A Traffic Regulation Order will need to be progressed.

Thereafter the proposed signalised junction shall be retained for such use unless the Planning Authority agree to any variation.

Reason:

In the interests of road and pedestrian safety.

- 5 Prior to the commencement of development, a Construction Method Statement which sets out how the impact of construction activity on the safety and amenity of the area will be mitigated shall be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall include details of:

- (i) mitigation measures to control noise, dust, construction traffic (including routes to/from site and delivery times);
- (ii) hours of construction work;
- (iii) routes for construction traffic;
- (iv) how building materials and waste will be safely stored and managed on site; and
- (v) wheel washing facilities or alternative facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved and the wheel washing facilities or any alternative facility so approved shall be provided and maintained in working order during the period of construction operations at the site.

Reason:

To minimise the impact of construction traffic in the interests of road and pedestrian safety in the locality and relative to school generated vehicle and pedestrian movements.

- 6 Prior to the development hereby approved being brought into use, a School Green Travel Plan shall be submitted to and approved in writing in advance by the Planning Authority in consultation with the Council's Road Services. The School Travel Plan shall have particular regard to provision for walking, cycling and public transport access to and within the site, including the identification of appropriate Safer Routes to School, and will identify the measures to be provided, the system of management, monitoring, review, reporting and duration of the plan.

Thereafter, the approved School Green Travel Plan shall be implemented prior to the use of the primary school building hereby approved.

Reasons:

In the interest of road safety.

- 7 Prior to the commencement of the development hereby approved, a detailed Construction Risk Assessment and Method Statement for the proposed works to the culverts on the application site shall be submitted to and approved in advance in writing by the Planning Authority. Amongst other details, the Construction Risk Assessment and Method Statement shall include a timetable for the implementation of the works to the culverts. The development shall thereafter be carried out in strict accordance with the detailed Construction Risk Assessment and Method Statement so approved, unless otherwise agreed in writing by the Planning Authority.

Reason:

To ensure that development is not at risk from flooding.

- 8 Prior to the commencement of development on the site, full details of the proposed Sustainable Drainage System (SuDS) including a Surface Water Management Plan for the development shall be submitted to and approved in writing by the Planning Authority.

The details shall include confirmation of Scottish Water's technical approval of the SuDS proposals, if relevant.

Thereafter, the approved details shall be implemented as approved, unless otherwise agreed in writing with the Planning Authority.

Reason:

To ensure that development is not at risk from flooding, there is no increase in flood risk elsewhere and appropriate long-term maintenance arrangements are in place.

- 9 Prior to the commencement of use of the primary school hereby approved, the proposed access roads, parking spaces, cycle parking and footpaths shall all have been constructed on site in accordance with the docketed drawings.

Those areas of land shall not thereafter be used for any other purpose than for accessing and for the parking of vehicles in connection with the use of the primary school and shall not be adapted or used for other purposes without the prior written approval of the Planning Authority.

Reason:

To ensure that adequate and satisfactory provision is made for access and for parking in the interests of road safety.

- 10 Prior to the commencement of use of the school hereby approved, the turning head of the vehicular access from Whitecraig Road (Service Vehicular Entrance) shall be marked out as a 'keep clear' or 'no parking' area to ensure that there would be no obstruction to vehicular manoeuvres, and details of the marking out of that 'keep clear' or 'no parking' area shall be

submitted to and approved in advance in writing by the Planning Authority in consultation with Road Services and Waste Services prior to the works being carried out. Thereafter, the 'keep clear' or 'no parking' area shall be marked out in accordance with the details so approved and shall be retained as such in perpetuity unless otherwise approved by the Planning Authority.

Reason:

In the interests of road safety and to ensure adequate turning and manoeuvring space on the site.

- 11 Any proposed plant/equipment associated with the operation of the school hereby approved shall be selected, designed and located so as to ensure that any noise emanating therefrom shall not exceed Noise Rating Curve NR25 at any octave band frequency within any neighbouring residential property, with all measurements to be made with windows open at least 50mm.

Reason:

In the interests of safeguarding the amenity of the occupants of existing neighbouring residential properties.

- 12 The design and construction of the floodlighting of the artificial sports pitch hereby approved shall take account of the Guidance contained within Annex 1 to Appendix 2 of Scottish Government Guidance to Accompany the Statutory Nuisance Provisions of the Public Health etc (Scotland) Act 2008 to ensure that the following criteria be met prior to any external lighting becoming operational:

(i) Light Trespass onto windows of neighbouring residential properties, measured as Vertical Illuminance in Lux, (Ev), shall not exceed 10 Lux between the hours of 07.00 and 23.00 on any day and shall not exceed 2 Lux between the hours of 23.00 to 07.00.

The lighting shall thereafter be maintained as approved unless the Planning Authority given written consent to any variation.

The floodlights of the artificial sports pitch of the development hereby approved shall only operate between 07.00 and 23.00 hours on any day.

Reason:

To prevent lighting from spilling onto neighbouring land, in the interests of safeguarding the amenity of the occupants of neighbouring residential properties.

- 13 A schedule and samples, of materials and finishes, including their colours, to be used on the exterior of the primary school building hereby approved shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development. Thereafter, the materials and finishes, including their colour(s), used shall accord with the schedule and samples of them so approved.

Reason:

To enable the Planning Authority to control the materials, finishes and colours to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 14 Prior to commencement of development, details of the electric vehicle charging facilities including a timetable for their implementation and availability for use shall be submitted to and approved by the Planning Authority.

The electric vehicle charging facilities shall thereafter be carried out in accordance with the details and timetable so approved and those areas of land shall not thereafter be used for any other purposes than for electric vehicle charging facilities.

Reason:

To minimise the environmental impact of the development.

- 15 Other than the trees, as detailed on docketed drawing no. L(94)010 rev P04, that are to be removed, all other existing trees on the application site shall be retained and shall not be

damaged or uprooted, felled, lopped or topped without the prior written consent of the Planning Authority.

Reason:

In order to ensure the retention and health of trees or shrubs on and adjacent to the application site which are important to the landscape character of the area.

- 16 No development shall take place on the site until temporary protective fencing has been erected and installed and confirmed in writing by the Planning Authority to protect the retained trees on the site. The temporary protective fencing shall be erected in the positions shown for it on the drawings docketed to this grant of planning permission, unless otherwise approved in writing by the Planning Authority.

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

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

Within the fenced off areas creating the construction exclusion zones the following prohibitions shall apply:-

- No vehicular or plant access;
- No raising or lowering of the existing ground levels;
- No mechanical digging or scraping;
- No storage of temporary buildings, plant, equipment, materials or soil;
- No hand digging;
- No lighting of fires; and
- No handling, discharge or spillage of any chemical substance, including cement washings.

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

Reason:

In order to ensure the protection of the trees within and adjacent to the application site in the interests of safeguarding the landscape character of the area.

- 17 Any works within the root protection area of any retained tree shall be dug and backfilled by hand. Within such hand dug operations, tree roots exceeding 25mm diameter shall be avoided. If roots exceeding 25mm diameter are encountered the excavation shall be backfilled and lightly compacted immediately and another hole dug. Any tree roots 25mm in diameter or smaller encountered shall be cleanly cut.

Reason:

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

- 18 All planting, seeding or turfing comprised in the approved details of the landscaping scheme shown in the drawings docketed to this grant of planning permission shall be carried out in the first planting and seeding season (October - March) following the school building being brought into use or the completion of the development hereby approved, whichever is the sooner.

Any trees or plants which die, are removed or become seriously damaged or diseased within a period of 10 years shall be replaced in the next planting season with others of similar size and species, unless the Planning Authority gives written consent to any variation.

Reason:

To ensure the implementation of landscaping in the interests of the character, appearance and amenity of the area.

- 19 Any tree felling shall not be carried out during the bird breeding / nesting season (March to August, inclusive each calendar year) unless it is implemented wholly in accordance with a Species Protection Plan which shall be submitted to and approved in writing in advance by the Planning Authority, and thereafter, the development shall be carried out in accordance with the Species Protection Plan so approved, or it has been demonstrated to the satisfaction of the Planning Authority that no nesting birds are present prior to works commencing and the Planning Authority have approved such details in writing in advance.

Reason:

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

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee