



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

**TUESDAY 6 JUNE 2023  
VIA A DIGITAL MEETING FACILITY**

---

**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Allan  
Councillor C Cassini  
Councillor D Collins  
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 C McFarlane

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Mr C Grilli, Service Manager – Governance  
Mr D Irving, Senior Planner  
Ms S McQueen, Planner  
Mr B Stark, Planner  
Ms P Gray, Communications Adviser  
Mr J Canty, Transport Planner  
Mr G McLeod, Transportation Planning Officer  
Ms L Hunter, Senior Roads Officer  
Mr A Hussain, Transportation Planning Officer

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr T Thomas and Mr P Brown  
Item 3: Mr K Macdonald and Mr B Dickson  
Item 4: Ms A Townsend and Mr S Hindson

**Apologies:**

Councillor C McGinn

**Declarations of Interest:**

Item 2: Councillor Gilbert, due to renting a property from the Wemyss and March Estate.

**1. MINUTES OF PLANNING COMMITTEE MEETING, 2 MAY 2023**

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

*Sederunt: Councillor Gilbert left the meeting.*

**2. PLANNING APPLICATION NO. 22/00734/AMM: APPROVAL OF MATTERS SPECIFIED IN CONDITIONS OF PLANNING PERMISSION IN PRINCIPLE 16/00485/PPM – ERECTION OF 124 HOUSES, 6 FLATS AND ASSOCIATED WORKS, LONGNIDDY FARM, LONGNIDDY**

A report was submitted in relation to Planning Application No. 22/00734/AMM. Stephanie McQueen, Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

*Sederunt: Councillor McMillan joined the meeting.*

Officers responded to questions from Members. Councillor Findlay asked how close Coal Road was to reaching capacity. Graeme McLeod, Transportation Planning Officer, advised that a capacity assessment had not been undertaken out for this application, but an assessment had been carried out for the whole site as part of a previous application and no issues had been raised in terms of the capacity of access junctions. Officers were unaware of particular issues with Coal Road, but speeding into and out of the village caused concern; this would be addressed by a scheme of works including a buffer speed limit. Officers could look into the capacity of Coal Road if there were particular concerns, but he noted that junction capacity was usually of greater concern than lane capacity. Traffic signals had recently been installed at the A198 and Coal Road junction.

Tony Thomas, applicant's agent, spoke to the application. He reported that Longniddry South had recently won the award for the best large development in Scotland, and the same design code would be applied across the development. He advised that Phase 2 would see the completion of Longniddry South, including the footpaths to Longniddry Station, the playing field on the eastern edge, open spaces, and play areas. It was expected that the development of Phase 2 would be completed by early 2028. He addressed Councillor Findlay's question about Coal Road, and advised that there had never been a capacity issue with the road itself, and junction upgrades had already increased capacity.

Councillor McIntosh asked what consideration had been given to decarbonised heating and/or to hot water heating directly from the solar panels. She felt that heating of the homes should be more futureproofed when a gas supply may not be guaranteed for the life of the boilers. Mr Thomas referred to continuity between Phase 1 and Phase 2. He said that if the opportunity for the developments to be gas free arose, this would be considered by developers, but the application was in its current state when the gas supply did exist for the current homes. He agreed that this technology would be expected in the future and would add value to homes. The Convener felt that central government needed to come out in support of a particular technology, and noted that developers had seemed unwilling to get behind specific technologies while there was disagreement as to efficiency.

Councillor Cassini asked about the access for the cottages at 3-6 Longniddry Farm. Mr Thomas responded that residents currently accessed under Argyle Bridge and took a hard left

up the hill to the cottages. As Phase 2 developed, the cottages would be provided with new access from the south, which would enable the path under Argyle Bridge to be used as a footpath only.

Paul Brown spoke to his submitted representation. He was resident at one of the two middle cottages at Longniddry Farm Cottages. He described summertime traffic as diabolical. He highlighted that changes to access under the Argyle Bridge would leave cottage residents without vehicular access to their very large front gardens. The two middle cottages parked in this area, so pressure would be put on the rear of the cottages. The change would affect garden storage and mean that large garden items would have to be carried through houses. The main entrance to the cottages was at the rear and the oil tanks, log stores, bins, etc. were stored there. The road to the rear of the cottages was semi-private but had become accessible to anyone since the development began. Residents were concerned over a lack of space, as drawings showed only eight metres for both a carriageway and for parallel parking. Mr Brown said he had tried to raise the issue of lost space with the community council but it had not been addressed. When the new houses were occupied, unless the cottages were fenced off, then people would walk past the cottages' kitchen and bedroom windows through their current gardens and private spaces. He advised that residents had offered an alternative plan involving alterations to the SuDS ponds, and noted that oil tanks and sheds and outbuildings belonging to residents were missing from the drawings. He summarised that residents felt ignored, and were concerned about access, privacy, security, and loss of space.

Responding to questions from the Convener, Mr Brown added that there was an assumption that people would not walk past the rear of the cottages, but he reported that people were already doing so and would continue to take the quickest route. He reported that the estate had intimated there would be a path through the steading, but this would not be the easiest route. Mr Brown confirmed that the land on which residents parked was rented from the estate, and the Convener pointed out that this would be a legal issue between the residents and the estate that could not be dealt with through the planning process.

Ms McQueen referred to the footpath to the south of the railway line and under Argyle Bridge along the existing driveway to the north of the four cottages, and said there was a requirement for a footpath to be provided as part of a shared use path to link along the north edge of the development. Within that condition, privacy was to be retained for the cottages. Other footpaths would go between the housing development and the steading. She suggested Mr Thomas could ask the developer to ask workmen to refrain from taking this route. She said a fence would demarcate the residents' land from public open space. Mr Thomas echoed that the footpath would be demarcated and it would not be possible to cut across to the rear of the cottages. He reported there had also been discussion about using glass which could not be seen into. He said that discussion on this matter could continue after the grant of planning permission. Mr Brown responded that fences would result in a dead end and would not leave enough space for parking, and the issue of oil tank placement still had to be addressed. The Convener said that a condition would have to be raised to avoid major disruption to residents.

Councillor McMillan hoped the Road Safety Audit and Quality Audit referred to in Condition 22 would involve the residents of the cottages. He commented on the Gosford Estate being strong partners and thought there would be a solution to be found. He had a longstanding community association since living in Longniddry previously. He welcomed the award for the estate and said people admired the development. He felt the new traffic signals addressed issues of road safety through the village and access onto the Coal Road. He thought the matter of access to the cottages was serious and had to be addressed. He welcomed the gala day being extended to include the new communities, and said the church always welcomed new members and sought to link with multi-faith organisations. He was minded to grant the application, subject to the issues around access for Longniddry Cottages being addressed.

Councillor Yorkston, Local Member, offered his congratulations to the developers for the recent award, and thanked the planning department for their hard work in bringing forward a quality development. He acknowledged Mr Brown's valid concerns. He was encouraged by the work of the community council to integrate the new residents into the community, and thought Longniddry South would be a valuable asset to the village.

The Convener commented that those living in the new properties were lucky to live in such an attractive development with high quality finishes. He acknowledged that the residents of 3-6 Longniddry Farm Cottages had already seen an alteration to the way they lived, and agreed a condition must be put in place to ensure they could live comfortably. He acknowledged the willingness of the developer to discuss conditions. He congratulated all involved on the award and commented on the positives of having such a high quality development in the area.

At the request of the Convener, Keith Dingwall, Service Manager – Planning, suggested a wording for Condition 45 to ensure adequate parking would be retained for the existing cottages at 3-6 Longniddry Farm Cottages, which would read:

Prior to the commencement of the development hereby approved, details of the parking for the existing cottages at 3-6 Longniddry Farm Cottages shall be submitted to and approved by the Planning Authority. The detail shall include a timetable for the implementation of the parking arrangements. Thereafter, those measures shall be implemented in their entirety in accordance with the details in the timetable so approved, and those measures shall thereafter be retained in place unless otherwise approved in writing by the Planning Authority.

Mr Thomas responded that the matter could be dealt with after planning permission had been granted, but was unsure whether it would be enforceable outwith the boundary of the planning application. Mr Dingwall confirmed that it was competent for the Planning Authority to impose conditions outwith the red line boundary, but this should be done only when the applicant had control over this land. As agreement had not been reached, Mr Dingwall recommended that the application be granted subject to an additional condition being imposed to cover this general matter, the details of which would be approved following discussions between the Planning Authority, applicant, and approved by the Convener and Local Members. The additional condition being agreed at a later date was proposed by the Convener and seconded by Councillor McMillan.

The Convener then moved to a roll call on the officer recommendation to grant consent, subject to an additional condition being agreed regarding parking for the existing cottages at 3-6 Longniddry Farm Cottages. Members unanimously indicated their support for the application.

## **Decision**

Planning consent was granted, subject to the undernoted 44 conditions, and subject to an additional condition to cover the matter of parking for the existing cottages at 3-6 Longniddry Farm Cottages. The detailed wording of the additional condition to be agreed between the Planning Authority and the applicant and with the prior approval of the Convener and Local Members:

- 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 commencement of development on site, full details of the proposed Sustainable Drainage System (SuDS) 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.

Reason:

To ensure that the final SuDS design complies with Sewers for Scotland 4 and can be vested by Scottish Water in the interest of flood prevention, environmental protection and the long term amenity of the area.

- 4 In the event of the presence of any previously unsuspected or unforeseen contamination of the land on the application site being found, development shall not begin or shall cease to continue until a scheme to deal with contamination on the site has been submitted to and approved in writing by the Planning Authority. The scheme shall contain details of the proposals to deal with contamination to include:

- 1 the nature, extent and type(s) of contamination on the site,
- 2 measures to treat/remove contamination to ensure the site is fit for the use proposed,
- 3 measures to deal with contamination during construction works,
- 4 condition of the site on completion of decontamination measures.

Thereafter any mitigation measures required shall be implemented as so approved. Thereafter a Verification Report shall be submitted confirming the satisfactory completion of the remedial works.

Before any of the houses and flats hereby approved are occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority, and a Verification Report shall be submitted for approval of the Planning Authority confirming the satisfactory completion of the remedial works.

If no unsuspected or unforeseen ground conditions are encountered during the development works, then this should be confirmed to the Planning Authority prior to occupation of the new dwellings.

Reason:

To ensure that the site is clear of contamination prior to the occupation of the houses and flats.

- 5 Prior to the commencement of development on the site, a delivery schedule and phasing plans for the whole of the site of planning permission 16/00485/PPM that establishes the phasing and timing programme for the proposed development. The delivery schedule and phasing plans shall include the phasing and timing for the provision of:

- i) footpaths/cycleways and external works such as on-site and off-site footpath links;
- ii) public road links, including paths, to local services, schools and the public road network;
- iii) drainage infrastructure;
- iv) recreational facilities, including open space, including the 'village green' and braid burn corridor, equipped play area and sports pitches;
- v) landscaping; and
- vi) construction phasing.

The phasing of the development of the site shall be carried out in strict accordance with the phasing plan so approved, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

To enable the Planning Authority to control the development of the site in the interests of the good planning of the site.

- 6 Prior to the commencement of development, a report on the actions to be taken to reduce the carbon emissions from the build and from the completed development shall be submitted to and approved in writing in advance by the Planning Authority. This report shall include, but not exclusively, the provision of renewable technology for all new buildings, where feasible and appropriate in design terms. The details shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the report so approved.

Reason:

To minimise the environmental impact of the development.

- 7 Notwithstanding that shown on drawing no. SP-306 rev I (Site layout - Parking strategy), prior to the commencement of development, a scheme for the provision of electric vehicle car charging points and associated infrastructure for them, where feasible and appropriate in design terms, shall be submitted to and approved in writing by the Planning Authority. The scheme shall include a timetable for implementation. Development shall thereafter be carried out in accordance with the charging points scheme so approved.

Reason:

To minimise the environmental impact of the development.

- 8 No part of the SuDS for the proposed development shall be sited within 10 metres of the railway boundary.

Reason:

To ensure that all surface and foul water arising from the development is collected and diverted away from Network Rail property.

- 9 Notwithstanding that which is shown on drawing nos. SC1003-LE-7003 rev I, SC1003-LE-7004 rev E, SC1003-LE-7005 rev F, and SC1003-LE-7006 rev J, a detailed scheme of landscaping, including planting plan and schedule, based on drawing nos. SC1003-LE-7003 rev I, SC1003-LE-7004 rev E, SC1003-LE-7005 rev F, and SC1003-LE-7006 rev J, shall be submitted to and approved in advance in writing by the Planning Authority. The scheme shall provide details of: the height and slopes of any mounding on or re-contouring of the site including SuDS basin/ponds details; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. Non-thorn shrub species shall be located adjacent to pedestrian areas. New trees shall be relocated to be adjacent to rather than within hedges. The scheme shall include indications of all existing trees and hedgerows on the land, details of any to be retained, and measures for their protection in the course of development.

The landscaping shall be implemented to accord with the 'Phasing Plan' numbered 1629(PL)002 rev A with landscaping within each phase carried out in the first planting and seeding season following the occupation or completion of each phase, whichever is the sooner. The landscaping within the 'joint public realm' and 'connection corridor' sections to the south PFP phase 6 shall be implemented within 1 year of commencement of Phase 6 and the landscaping with the 'connection corridor' section to the southeast of PFP phase 4 shall be

implemented within 1 year of commencement of PFP phase 4 of drawing no. 1629(PL)002 Rev A.

All planting, seeding or turfing comprised in the approved details of landscaping shall be implemented in accordance with the details so approved, including the timetable for implementation.

Any trees or plants which die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar species and final size, unless the Planning Authority gives written consent to any variation. No trees or shrubs, detailed in the approved landscaping plans to be retained on the site, shall be damaged or uprooted, felled, topped, lopped or interfered with in any manner without the previous written consent of the Planning Authority. All existing and new planting comprised in the scheme of landscaping shall be retained and maintained unless the Planning Authority gives written consent to any variation. All landscape shall be retained and maintained to accord with the details of the approved details of landscaping.

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.

- 10 The landscaping scheme pursuant to condition 9 shall be implemented, maintained and managed in accordance with the "Planting notes and landscape maintenance and management proposals" report docketed to this grant of matters specified in conditions.

The management of communal areas and hedges to front gardens as detailed in "Planting notes and landscape maintenance and management proposals report shall be adopted and maintained by a Factor or a Residents Association in accordance with details to be submitted to and approved in advance by the Planning Authority prior to the occupation of any residential units hereby approved.

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.

- 11 Prior to the commencement of development a detailed statement on the measures to be implemented to enhance biodiversity on the site, including appropriate measures to conserve, restore or enhance biodiversity on the site and a timescale for their implementation shall be submitted to and approved in advance in writing by the Planning Authority. Thereafter, the measures to conserve, restore or enhance biodiversity on the site shall be implemented in accordance with the details and timescale so approved.

Reason:

In the interests of enhancing the biodiversity on the site.

- 12 Prior to the commencement of development, details, including their size, form, position, appearance and colour(s), of all electricity substations and/or gas governors, if relevant, to serve the development hereby approved shall be submitted to and approved in advance in writing by the Planning Authority, and thereafter any electricity substations and/or gas governors shall accord with the details so approved.

If no substations and/or gas governors are required for the development hereby approved, then this should be confirmed to the Planning Authority prior to the commencement of development.

Reason:

To enable the Planning Authority to control the positioning, appearance, form, finishes and colour of any electricity substations and/or gas governors to be used to achieve a development of good quality and appearance in the interest of the visual amenity of the area.

- 13 The play equipment for this development is not hereby approved. Prior to the commencement of the development hereby approved, details of how all the areas of open space and the

equipped play area are to be developed, laid out and maintained, including details of play equipment, surfacing and enclosures and a timetable for their implementation and delivery shall be submitted to and approved in advance in writing by the Planning Authority. Play equipment shall be suitable for ages 0 - 15 years.

The details shall include additional play equipment such as 'trim trail' equipped play on the green landscaped area of the southeast part of the application site and of the masterplan of planning permission in principle 16/00485/PPM and shall include for mown paths in the wildflower grassed area of open space on the northern part of the site.

The details shall also include the costings of the play provision, which shall be commensurate with the requirements of the Council's Principle Amenity Officer assessment of Planning Permission in Principle 16/00485/PPM, and shall identify and define the areas of public open space and how they would be managed and maintained.

Thereafter, the areas of open space and the equipped play areas shall be installed, enclosed and thereafter retained and maintained in accordance with the details so approved.

Reason:

To ensure the satisfactory provision and maintenance of adequate play provision within the development in interests of the amenity of the area.

- 14 Prior to the commencement of development hereby approved, details of the footpath connection from the street south of the existing cottages of Nos. 3 - 6 Longniddry Farm Cottages to the north side of Longniddry Farm Steadings to connect to the shared use path leading to the Argyle Bridge shall be submitted to and approved in advance in writing by the Planning Authority. The details shall include a timescale for the provision of the footpath. The footpath shall be formed and made available for use in accordance with the details and timescale so approved and thereafter retained in use.

Reason:

To provide good pedestrian footpath network connections within the Longniddry South development.

- 15 Prior to the occupation of any one of the houses or flats hereby approved, an adoptable continuous footpath route between each phase of the development hereby approved and the controlled crossing of the A198 Main Street via the Argyle Bridge shall be provided in accordance with the details of such a footpath route and the timetable for its delivery to be submitted to and approved in advance in writing by the Planning Authority. The continuous length of footpath shall be constructed to adoptable standards with lighting in accordance with East Lothian Council's Standards for Development Roads. The details and timetable shall show that the footpath would be provided to each phase of the site prior to the occupation of the houses/flats on that phase of the site.

Thereafter, the continuous footpath route shall be provided and delivered in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety and to provide a safe route to schools.

- 16 Construction access to the development hereby approved shall be taken from the classified B6363 public road (Coal Road) only unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of road and pedestrian safety.

- 17 Prior to the commencement of development hereby approved, Swept Path Assessments (SPA) shall be submitted to and approved in advance in writing by the Planning Authority. The information for the Swept Path Assessments (SPA) shall demonstrate that the wheeltrack of an FTA 10 metre (Large Rigid) Design Vehicle and a refuse vehicle will be 0.3 metres clear of any proposed kerblines and the body of the vehicle 0.5 metres clear of any vertical obstruction (wall



etc.), shall assess all vehicle movements (i.e. in and out) at all junctions, and shall identify any locations within the site layout where this cannot be achieved.

Thereafter, the layout of the development shall accord with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 18 Prior to the commencement of development, details for the modification of the junction of the B6363 classified public road and Queens Road to enable concurrent 2-way use by entering and exiting vehicles shall be submitted to and approved in advance in writing by the Planning Authority. The details shall provide a minimum road width of 5.5 metres and shall include swept path assessments and road safety audit.

Thereafter, and prior to the occupation of the 300th residential unit of matters specified in conditions approvals of planning permission in principle 16/00485/PPM, the modifications to the junction of the B6363 classified public road and Queens Road shall be carried out in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 19 Prior to the commencement of development, details of speed reduction measures shall be submitted to and approved in advance in writing by the Planning Authority. The speed reduction measures shall include horizontal and vertical deflection (i.e. raised table junctions, road humps, etc) and shall be positioned at intervals of 40-80 metres on main access roads within the development.

Thereafter, the speed reduction measures shall be implemented, retained and maintained in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 20 Prior to the commencement of development, details, including a timetable for their implementation, showing compliance with the following transportation requirements shall be submitted to and approved in writing in advance by the Planning Authority.

(i) Any vehicle access to private parking areas (i.e. other than driveways) shall be via a reinforced footway crossing and shall have a minimum width of 5.5 metres over the first 10 metres to enable adequate two way movement of vehicles;

(ii) driveways shall have minimum dimensions of 6 metres by 3 metres. Double driveways shall have minimum dimensions of 5 metres width by 6 metres length or 3 metres width by 11 m length. Pedestrian ramps to houses may encroach by up to 300mm on the width (but not the length) provided they are no greater than 150mm in height above the adjacent driveway surface;

(iii) within residential private parking areas the minimum dimensions of a single parking space shall be 2.5 metres by 5 metres. All visitor parking spaces within these areas shall be clearly marked for visitors with the remaining private parking spaces allocated to individual dwellings;

(iv) cycle parking shall be included at a rate of 1 space per flat. The cycle parking shall be in the form of 1 locker per flat or communal provisions in the form of a lockable room or shed; and

(v) a Green Travel Plan to minimise private car trips and to encourage use of alternative modes of transport such as trains, buses, cycling and walking shall be submitted to and approved in advance in writing by the Planning Authority prior to the housing being occupied.

Development shall thereafter be carried out in accordance with the details so approved unless otherwise approved by the Planning Authority in consultation with the Roads Authority.

All access roads shall conform to ELC Standards for Development Roads in relation to road layout and construction, footways & footpaths, parking layout and number, street lighting and traffic calming measures. This shall also comply with ELC Design Standards for New Housing Areas. NB the minimal level of treatment on home zone roads for streets with a single access.

Reason:

In the interests of road and pedestrian safety.

- 21 Prior to the commencement of development hereby approved, a programme for monitoring the condition of the construction access route from the A1 trunk road to the construction access to the application site from the B6363 classified public road shall be submitted and approved in writing in advance by the Planning Authority. The programme of monitoring shall include the condition of the route:
- i) prior to the commencement of the development hereby approved;
  - ii) during the period of construction on each anniversary of the commencement of the development; and
  - iii) immediately following the completion of the development hereby approved.

Unless an alternative means of securing the any remedial works is approved in writing by the Planning Authority, any remedial works identified by the monitoring as arising from the construction of the development hereby approved, shall be undertaken by the applicant/developer within 3 months of the completion of the final monitoring undertaken and shall be approved in advance in writing by the Planning Authority.

Thereafter the approved programme of monitoring shall be implemented in accordance with the details so approved.

Reason:

To ensure that damage to the adjoining road network resulting from the construction of the development is rectified, in the interests of road and pedestrian safety.

- 22 The proposed access roads, cycleways and external roadworks shall be subject to Road Safety Audit and Quality Audit that shall be approved in advance in writing by the Planning Authority and thereafter the development hereby approved shall accord with the Road Safety Audit and Quality Audit so approved..

The Road Safety Audit shall be completed through Stages 2, 3 & 4 (Detailed Design, Post Opening Audit & Post Opening Audit + 12 months). The audit process shall be undertaken in accordance with GG119 Road Safety Audits, or as amended by latest version.

A Stage 2 (Detailed) Quality Audit shall be submitted to and approved in advance in writing by the Planning Authority. The Stage 2 Quality Audit shall include a detailed development phasing plan demonstrating that a Safe Route to School/pedestrian route to the village centre will be available to each phase of the development hereby approved as it is occupied.

Prior to the undertaking of the Road Safety and Quality Audits, the scope of matters to be considered within the Road Safety Audits and Quality Audits shall be agreed in advance in writing by the Planning Authority and thereafter the Road Safety and Quality Audits shall be undertaken in accordance with the details so approved.

Reason:

In the interests of road and pedestrian safety.

- 23 Other than to comply with the requirements of conditions 15 to 22, prior to the occupation of any one of the houses or flats hereby approved, the proposed access roads, parking spaces and footpaths shall have been constructed on site, in accordance with the docketed drawings and 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 residential use of the houses and flats 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 off-street parking in the interests of road safety.

- 24 The first floor accommodation over the garage of each of plots 191, 243, 255 and 258 of the development hereby approved shall only be used for purposes incidental to the residential use and enjoyment of the respective dwellinghouse the garage building and so too the first floor accommodation over the garage, is to serve and at no time shall the first floor accommodation over the garage be used to form a separate residential unit or be used for any business, trade or other commercial use.

Reason:

To enable the Planning Authority to control the use of the respective garages and their first floor accommodation in the interests of safeguarding the character and residential amenity of the area.

- 25 Prior to the occupation of the houses and flats hereby approved all garden boundary enclosures shall be in accordance with docketed drawing nos. SP-307 rev H and SP-327 Rev B unless otherwise approved by the Planning Authority.

Prior to the commencement of development, the timescales for their provision, shall be submitted to and approved in advance in writing by the Planning Authority.

All 1.8 metre high rendered walls shall be erected, formed and maintained at 1.8 metres in height unless otherwise approved by the Planning Authority.

Notwithstanding the annotation on drawing nos. SP-307 rev H and SP-327 rev B, all rear garden boundaries shall be enclosed by 1.8 metre high enclosures unless otherwise approved in advance in writing by the Planning Authority.

Development shall thereafter be carried out in full accordance with the details so approved, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure the satisfactory provision of the boundary enclosures in the interest of safeguarding the visual amenity of the area, to safeguard the privacy and amenity of the residential properties, and in the interests of protecting the amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 26 Prior to their occupation the houses and flats hereby approved with glazing units on facades with a line of sight to the rail line will be provided with acoustic vents providing a reduction of 28 dB Dn,eW, enabling appropriate ventilation of habitable rooms with closed windows in accordance with Drawing 4 of ITP Energised Noise Report ref 5071 V2 of 24th April 2023 entitled Longniddry Phase Two Residential Development.

Such glazing units and ventilators shall thereafter be retained in the windows of those houses unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting the internal amenity of the occupiers of the proposed houses and flats from noise associated with road and rail traffic.

- 27 The external finishes of the walls and roofs and other architectural features of the houses and flatted building hereby approved shall accord with the application drawings and the External Finishes Summary (no. SC1003-DET-5001 rev D) docketed to this approval of matters specified in conditions unless otherwise approved in writing by the Planning Authority.

The slate to be used to clad the roofs of the houses and garages hereby approved shall be a natural slate, and the pantiles to be used to clad the roofs of the houses, flatted buildings and garages hereby approved shall be a natural clay pantile. Samples of the natural slate and natural clay pantiles shall be submitted for the prior written approval of the Planning Authority, prior to their use in the development hereby approved. Thereafter the natural slate and natural clay pantiles used shall accord with the samples so approved.

The render to be used for the finish of the external walls of the houses, flatted buildings and garages hereby approved shall be a wet dash render.

All rainwater goods and down pipes shall be of painted metal construction.

Reason:

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

- 28 The frames of the windows of the houses and flats hereby approved shall be of timber construction and the external face of the frames and where relevant their astragals shall be painted white unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 29 All wall and roof mounted vents and flues to be installed on the houses, flats and garages hereby approved shall be the minimum number necessary and shall be concealed as much as possible and all visible parts of all vents and flues shall match as closely as possible the colour of the part of the roof or wall of the building to which they would adjoin.

Reason:

In the interests of safeguarding the character, integrity and appearance of the development hereby approved.

- 30 The profile metal roof finish to be used on some of the garages hereby approved shall be a dark grey colour in accordance with details of such colour finish to be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the profile metal roof finish used, including its colour, shall accord with the details so approved and such profile metal roof finish including its colour shall thereafter be retained unless otherwise approved by the Planning Authority.

Reason:

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

- 31 Prior to the occupation of the flats hereby approved, the bin storage facilities for those flats shall be formed and made available for use.

Reason:

To ensure adequate provision for refuse/recycling storages and in the interest of the visual amenity of the area.

- 32 The solar/photovoltaic panels hereby approved to be installed on the roofs of the houses and flats also hereby approved shall be installed integrally into the roof slopes so that they shall not sit proud of the upper surface of the roofing material of the roofs but rather shall be installed so that their upper surface is fitted as flush as possible with the upper surface of the roofing material of the roof and any roof flashing associated with them shall be kept to a minimum, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 33 Prior to the occupation of the houses of plots 229, 230, 238, 239, 240, 241, 242, 243, 255, 256, 257 and 258 hereby approved the following windows shall be obscurely glazed in accordance

with a sample of the obscure glazing to be submitted to and approved by the Planning Authority in advance of its use on the house, as relevant:

- i) the first floor window of the southeast elevation of the house on Plot 229;
- ii) the first floor window of the northwest elevation of the house on Plot 230;
- iii) the first floor window of the northeast elevation of the house on Plot 238;
- iv) the first floor window of the southwest elevation of the house on Plot 239;
- v) the first floor window of the southwest elevation of the house on Plot 240;
- vi) the first floor window of the southwest elevation of the house on Plot 241;
- vii) the first floor window of the northeast elevation of the house on Plot 242;
- viii) the first floor window of the southwest elevation of the house on Plot 243;
- ix) the first floor window of the south elevation of the house on Plot 255;
- x) the first floor window of the south elevation of the house on Plot 256;
- xi) the first floor window of the northeast elevation of the house on Plot 257; and
- xii) the first floor window of the northeast elevation of the house on Plot 258.

The obscure glazing of the respective first floor windows shall accord with the sample so approved. Thereafter the respective first floor windows shall continue to be obscurely glazed unless otherwise approved by the Planning Authority.

Reason:

To safeguard the privacy and amenity of the neighbouring residential properties.

- 34 The flatted building (plots 159, 160, 161, 162, 163 and 164) hereby approved shall be provided with communal drying green space in accordance with the details shown for such space on drawing no. SP-300 rev I. The communal drying green space shall be formed and made available for use prior to the occupation of the flats on plots 159, 160, 161, 162, 163 and 164, and shall thereafter be retained and available for such use unless otherwise approved by the Planning Authority.

Reason:

In the interest of the amenity of the neighbouring residential properties and to minimise the environmental impact of the development.

- 35 Prior to the commencement of development, a Construction Method Statement to minimise the impact of construction activity on the safety and amenity of the area shall be submitted to and approved in advance in writing by the Planning Authority. The Construction Method Statement shall recommend mitigation measures to control noise, dust, construction traffic (including routes to / from site) and shall include hours of construction work and routing of traffic. The Construction Method Statement shall also provide details of utility/service drainage connections.

The Construction Method Statement shall also make recommendations in respect of how building materials and waste will be safely stored and managed on site.

Thereafter, the Construction Method Statement shall be implemented and complied with in accordance with the details so approved and for the period of construction of the development hereby approved.

Reason:

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

- 36 Prior to the commencement of the development hereby approved, details of wheel washing facilities to be installed on the site shall be submitted to and approved in advance in writing by the Planning Authority. The wheel washing facilities shall be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres.

Thereafter, the wheel washing facilities shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby approved.

Reason:

In the interests of road and pedestrian safety.

- 37 All externally fitted service meter boxes of the houses and flats hereby approved shall be positioned to minimise their visibility within the streetscape and shall be coloured to match as closely as possible the colour of the external wall of the house/flat to which they are attached, unless otherwise approved in writing in advance by the Planning Authority.

Reason:

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

- 38 Details and samples, including colours, of the surface finishes for the hardstanding areas comprising parking areas, footpaths and cycleways shall be submitted to and approved in advance in writing by the Planning Authority prior to their use in the development hereby approved, and thereafter the materials used for the surface finishes of the hardstanding areas shall accord with the details so approved.

Reason:

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

- 39 Notwithstanding the provisions of Article 3 and Parts 1 and 1ZA of Schedule 1 and Class 7 of Part 2 of Schedule 1 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended, revoked or re-enacted; with or without modification), no development other than that hereby approved or approved in compliance with any of the above planning conditions, shall take place on the houses and flats or within the curtilages of the houses and flats hereby approved or elsewhere on the application site without the prior permission of the Planning Authority.

Reason:

In the interests of safeguarding the character and appearance of the development and its landscape setting and to enable the Planning Authority to exercise appropriate control on future development within the site.

- 40 No development shall be commenced on site unless and until written evidence that a contract has been entered into for the provision as affordable housing of all of the 15 houses and 6 flats hereby approved as affordable housing has been submitted to and agreed by the Planning Authority. Thereafter, those 15 houses and 6 flats of the development shall only be used for affordable housing unless otherwise approved.

Reason:

In order to ensure the development is operated as affordable housing and is therefore compliant with the Council's policies for the provision of affordable housing and standards for car parking provision.

- 41 If provision of the off-site path link from the northeast corner of the site to the rear of the station is possible the said footpath link shall be included in the scheme of landscaping. If such

provisions not possible, the scheme shall nevertheless be designed so as to facilitate provision of such a link at a future date should circumstances change.

Reason:

In the interests of safe access to the station.

- 42 The new vehicular access giving access to the parking areas of Nos. 3 - 6 Longniddry Farm Cottages shall be formed and available for use prior to the use of the existing vehicular access under the Argyle Bridge ceasing.

Reason:

To ensure continued access to those cottages.

- 43 Prior to the commencement of this development the measures to be taken to ensure the safety of pedestrian/cyclists on the safe route to school from motor vehicles, including vehicles accessing the properties of 14 Main Street and Nos. 3 - 6 Longniddry Farm Cottages, and including measures to be taken to prevent motor vehicle access from the A198 Main Street under the Argyle Bridge, shall be submitted to and approved by the Planning Authority and shall include a timetable for the implementation of those measures. Thereafter, those measures shall be implemented in their entirety in accordance with the timetable so approved, and those measures shall thereafter be retained in place, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interest of safeguarding pedestrians/cyclists on the safe route to school.

- 44 Details, including a sample, of the colour of the paint finish to be applied to the external face of the vertical timber cladding of the external walls of the garages on plots 228, 229, 230, 231, 237, 238, 239, 240, 241, 242 and 243 shall be submitted to and approved in advance in writing by the Planning Authority prior to its use in the development hereby approved and thereafter the paint finish used shall accord with the details so approved and such colour finish shall thereafter be retained unless otherwise approved by the Planning Authority.

Reason:

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

**Sederunt:** *Councillor Gilbert re-joined the meeting.*

### **3. PLANNING APPLICATION NO. 23/00128/P: ALTERATIONS AND EXTENSIONS TO FLAT AND FORMATION OF SECOND FLOOR BALCONY, SEAFIELD, 10 FORTH STREET, NORTH BERWICK**

A report was submitted in relation to Planning Application No. 23/00128/P. Billy Stark, Planner, presented the report, summarising the key points. The report recommendation was to refuse consent.

Officers responded to questions from Members. Responding to a question from Councillor Findlay, Mr Stark advised that the alterations did not increase the floor area of the property in a significant manner, as there were dormers already in place.

Councillor Cassini asked about which features of this design had led to a recommendation of refusal when compared to other alterations already in existence. Mr Stark referred to the different types of dormers across the town, and said that there was an in depth planning history for the properties on Lawn Lane, where some properties had box dormers dating back 20-40 years. Seafield had a very characterful gable dormer which set a good character for the

property, and much smaller subservient box dormer. It was felt that what had been proposed was drastically different to what was currently on the property.

The Convener commented on the box dormers next door, as well as box dormers over the harbour, and properties with balconies within the conservation area. He asked why this location was different to others. He also noted that the building already had a balcony on the first floor. Mr Stark said that each property contributed in its own way to the character of the area. It was not felt that precedent would play a part in this case. Mr Dingwall noted that box dormers had been allowed and also refused in the area. He reminded Members that each application was to be considered on its own merits and of the duty of the Planning Authority to preserve and enhance the character and appearance of the conservation area, which was a relatively high bar.

Keith Macdonald, agent, spoke to the application. He described the property as an unlisted first floor and attic flat, and the applicant was the owner occupier. He noted that officers had considered six of the seven proposals to be acceptable, and noted that there had been little public opposition. Although the non-resident owner of the downstairs property had submitted a letter of objection, he noted a strength of public feeling in support of the application, including the views of other neighbours. He argued that the proposals were in keeping with the principle of modern-style interventions on buildings being accepted as still retaining the character of this area. He noted other dormers of disparate styles and a skylight already on the roofline, and said the proposals sought to construct a single harmonising structure between the two dormers. He noted the choice of materials to blend in with the slate roof. He advised that proposals added seven square metres of useful headroom space. He argued that the proposed glass balustrade at attic level with the glazing of the dormer behind it, following the shape of the roof and set back from the eaves, was less dominant than the existing first floor balcony. He highlighted that the statement of reasons noted that similar developments close by had been approved, and Mr Macdonald noted that some of these developments were in very prominent parts of the conservation area. He argued that such dormers were already an established feature of properties facing West Beach, and were therefore similar and in keeping with the character. He summarised that the proposals complied with policies CH2 and DP5, and asked Members to vote in favour of the application.

Responding to questions from Councillor McLeod, Mr Macdonald advised that the slate on the stair tower had been replaced earlier in the year, and said his clients were keen to upgrade the building as their full time home.

Blair Dickson spoke against the application. He had a personal connection with the building as it had been built by his great grandparents and he owned the ground floor flat. He said the stair tower was believed to be an original feature. Although his flat currently operated as a holiday let, it was his intention to retire there. He raised significant concern with changing the external character of the building, as the aspect from the beach was a prominent feature of many drawings and paintings of North Berwick, which should be protected as part of the architectural and historic character and appearance of the conservation area. He argued that the structures added to the roofs of many Forth Street buildings did not enhance the character of the buildings and did not set a positive precedent. He highlighted that Seafield was designed to be viewed from the beach, and felt this façade should be protected. He felt the proposed changes to the first floor balcony with extensive use of glass and aluminium steel would cause the property to be viewed as different apartments and not to be read a single house. He felt the proposed dormers would be dominant and jar with the other materials and architectural style of the property. He felt the visual impact on the local environment was reason not to proceed with the proposals. He summarised that the proposals did not comply with policies in the Local Development Plan, and he agreed with the recommendation of the Planning Officers.

Councillor McFarlane, Local Member, commented that the proposals enhanced the conservation area and constituted well-designed investment in a family home in an area which



had come to be dominated by holiday homes. She felt the design of the dormer and balcony were an improvement to what currently existed and were superior to the mismatched dormer extensions on surrounding properties. Noting the absence of local objection, she felt that the application should be approved.

Councillor Findlay, Local Member, understood why the recommendation for refusal had been made. However, he felt there were similarities with other buildings whose additions were less attractive than those proposed, and he would support the application. Councillor Allan agreed with the comments of Councillors Findlay and McFarlane.

Councillor Cassini agreed that the plans represented an enhancement, as found small dormer windows not to be particularly attractive. She felt the design had been well thought out and would look better from the beach than the current structure.

Councillor Forrest would support the officer recommendation to refuse consent. He felt the L-shape design would not enhance the building. He felt if proposals were agreed, it would ruin the streetscape from the beach, and said the dormer would prove to be too dominant and would sit too high. Councillor McIntosh acknowledged that whether a design was in keeping was a matter of opinion, however, she agreed with the comments of Councillor Forrest and noted that Committee Members were the custodians of the architectural heritage of the area.

Councillor McMillan had considered the different styles of balconies and dormers from Station Hill along Forth Street, and acknowledged Mr Dickson's passion for the building. He agreed that each house contributed to the character in its own way, and felt the enhancement would contribute to the long term environment from Forth Street and from the beach. He felt the history of the building had been captured in photographs and paintings and the proposals would preserve and enhance the building for the future. He would support the application.

Councillor Hampshire discussed the duty of Councillors to make sure historic buildings were looked after, which required people to want to maintain and live in them. The occupiers needed to make the property suitable for their living needs. He acknowledged the change to the look of the building, but the changes did not go above the ridgeline or take up the whole of the roof space. Although he did not like to go against a report recommendation, he felt the proposals were acceptable for the location because of other alterations already in place. He would support the application.

The Convener then moved to a roll call on the officer recommendation to refuse consent. Votes were cast as follows:

For:	2	(Councillors Forrest and McIntosh)
Against:	10	(Councillors Hampshire, Allan, Cassini, Collins, Findlay, Gilbert, McGinn, McLeod, McMillan, and Yorkston)
Abstentions:	0	

The officer recommendation to refuse consent was therefore overturned and planning consent was granted.

Mr Dingwall recommended the imposition of a standard time condition and a condition to allow officers to control the materials, finishes, and colours to be used in the interests of the character and appearance of the North Berwick conservation area. The Convener formally proposed these conditions and they were seconded by Councillor Collins. The Convener then moved to a roll call vote and Members unanimously indicated their support for the imposition of the two conditions.

## Decision

Planning consent was granted subject to the following conditions:

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

Reason

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

- 2 No development shall be carried out unless and until a schedule of materials and finishes, and samples of such finishes, has been submitted to and approved by the Planning Authority for the alterations and dormers. Development shall thereafter be carried out in accordance with schedule and samples as approved.

Reason

To enable the Planning Authority to control the materials, finishes, and colour to be used in the interests of the character and appearance of the North Berwick conservation area.

#### **4. PLANNING APPLICATION NO. 22/01364/PM: SECTION 42 APPLICATION TO VARY CONDITION 2 OF PLANNING PERMISSION 22/00460/PM, EDINBURGH ROAD, FORMER COCKENZIE POWER STATION SITE**

A report was submitted in relation to Planning Application No. 22/01364/PM. Daryth Irving, Senior Planner, presented the report, summarising the key points. The report recommendation was to grant consent.

Responding to a question from Councillor McIntosh, Mr Irving confirmed that the application proposed alternative techniques to the trenchless techniques covered in the previous Environmental Impact Assessment (EIA). Techniques proposed included open-cut trenching and the use of a coffer dam to provide the applicant flexibility to use a number of different techniques. He advised that the final technique would be the subject of a future application. He explained that an EIA addendum had been submitted which assessed the effects of the alternative techniques; this had gone out to consultation and it was found that environmental effects would not be significant.

Simon Hindson, Lead Onshore Consents Manager from SSE, responded to a question from Councillor Gilbert. He advised that the application had to be made due to the complex geology around the site and to give flexibility to use an alternative trenching technique if necessary, which would depend on the findings of further ground investigations. Responding to a question from Councillor McMillan about community engagement, Mr Hindson said that the EIA had indicated the proposals should not have a negative impact on the community. SSE had a community liaison officer who had regular contact with community councils, and informed them before each application was made. A website also provided information about the scheme. A Public Access Management Plan would also cover an application's impact on public access.

The Convener then moved to a roll call on the officer recommendation to grant consent. Members unanimously indicated their support for the application.

## Decision

Planning consent was granted, subject to the following conditions:

- 1 The development hereby approved shall begin before the expiration of 5 years from the date of this permission.

Reason:

Pursuant to Section 59 of the Town and Country Planning (Scotland) Act 1997 as amended.

- 2 The submission for approval of matters specified in conditions of this grant of planning permission in principle shall include details of the layout, siting, design and external appearance of the onshore substation station, electricity cables and associated infrastructure, the means of access to them, the means of any enclosure of the boundaries of the site and landscaping (including landscape and visual mitigation) of the site in accordance with the matters listed below. No work shall begin until the written approval of the Planning Authority has been given, and the development shall be carried out in accordance with that approval.

a) Details of the finished ground levels and finished floor levels of the buildings;

b) The total height of any building shall not exceed 18 metres from the finished ground levels, as approved. The finished ground level shall be no higher than the existing ground level of the site;

c) Details of the proposed colour treatment of the onshore substation and any other landscape and visual mitigation (which shall include architectural mitigation) to be incorporated into its design and external appearance;

d) Details of all external lighting proposed;

e) Details of the area and positioning of the substation platform, which shall not exceed an area of 22,000m<sup>2</sup>, and the components of the onshore substation, which shall generally accord with that shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0009 docketed to this planning permission;

f) The layout shall ensure that the substation platform and onshore substation shall be located within the area identified as "Substation Development Zone" on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission;

g) Details of the final route of the onshore export cable (with proposed micro siting limits), and the locations of any underground joint bay(s); and

h) Details of the siting, design and external appearance of any permanent above ground features associated with the onshore export cable.

In this condition, the onshore substation means all the electrical equipment, ancillary equipment, internal roads and any perimeter security fence to be located on the substation platform, as indicatively described in Chapter 2 (Development Description) of the Environmental Impact Assessment Report docketed to this planning permission.

No part of the development hereby approved under that application for approval of matters specified in conditions shall be begun on the site until all of the above details pertaining to such development have been submitted to and approved in writing by the Planning Authority.

Reason:

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

- 3 The development hereby approved shall be undertaken in accordance with the Environmental Impact Assessment Report docketed to this planning permission, or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission, except where altered by the approval of matters specified in the condition above or by the conditions below, or unless otherwise agreed in writing by the Planning Authority.

Reason:

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

- 4 The development hereby approved shall be used solely in connection with the offshore Seagreen Wind Farm to facilitate the transmission of electricity generated by that development to the grid and for no other purposes, unless otherwise agreed in writing with the Planning Authority. In these conditions the "Seagreen Wind Farm" means the offshore wind farms known as the Seagreen Alpha Offshore Wind Farm and Seagreen Bravo Offshore Wind Farm, both granted consent under section 36 of the Electricity Act 1989 by the Scottish Ministers on 10 October 2014 (and as varied by consent on 18 August 2018 and 10 October 2022), or successor offshore wind farms located within the site of that development.

Reason:

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

- 5 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Public Access Management Plan for that Development Zone shall be submitted to and approved in writing by the Planning Authority for such development. The Public Access Management Plan shall include the following details as they relate to each Development Zone:

(i) the proposed route of any temporary rerouting of the Coastal Path incorporating the John Muir Way (Core Path 276) within the northern section of the application site and Core Path 146 within the western section of the application site and the duration of the temporary rerouting;  
(ii) the detail of any temporary rerouting of Core Path 284 within the central section of the application site, the duration of the temporary rerouting, and any measures for its permanent diversion (including its new route) if required as a result of the proposed development; and  
(iii) a timetable for the implementation of any temporary or permanent diversions of the above Core Paths.

Thereafter, the Public Access Management Plan shall be implemented and complied with in accordance with the approved details, unless otherwise approved in writing by the Planning Authority.

Reason:

To ensure continuity of the core path network in the interests of public access.

- 6 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Construction Environmental Management Plan (CEMP) for development of that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CEMP shall include the following details:

(i) a Construction Method Statement (CMS) which shall identify potential noise and dust impacts that may arise during construction of the proposed development and specify any mitigation measures necessary to minimise any such impacts on sensitive receptors, and shall include hours for construction work.

With regards to Noise the CMS shall adopt "Best Practice Guidance" as recommended in BS 5228-1:2009+a1:2014 "Code of practice for noise and vibration control on construction and sites" and have regard to potential mitigation measures described within Chapter 10.6 Mitigation of the Environmental Impact Assessment Report docketed to this planning permission and Chapter 8 Schedule of Mitigation of the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission.

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

(ii) pollution prevention monitoring and mitigation measures for all construction activities, having regard to potential mitigation measures described within Chapter 7.6 Mitigation of the Environmental Impact Assessment Report docketed to this planning permission and Chapter 8 Schedule of Mitigation of the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission;

(iii) a Site Waste Management Plan, setting out how resources will be managed and waste controlled for all construction activities.

The development of each of the Development Zones shall thereafter be carried out in strict accordance with the CEMP approved for it, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 7 Prior to the commencement of any development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission a Noise Impact Assessment for the operational phase of the development shall be submitted to and approved in writing by the Planning Authority for such development. The Noise Impact Assessment shall be based upon the detailed site layout approved pursuant to Condition 1 and shall identify any mitigation measures considered necessary to ensure specific noise arising from the development does not exceed an absolute free field external Rating Level of L<sub>Ar,Tr</sub> of 35 dB at any sensitive receptor. All measurements to be made in accordance with BS 4142: 2014 "Methods for rating and assessing industrial and commercial sound".

Reason:

In the interests of the amenity of nearby sensitive receptors.

- 8 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out for development of that Development Zone and the following information shall be submitted to and approved by the Planning Authority:

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

(ii) A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:

o A survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site;

o An appraisal of the remediation methods available and proposal of the preferred option(s).

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

3. Following completion of the measures identified in the approved Remediation Statement for that Development Zone, a Verification Report should be submitted that demonstrates the effectiveness of the remediation carried out.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable.

- 9 In the event that unexpected ground conditions (contamination) are encountered at any time when carrying out the permitted development, work on site shall cease and 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.

Reason:

To ensure that the site is clear of contamination.

- 10 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Construction Traffic Management Plan (CTMP) for the construction phase of the development in that Development Zone shall be submitted to and approved in writing by the Planning Authority. The CTMP shall, unless otherwise approved in writing by the Planning Authority, include the following details:

(i) details of measures to reduce the number of construction vehicles;

(ii) details of and controls for access routes to and from the site for large components and day-to-day deliveries/removals associated with the construction and decommissioning phases of the development;

(iii) detailed swept path assessments of large component delivery routes and drawings detailing any required off-site mitigation works;

(iv) drawings showing details of any proposed alterations to the existing vehicular access onto the B6371 and alterations to existing junctions or creation of new junctions with the B1348;

(v) updated information on programme, construction tasks, vehicle types and trip generation;

(vi) updated review of potential cumulative impacts on A198 considering position at that time of new infrastructure, speed limits and traffic generation related to Blindwells;

(vii) frequencies and times of deliveries and arrangements for the removal of materials/plant from the site;

(viii) details of traffic management at the B6371 and B1348 Edinburgh Road site access points;

(ix) details of measures including temporary signage, and the management of construction traffic to keep the John Muir Way open to the public throughout the construction period;

(x) details of temporary signage in the vicinity of the site warning of construction traffic;

(xi) arrangements for road maintenance and cleaning;

(xii) details of wheel washing facilities which must be provided and maintained in working order during the period of construction and/or decommissioning of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle wheels; and

(xiii) a Green Travel Plan to include measures to minimise dependency on the private car to and from the construction compounds.

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

Reason:

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

- 11 Prior to the commencement of the development hereby approved a programme for monitoring the condition of the public roads to be used by construction traffic, prior to and immediately following the completion of the development, shall be submitted to and approved in writing by the Planning Authority. The public roads to be monitored shall be, (i) the B1361/B6371, from the roundabout junction of the A198 at Meadowmill (just north of the railway) northwards to the B1348 Edinburgh Road, and (ii) the B1348 Edinburgh Road, along the full former power station site frontage and access junctions - from the junction East Lorimer Place to Appin Drive (traffic signals).

Thereafter the approved programme of monitoring shall be implemented. Any remedial works shown by the monitoring as arising from the construction of the development shall be undertaken by the applicant within 3 months of the completion of the final monitoring undertaken, unless an alternative means of securing the works is approved in writing by the Planning Authority.

Reason:

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

- 12 Prior to the commencement of development on the 'Substation Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a drainage strategy for the Substation Development Zone shall be submitted to and approved by the Planning Authority. The drainage strategy shall be designed to accommodate a 1 in 200 annual probability event plus a climate change allowance and shall include a timetable for its installation.

The drainage strategy as so approved shall be implemented in its entirety, unless otherwise approved in writing by the Planning Authority.

Reason:

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

- 13 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme for the identification of drainage systems (including field drains, culverts, septic tanks and soakaways) and private water supplies within the Zone, and measures for their protection during development and/or mitigation of impacts associated with the development including any necessary alternative facilities as required, shall be submitted to and approved by the Planning Authority.

The scheme shall include a timetable for the implementation of any identified mitigation measures or provision of alternative facilities and development shall thereafter be carried out in accordance with the scheme so approved.

Reason:

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

- 14 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme of landscaping for development within that Development Zone, taking account of the detailed site layout and other details proposed or approved under the terms of Condition 1 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 re-contouring of, the site; tree and shrub sizes, species, habitat, siting, planting distances and a programme of planting. The scheme shall include indications of all existing trees and hedgerows on the land and details of any to

be retained, and measures for their protection in the course of development. It should also address long term management of the approved planting and boundary treatments.

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

- 15 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Construction Environmental Management Plan (CEMP: Biodiversity) shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works (drilling and other construction activities within and/or adjacent to the SPA) to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP: Biodiversity shall be adhered to and implemented throughout the construction period of construction within the Landfall Development Zone strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority.

Reason:

To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 16 Prior to the commencement of development on the 'Landfall Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a Species Protection Plan for birds, including waterfowl, wading birds and seabirds (SPA species), shall be submitted to and approved in writing by the Planning Authority for the Landfall Development Zone.

The Species Protection Plan must be consistent with the measures proposed in the EIA Report/Habitats Regulations Assessment docketed to this planning permission or also in accordance with the Environmental Impact Assessment Report Addendum No.1 docketed to this planning permission to minimise disturbance to SPA bird populations and must include details of methods to be used to reduce noise levels associated with the installation of the export cable at landfall including the use of sound walls and any required drilling rig modifications.

Development within the Landfall Development Zone shall thereafter be carried out in strict accordance with the approved Species Protection Plan unless otherwise approved in writing by the Planning Authority.

Reason:



To avoid or minimise disturbance of internationally important populations of non-breeding waders, waterfowl and seabirds (SPA populations).

- 17 Prior to the commencement of development on any 'Development Zone' as shown on drawing no. LF000012-CST-ON-LIC-DEV-MAP-0003 docketed to this planning permission, a scheme of intrusive site investigation works for development of that Development Zone shall be carried out in accordance with detail to be submitted to and approved in advance by the Planning Authority following consultation with The Coal Authority to assess ground stability due to former mine workings at the site. In the event that the intrusive investigation works confirm the need for remedial works and/or mitigation measures to treat any areas of land instability arising from coal mining legacy, development shall not begin until a scheme of remedial works on the site has been submitted to and approved in writing by the Planning Authority following consultation with The Coal Authority, and thereafter has been fully implemented as so approved.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

- 18 Prior to the development hereby approved coming into use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted and approved by the Planning Authority following consultation with The Coal Authority. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

Reason:

To ensure that the site is clear of coal mining features and hazards prior to any use being made of the development.

- 19 Within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, confirmation shall be given in writing to the Planning Authority whether or not the development hereby approved continues to be required for electricity transmission purposes. Where the development is not required for electricity transmission purposes beyond the operational period of the offshore Seagreen Wind Farm, within 24 months of the permanent cessation of generation at the offshore Seagreen Wind Farm, a decommissioning and site restoration plan (the 'Demolition and Restoration Scheme') shall be submitted to and approved in writing by the Planning Authority. The Demolition and Restoration Scheme shall include details of:

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

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

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

The Demolition and Restoration Scheme shall include details of:

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

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

Reason:

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

Signed

.....

Councillor Norman Hampshire  
Convener of the Planning Committee