

LOCAL REVIEW BODY

18th January 2024

Agenda Item 1

Application No: 21/01073/PP

**Land to south west of Newmains, Stenton, Dunbar,
East Lothian**

Planning permission in principle for the erection of 1
house and associated works,

[NB: The papers for this application are in 3 parts – Appointed Officer
Submission, and Applicant Submission (parts 1 & 2)]

LOCAL REVIEW BODY

20th December 2023

Application No: 21/01073/PP

**Land to south west of Newmains, Stenton, Dunbar,
East Lothian**

Appointed Officer's Submission

REVIEW AGAINST REFUSAL OF PLANNING APPLICATION 21/01073/PP – PLANNING OFFICER’S SUBMISSION

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Planning application 21/01073/PP: Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton, Dunbar, East Lothian

- 1) Report of Handling for planning application 21/01073/PP.
- 2) Letters from Interested Parties – None, as no representations were received to the application.
- 3) Consultation Responses:
 - Road Services x 2.
 - Environmental Health Officer x 1.
 - Environmental Health (Contaminated Land) Officer x 1.
 - Scottish Water x 1.
 - Archaeology Officer x 1.
 - Biodiversity Officer x 1.
 - Landscape Officer x 1.
 - Independent Agricultural Advisor x 5.
- 4) Decision Notice.
- 5) Copies of Development Plan Policies referred to in the Papers: National Planning Framework 4 Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural places), 5 (Soils), 7 (Historic assets and places), 14 (Design, quality and place), 17 (Rural Homes), 22 (Flood risk and water management) and 29 (Rural development), and East Lothian Local Development Plan 2018 Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DC9 (Special Landscape Areas), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP2 (Design), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH3 (Protection of Local Sites and Areas), NH7 (Protecting Soils) and OS2 (Change of Use to Garden Ground), and **Supplementary Planning Guidance on Special Landscape Areas and Countryside and Coast** – *Members should note that copies of this guidance are available to view in the LRB shared folder.*
- 6) Schedule of Conditions (to refer to if appeal upheld).

5th December 2023

**Stephanie McQueen
Planner (Planning Delivery)**

OFFICER REPORT

19th June 2023

App No. **21/01073/PP**

Application registered on **20th August 2021**
Target Date **19th October 2021**

Proposal	Planning permission in principle for the erection of 1 house and associated works	SDELL	N
		CDEL	N
Location	Land To South West Of Newmains Stenton Dunbar East Lothian	Bad Neighbour Development	N

APPLICANT: **Newmains Farm**

Is this application to be approved as a departure from structure/local plan? N

**c/o GCA+D Ltd
Per Graeme Cook
10 South St
Andrew Street
Edinburgh
EH2 2AZ**

DECISION TYPE: **Application Refused**

PLANNING ASSESSMENT

The application site consists of an irregular shaped area of land, measuring some 0.2 of a hectare in area that is located in the countryside on the south side of the U179 public road. The site is some 65 metres to the west of the agricultural buildings of Newmains and some 580 metres to the southwest of the residential properties of the former Newmains Steading, including Newmains Farmhouse which is occupied by the applicants. The application site is some 2.0 miles to the southwest of the village of Stenton and some 1 mile to the east of the village of Garvald. The land of the application site is prime agricultural land (class 3.2), being land defined as capable of being used to produce a moderate range of crops, including cereals, forage crops and grass.

The nearest neighbouring residential properties are The Carthouse, The Bothy, 1 Newmains Cottages, Tups Cottage, Steading Cottage, The Mill House, The Gallery, Cantilever Barn and Newmains Farmhouse, some 580 to 670 metres away to the northeast (all of these properties are at the former Newmains Farm Steading), and Stoneypath Farmhouse some 700 metres away to the northwest.

The application site is outwith the Whittingehame to Deuchrie Special Landscape Area, which at its closest is some 430 metres away to the north, and is also outwith the Danskin to Whitecastle Special Landscape Area, which at its closest is some 630 metres away to the west.

The application site is not within a biodiversity site however the Biel Water Valley local biodiversity site is some 400 metres away to the west.

The Whittingehame Local Garden and Designed Landscape is some 430 metres away to the north.

The application site is part of larger grassed agricultural fields that are part of the agricultural unit of Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'.

The application site comprises a roughly 'L-shaped' area of land, the main body of which is the northeast part of a larger agricultural field. The remaining part of the application site comprises a narrow strip of the adjoining field to the east, including an existing field access. This part of the application site slopes upwards gently in a southerly direction. The main body of the application site is generally level. The remainder of the field of which the main body of the application site is a part rises steeply to the south of the application site. To the southeast of the application site is an area of woodland. There are further woodland areas some 200 metres away to the southwest and northwest of the application site. The surrounding countryside is undulating and comprises agricultural fields and woodland areas.

The application site is bounded to the north in part by the U179 public road and in part by further agricultural land, to the south by the remaining land of the agricultural fields of which the application site is a small part, and to the east and west by further agricultural land.

The application site is enclosed along its north (partly roadside boundary with the U179 public road) and part of its west boundary by a combination of rubble stone wall of varying heights, stock proof post and wire fencing and a field gate. There are no means of enclosure of its east and south boundaries and the remaining parts of its west boundary.

Through this application, planning permission in principle is sought for the erection of a new house and associated works on the land of the application site. The proposed house is sought as living accommodation in association with the operation of the existing agricultural business that operates from Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'.

An indicative layout plan for the proposed development has been submitted with the application to show how a house and associated vehicular access, driveway, parking and hardstanding areas could be accommodated on the application site. The indicative layout plan shows how a house could be positioned on the site with its longest elevation facing the northwest and positioned roughly parallel with the northwest boundary of the field of which the application site is a part, and how garden ground for the proposed house could be provided to all sides of it, and how a driveway and parking area could be positioned to the east of the proposed house on the site. The indicative drawings further show how vehicular access to the proposed house could be taken via a driveway on the east part of the site, with access to the U179 public road being taken via an existing field gate access in the north boundary of the site.

This application (Ref. 21/01073/PP) is one of two applications for planning permission in principle submitted by the applicant, 'Newmains Farm', being Mr Paddy and Mrs Sheila Crerar, to provide residential accommodation for two agricultural workers in association with the agricultural business of 'Newmains Farm'. The second application for planning permission in principle (Ref. 21/01072/PP) seeks planning permission for the principle of the erection of one house on land at Ruchlaw West Mains of the agricultural business of 'Newmains Farm'. The principle of this second house is sought in addition to the proposed house the subject of planning application 21/01073/PP. Planning application 21/01072/PP stands to be determined on its own merits.

A Design Statement prepared by the applicant's agent and further supporting statement prepared by SAC Consulting (SRUC) have been submitted with this application (Ref. 21/01073/PP). Also submitted with the application on a confidential basis are two personal statements from the Applicant, Profit and Loss Accounts, a labour requirement assessment, a confidential Operational Needs Assessment, and a farm review scheme assessment dated 2010.

In the Design Statement it is explained that the overall proposals are for the erection of a total of two houses to provide residential accommodation for two agricultural workers in association with the agricultural business of 'Newmains Farm' and that the supporting documents have been drawn up to address both application sites (Planning application Refs. 21/01073/PP and 21/01072/PP).

The Design Statement explains that the agricultural business comprises of two farms: Ruchlaw West Mains and Newmains, and is a mixed livestock and arable holding, with a total area of some 166 hectares of land, and including the rearing of suckler cows, red deer, ewes and store lambs, and the growing of arable and forage crops. The Statement explains that the applicant, 'Newmains Farm', being Mr Paddy and Mrs Sheila Crerar, have lived in their family home at Newmains for some two decades and that the house does not belong to the farm business. The Statement goes on to explain that they purchased the land at Newmains approximately 12 years ago and some 10 years ago they purchased land at Ruchlaw West Mains. No houses were purchased with either parcels of land.

The Statement explains that the applicant has expanded the business over the last 10 years and that the business has been managed by Mr and Mrs Crerar with occasional assistance from their children and with arable work out-sourced to contractors. It is explained that the applicant's children are now pursuing further education and careers outwith the farm, and that other than the applicants there are no employees on the farm. Mr and Mrs Crerar also have other employment outwith the farm business.

It is explained that there are no houses associated with the two farm steadings that comprise 'Newmains Farm', being Ruchlaw West Mains and Newmains, and no buildings suitable for conversion to housing. Each steading comprises livestock shed(s), and storage for feedstuffs and machinery.

The Design Statement sets out the relevant planning policies and other material considerations relevant to the proposed development and the Applicant's Agent's interpretation of those policies and considerations relative to the proposed development, and makes a case for justification for the proposed two houses.

The Design Statement, together with the labour requirement assessment and confidential Operational Needs Assessment, conclude that the agricultural business of 'Newmains Farm' has a requirement of 4.2 labour units for the management of the deer, cattle and arable enterprises of 'Newmains Farm'.

In respect of the specific site at Newmains (planning application Ref. 21/01073/PP), the Design Statement explains that the site sits on relatively level ground, with the ground levels rising steeply to the south of the site. It is located some 65 metres to the west of the existing livestock shed at Newmains and adjacent to stock fields. The existing field gate is proposed to be upgraded to form a new vehicular access from the public road. It is explained that the site is currently used as permanent pasture for grazing cattle and deer and benefits from partial screening to the southeast by mature mixed woodland planting. It is further explained that this site has been selected for its proximity to livestock locations of the business.

The further statement from SAC Consulting explains that following changes in the availability of family assistance and for health and safety reasons, and due to their age and physical abilities, the applicants wish to limit their involvement in the undertaking of manual farm operations but are fully committed to managing the farm. This supporting statement finds that the existing farm operations have a justification for two full-time employees who would take over the work currently undertaken by the applicants, Paddy and Sheila Crerar. The applicants' would continue to manage the administrative duties of the farm but would no longer undertake the physical day-to-day work. The statement goes on to explain that due to the remote location, especially during inclement weather and the requirements for animal husbandry duties, the two workers would require to live on the site in order to manage the animal husbandry duties.

The confidential Operational Needs Statement submitted with the application describes the land and livestock farmed by the business, provides an assessment of the land capability, details the current housing and labour on the farm, sets out the proposed farm policy, undertakes an assessment of the labour requirement of the business and the functional requirements for the two dwelling houses proposed through planning applications Refs. 21/01072/PP and 21/01073/PP. The confidential personal statements and operational needs assessment report submitted with the application provide further details underlying the applicants' reasons for stepping back from the physical day-to-day work of the farm business.

Since the application was registered, errors on the application drawings have been corrected and details of visibility splays at the proposed vehicular access have been provided, and these changes are shown on amended indicative drawings submitted for the application. In addition, further information has been submitted to clarify a number of matters relating to the operation of the agricultural business of 'Newmains Farm' operated from Ruchlaw West Mains and Newmains and the justification for the proposed house.

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that the application for planning permission in principle be determined in accordance with the development plan, unless material considerations indicate otherwise.

The development plan is the adopted National Planning Framework 4 (NPF4) and the adopted East Lothian Local Development Plan 2018.

Policies 1 (Tackling the climate and nature crises), 2 (Climate mitigation and adaptation), 3 (Biodiversity), 4 (Natural Places), 5 (Soils), 7 (Historic assets and places), 14 (Design, quality

and place), 17 (Rural homes), 22 (Flood risk and water management) and 29 (Rural development) of NPF4 are relevant to the determination of this application.

Also relevant to the determination of the application are Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DC9 (Special Landscape Areas), CH4 (Scheduled Monuments and Archaeological Sites), CH6 (Gardens and Designed Landscapes), DP2 (Design), T1 (Development Location and Accessibility), T2 (General Transport Impact), NH3 (Protection of Local Sites and Areas), NH7 (Protecting Soils) and OS2 (Change of use to Garden Ground) of the adopted East Lothian Local Development Plan 2018 and the Council's Local Development Plan 2018 Supplementary Planning Guidance on Countryside and Coast (adopted 29th October 2018) and Special Landscape Areas (adopted 30th October 2018).

Also material to the determination of the application is the Scottish Government's policy on housing and rural development given in Planning Advice Note 72: Housing in the Countryside.

PAN 72 states that: "Buildings in rural areas can often be seen over long distances and they are there for a long time. Careful design is essential. Traditional buildings can be an inspiration but new or imaginative re-interpretation of traditional features should not be excluded. Where possible, the aim should be to develop high quality modern designs which maintain a sense of place and support local identity."

With regard to archaeological sites and monuments, Planning Advice Note 2/2011: Planning and Archaeology advises that they are an important finite and non-renewable resource and should be protected and preserved in situ wherever feasible. The presence and potential presence of archaeological assets should be considered by planning authorities when making decisions on planning applications. Where preservation in situ is not possible planning authorities should through the use of conditions or a legal agreement ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made during any development, a professional archaeologist should be given access to inspect and record them.

No public representations to the application have been received.

Dunpender Community Council have been consulted on the application however no response has been received from them.

Scottish Water has been consulted on the application and raises no objection to the principle of the erection of a house on the application site. A copy of Scottish Water's comments have been provided to the applicant's agent.

The Council's Biodiversity Officer raises no objection to the principle of the erection of a house on the application site being satisfied that the proposals would not have a significant impact on any designated sites and the nature of the existing habitat is of low biodiversity value. Accordingly, the proposals do not conflict with Policy NH3 of the adopted East Lothian Local Development Plan 2018.

NPF4 Policy 3 states that proposals for local development types will include appropriate measures to conserve, restore and enhance biodiversity. The proposals do not include any details of the measures to be taken in the proposed development to conserve, restore and

enhance biodiversity. This matter could reasonably be controlled by a condition on a grant of planning permission in principle. Subject to the imposition of such control, the proposals do not conflict with NPF4 Policy 3.

The Council's Archaeology Officer advises that the site is part of an agricultural field and although the site has a moderate potential for unknown remains, the adjacent historic quarrying to the southeast of the site indicates that these have a high potential to have been disturbed in the past. Furthermore, the relatively small footprint of the proposals suggest that there is unlikely to be any impact on buried archaeological remains, and the location in the landscape also suggests that there is unlikely to be any indirect or setting impacts from the proposals. Accordingly, the Council's Archaeology Officer raises no objection to the proposed development, which would not conflict with NPF4 policy 7, ELLDP 2018 policy CH4 or Planning Advice Note 2/2011.

The Council's Environmental Protection Officer (Contaminated Land) advises that there may be localised contamination of the soils on the site as a result of potentially contaminative former land use. Investigation and mitigation to ensure that a suitable geo-environmental assessment of the site is carried out prior to the development of the site could be controlled by a condition attached to a grant of planning permission in principle.

The Council's Senior Environmental Health Officer has no comment to make regarding the proposed development.

Indicative details for the layout of the site and vehicular access to the site have been provided with the application. They show how the site could be accessed from the U179 public road via a new vehicular access taken from the south side of the public road. The indicative site layout drawing also shows how a parking and turning area with a capacity for at least two parking spaces could be formed on the east side of the site.

The Council's Road Services raises no objection to the principle of the erection of a house on the application site, subject to: (i) the provision of on-site parking at a rate of 150% for a house of up to 5 habitable rooms and 225% for a house of 6 or more habitable rooms with a minimum of two on-site parking spaces, and each of those parking spaces having minimum dimensions of 5 metres long by 2.5 metres wide; (ii) the provision of on-site turning space to enable vehicles to enter and exit the property in a forward gear; (iii) a minimum of the first 2 metres of the proposed vehicular access measured back from its junction with the U179 public road and for its full width shall be hardformed across its full width; and (iv) the provision of visibility splays measuring 2 metres by 120 metres at the vehicular access. Subject to these matters being made conditional of a grant of planning permission in principle, Road Services are satisfied that in principle a house built on the site could be provided with a sufficient space for on-site parking and turning, and a safe means of vehicular access, and would not raise any road safety hazard. Subject to these recommendations, Roads Services raise no objection to the principle of the erection of a house on the site, being satisfied that a house on the application site could be safely accessed and adequate parking provided. Thus, the principle of the erection of one house on the site is consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Moving on to matters of the design of a house erected on the site, although the application is for planning permission in principle, an indicative layout drawing is submitted with the application.

The site of the proposed house is located close to a minor public road within open countryside and within the bottom of a valley. In such positional circumstances, the site of the proposed house would be readily visible in views from the U179 public road when approaching from the east and north. It would not be readily visible in views from the south and west due to the containment afforded to the site from the rising landform and woodland area to the south, and the woodland areas further away to the west.

The application site is not within a Special Landscape Area. It is some 430 metres away from the Whittingehame to Deuchrie Special Landscape Area (SLA) to the north, and some 630 metres away from the Danskine to Whitecastle Special Landscape Area (SLA) to the west.

The nearest residential buildings in the locality of the application site vary between single storey and two storey in height and are of a traditional vernacular design with dual pitched roofs, chimneys, roof copes, and traditionally proportioned window openings. Many are formed from the conversion of former agricultural buildings. Their external walls are predominantly finished with natural red sandstone and their roofs are finished with natural slates or natural red clay pantiles. Where pantiles are used they are predominantly used on subservient lower roof slopes. Where roof windows are incorporated into the roof space, these are small in size and scale so as to sit discreetly on the roof slope.

An indicative layout plan for the proposed development has been submitted with the application to show how a house and associated vehicular access, driveway, parking and hardstanding areas could be accommodated on the application site. The indicative layout drawing is submitted to illustrate how a house, comprising two rectangular shaped components, could be positioned on the site with its longest elevation facing northwest and positioned roughly centrally on the application site. It is also shown on the indicative site layout drawings how a driveway could be accommodated on the eastern part of the site with a vehicular access taken from the south side of the U179 public road.

The submitted indicative layout drawing demonstrates, in principle, that the site is physically capable of accommodating one house, and vehicular access, car parking and vehicle turning space and a sufficient sized garden without there being an overdevelopment of it.

In respect of the impact of a house built on this site within this countryside location, the Council's Landscape Officer comments that the site is located in the Eastern Lammermuir Fringe landscape character area and is located alongside a minor public road within open countryside and within the bottom of a valley formed during the ice age that runs in a west to east direction. The land rises sharply to the south with an area of mixed mainly broadleaved woodland to the southeast, enclosing the site to its south. Trees within the west end of the valley separate the site visually from the Danskine to Whitecastle SLA and the landform separates the site visually from the Whittingehame to Deuchrie Special Landscape Area to the north/east.

The Landscape Officer further comments that the built character of the area is described in the Special Landscape Area SPG as a scattering of traditional farmsteads, often dwarfed by large modern sheds.... all constructed in local deep pink sandstone. Houses and settlements are also mainly set within the valley bottoms close to the minor road network.

Accordingly the Landscape Officer advises that a house built on this site, alongside and close to the public road and on the valley floor would be in keeping with the principle of the location of existing buildings and the character of the area.

The Landscape Officer further advises that, subject to a house on the site:

- (i) having external walls that shall be finished either wholly with natural local red/pink sandstone or a combination of natural local red sandstone and a wet dash or textured render, and that any render to be used shall not be a white or pale coloured render; and
- (ii) being designed to complement the existing local traditional architectural vernacular, character and appearance of neighbouring and nearby buildings, and shall include traditional components and styles of design.

These design criteria could be secured through a condition of a grant of planning permission in principle.

Given the long range views of the application site, if large areas of glazing or solar photovoltaic panels were proposed in the design of a house built on the site, such areas of glazing and photovoltaic panels have the potential to result in reflection and in the case of windows light spill, which could result in the development appearing overly prominent and harmfully visually intrusive within its landscape setting. It would therefore be prudent to ensure that the size of the glazed openings of a house built on the site are generally of a traditional size and scale, and are positioned to minimise their visual impact within the landscape setting of the site, and that if any solar photovoltaic panels are proposed for a house built on the site, these should also be positioned to minimise their visual impact within the landscape setting of the site. Such design criteria could be secured through a condition of a grant of planning permission in principle.

Subject to the design criteria set out by the Council's Landscape Officer regarding form and design and external finishes, all of which are design criteria that could be secured through a condition of a grant of planning permission in principle, it should be possible to design a house for the site such that the principle of the development of one house on the application site would be sufficiently well integrated into its landscape setting and such that on matters of design, the principle of the development of one house on the application site would not appear harmfully intrusive or incongruous within its landscape setting and thus would not be harmful to the landscape character of the area. These principles of development of a new build house on the application site can be controlled by a condition on the grant of planning permission in principle.

Due to the intervening distances and the rising landform and existing woodland areas to the north and west, the principle of the development of one house on the application site would not be harmful to the setting of the Danskine to Whitecastle SLA and the Whittingehame to Deuchrie SLA.

Due to the intervening distance and the rising landform and woodland areas to the north, the principle of the development of one house on the application site would not have a detrimental impact on elements justifying designation of the Whittingehame Local Garden and Designed Landscape, some 430 metres away to the north.

It should be possible to design a house for the site that would incorporate appropriate drainage and would manage surface water/rainwater through appropriate sustainable urban drainage systems (SUDS).

On all of these foregoing considerations of design and layout, and subject to the aforementioned design controls relating to form, design, and external finishes, it should be possible to design a house in a position on the site that would not be harmful to the character and appearance of the area, including the setting of the Danskine to Whitecastle SLA and the Whittingehame to Deuchrie SLA or to the setting of the Whittingehame Local Garden and Designed Landscape. Accordingly, on matters of design and layout, the principle of the development of the site for the erection of one house would not significantly change the layout and design characteristics of the area and would not be an overdevelopment of the site and accordingly does not conflict with National Planning Framework 4 (NPF4) policies 4, 7, 14, and 22, and Policies DC9, CH4, CH6, and OS2 of the adopted East Lothian Local Development Plan 2018, East Lothian Council's Supplementary Planning Guidance on Special Landscape Areas (adopted 30th October 2018), and Planning Advice Note 72: Housing in the Countryside, Planning Advice Note 2/2011: Planning and Archaeology.

In assessing whether or not a proposed new development would result in harmful overlooking and therefore loss of privacy to existing neighbouring residential properties it is the practice of the Council, as Planning Authority to apply the general rule of a 9 metres separation distance between the windows of a proposed new building and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new building and the windows of existing neighbouring residential properties.

The nearest neighbouring residential properties are The Carhouse, The Bothy, 1 Newmains Cottages, Tups Cottage, Steading Cottage, The Mill House, The Gallery, Cantilever Barn and Newmains Farmhouse, some 580 to 670 metres away to the northeast (all of these properties are at the former Newmains Farm Steading), and Stoneypath Farmhouse some 700 metres away to the northwest. Thus, there are no nearby neighbouring residential properties to be affected by overlooking or overshadowing from a new build house erected on the application site. Therefore, it should be possible to design a house on the site without harming the privacy and amenity of any neighbouring residential properties through loss of sunlight, daylight or through overlooking and loss of privacy. It should also be possible to design a house for the site which would afford the occupants of it with a sufficient amount of privacy and amenity. Accordingly on these considerations of sunlight, daylight, privacy and amenity it should be possible to design a house for the site which would be consistent with the requirements of NPF4 policy 14 and Policy DP2 of the adopted East Lothian Local Development Plan 2018.

Notwithstanding all of the above design, visual impact, amenity, transportation, archaeology and biodiversity considerations, the application site is not within an existing settlement of East Lothian or any area within an area designated as one of residential character and amenity by Policy RCA1 of the adopted East Lothian Local Development Plan 2018. Thus it is not within an existing residential area where the principle of the building of a house is acceptable. Rather the application site is in a countryside location within East Lothian and is part of a much larger area characterised by a low density dispersed built form within an agricultural landscape. Therefore it is now necessary to consider whether the principle of the proposed building of a new house on the application site in a countryside location is consistent with national, strategic and local planning policy relating to the control of new housing development in the countryside.

For avoidance of doubt the site is not within an area of land allocated by the adopted East Lothian Local Development Plan 2018 for housing or for any other use. Consequently, the

erection of a house on the site must be assessed against NPF4 policies 17 and 29, and adopted East Lothian Local Development Plan 2018 policy DC1: Rural Diversification, Policy DC4: (New Build Housing in the Countryside) and DC5 (Housing as Enabling Development), all of which relate to the control of new housing development in the countryside.

NPF4 Policy 17 (Rural homes) in principle supports new homes in rural areas where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development is demonstrated to be necessary to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work.

Paragraph 5.8 of Section 5 of the adopted East Lothian Local Development Plan 2018 states that "In general, East Lothian's countryside and coast is not an area that requires regeneration, renewal or action to address population decline". It is not a remote rural area where a more permissive planning policy approach to new housing in the countryside might be appropriate on these grounds. Rather, it is an area where "few, if any, locations are more than an hour's drive time from Edinburgh or 30 minutes drive time from Musselburgh or Tranent, towns of over 10,000 people". On the whole it is characterised by increasing population and economic growth and a continuing pressure for housing development both within and outwith its towns and villages. Characteristic of the countryside is its wide range of types and sizes of attractive vernacular buildings that contribute greatly to its character. "As an accessible area where mobile demand for housing from Edinburgh will continue, it is important to protect against unsustainable growth in car-based commuting and the suburbanisation of the countryside. Most new housing development is therefore directed to towns and villages or planned extensions of these."

Paragraph 5.10 of Section 5 of the adopted East Lothian Local Development Plan 2018 states that the ELLDP has a general presumption against new housing in the countryside but exceptionally a new house may be justified on the basis of an operational requirement of a rural business that justifies the need for permanent accommodation.

Policy DC1 sets out specific criteria for new development in the countryside, stating that there will be support in principle for new development where it is for agriculture, horticulture, forestry or countryside recreation; or other businesses that have an operational requirement for a countryside location, including tourism and leisure uses.

Policy DC4 sets out specific criteria for the erection of new build housing in the countryside whereby such development will only be supported where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan;
- (iii) The proposal satisfies the terms of Policy NH1.

Policy DC5 sets out specific criteria for the exceptional circumstances where the erection of housing as enabling development in the countryside may be supported. Any such new housing development in the countryside should:

- (a) enable a desirable primary use supported in principle by criterion by Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or
- (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable, and should satisfy the terms of Policies CH1 and where relevant CH6, and can be clearly demonstrated to be the only means of preventing the loss of the asset and secure its long-term future; and
- (c) the proposal satisfies the terms of Policy NH1.

Policy DC5 states that in all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The adopted East Lothian Local Development Plan 2018 does not allocate the land of the application site for residential development. Neither does the Local Development Plan define any part of it as being a settlement. The main material consideration in the determination of this application is therefore whether or not there is a direct operational requirement for the house that derives from a viable agricultural, horticultural, forestry or other employment use within the countryside. Thereafter, the principal determining factors in this case are whether or not, having regard to national, strategic and local planning policy and guidance and other material considerations, the principle of fitting a house on the application site, is acceptable, with due regard to the impact such development would have on the character and appearance of the area, including its impact on the setting of the Whittingehame Local Garden and Designed Landscape, and on the setting of the Whittingehame to Deuchrie and Danskine to Whitecastle Special Landscape Areas, on local biodiversity sites, and its impact on neighbouring residential properties, and whether or not such a new house could be acceptably accessed.

A Design Statement and other supporting information have been submitted by the applicants. In these documents it is explained that the proposed house is one of two new houses (planning application Refs. 21/01072/PP and 21/01073/PP) proposed by the applicant and is required in association with the existing agricultural business of 'Newmains Farm'. The documents explain that the two new houses and thus, the house the subject of this application, are required to enable two new farm workers to be employed to allow the applicant's, Mr Paddy and Mrs Sheila Crerar, to step back from their involvement in the undertaking of manual farm operations for reasons related to their physical abilities and for health and safety reasons. It is stated that the business trades as a sole trader in the name of 'Newmains Farm'. It is further stated that the proposed two houses (one being the subject of this application - Ref. 21/01073/PP - and the other being the subject of planning application Ref. 21/01072/PP) are not required to facilitate expansion of the business but rather they are to allow the farm to operate in a safe and effective manner.

The Design Statement explains that the agricultural business comprises of two farms: Ruchlaw West Mains and Newmains, and is a mixed livestock and arable holding, with a total area of some 166 hectares of land, and including the rearing of suckler cows, red deer, ewes and store lambs, and the growing of arable and forage crops. The Statement explains that the applicant,

'Newmains Farm', being Mr Paddy and Mrs Sheila Crerar, have operated the business for 12 years from Newmains and 10 years from Ruchlaw West Mains. The applicant's each have other separate sources of employment as well as the farm operations, and the statement explains that much of the arable work is carried out by out-sourced contractors.

The Design Statement, together with the labour requirement assessment and confidential Operational Needs Assessment, conclude that the agricultural business of 'Newmains Farm' has a requirement of 4.42 labour units for the management of the deer, cattle and arable enterprises of 'Newmains Farm'.

The further statement from SAC Consulting explains that following changes in the availability of family assistance and for health and safety reasons, and due to their age and physical abilities, the applicants wish to limit their involvement in the undertaking of manual farm operations but are fully committed to managing the farm. This supporting statement finds that the existing farm operations have a justification for two full-time employees who would take over the work currently undertaken by the applicants, Paddy and Sheila Crerar. The applicants would continue to manage the administrative duties of the farm but would no longer undertake the physical day-to-day work. The statement goes on to explain that due to the remote location, especially during inclement weather and the requirements for animal husbandry duties, the two workers would require to live on the site in order to manage the animal husbandry duties.

The development of the application site for the erection of one house would be related to the existing agricultural business that operates from Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'.

The labour requirement of the existing agricultural business of 'Newmains Farm' is currently met by the applicants, Mr Paddy and Mrs Sheila Crerar, with much of the arable work being carried out by out-sourced contractors. It is proposed that the applicants, Mr Paddy and Mrs Sheila Crerar, would continue to administer and manage the farm operations but would limit their involvement in the undertaking of manual farm operations.

The existing house of Newmains Farmhouse, which the applicants have occupied for some two decades, does not belong to the farm business but is nonetheless located close to the two farm units and has enabled the applicants to manage the farm business over the last 12 years. There are no houses associated with the agricultural business of 'Newmains Farm' at either Ruchlaw West Mains or Newmains, and thus no houses are available to the applicant to house the new agricultural workers.

There are few other existing buildings associated with the agricultural business of 'Newmains Farm' operated from Ruchlaw West Mains and Newmains, and those existing buildings are functional buildings associated with the housing of the livestock, feed and machinery. Thus, no appropriate building suitable for conversion to a house is available in the locality to the applicant.

The Council's Agricultural and Rural Development Consultant has carried out a rural business appraisal of the proposed development based on an assessment of their supporting statements, Operational Needs Assessment and financial information (confidential and non-confidential).

The Council's Agricultural and Rural Development Consultant advises that there is a clear need for a livestock business of this nature to have access to on-site accommodation and thus there is a direct operational justification of need for a person to live on site in support of the business. The Council's Agricultural and Rural Development Consultant further comments that the level of livestock in the business will be labour intensive. However, the Agricultural and Rural Development Consultant disagrees with the labour requirement calculations submitted with the application, finding them outdated. His assessment of the information provided is that there is a labour requirement for two labour units and that the applicants' together would comprise one of those labour units.

He comments that, based on the financial information provided with the application, the business is not sufficiently financially robust and could not support the employment of two additional agricultural workers and the associated costs of housing. Rather he is of the opinion that a business of this size and complexity and with this level of livestock, could support one additional agricultural worker, and that although this would add pressure on the business and reduce profits, the business, if operated effectively, should still be capable of returning a reasonable profit taking into account the costs involved with one new agricultural worker and associated house.

From this assessment of the information provided with the application, the Council's Agricultural and Rural Development Consultant finds that the existing agricultural business demonstrates that there is a need for an on-site presence for the management and well-being of the livestock, and the requirement for a total of two labour units, and that the applicants' together would comprise one of those labour units. Thus although there is a need for two houses to support the existing business, the applicants' existing house is considered to be one of those houses and the applicants, who would remain involved in the agricultural business, would comprise one of the labour units.

Notwithstanding that the applicants advise that their existing house is not an asset of the agricultural business of 'Newmains Farm' they have nonetheless been operating that agricultural business from their house for some 12 years.

Accordingly, the Agricultural and Rural Development Consultant advises that there is justification for only one additional house and therefore that justification for only one of the new houses proposed through this application (Ref. 21/01073/PP) and through application Ref. 21/01072/PP has been demonstrated.

The applicants' supporting statements comprise information covering the whole farm business trading as 'Newmains Farm' and do not make any case specifically in respect of each of the agricultural units of Newmains and Ruchlaw West Mains. The applicants have therefore been advised that a case for justification for only one of the proposed two houses has been demonstrated, and they have expressed a preference for the house the subject of planning application Ref. 21/01072/PP to be reported for approval.

In these circumstances, the Council's Agricultural and Rural Development Consultant concludes that it has not been demonstrated that there is an operational justification of need for the new house the subject of this application (Ref. 21/01073/PP) in support of the agricultural business of 'Newmains Farm' operated from Newmains and Ruchlaw West Mains, and nor has it been demonstrated that the existing business is financially robust and capable of supporting that additional proposed house and new agricultural worker.

Accordingly, without the operational justification of need for it, the principle of the building of one new house in association with the existing agricultural business of 'Newmains Farm' operated from Newmains and Ruchlaw West Mains, that operates at Newmains conflicts with NFP4 policy 17 and with Policy DC1 and Part (i) of Policy DC4 of the adopted East Lothian Local Development Plan 2018.

The application site would be some 0.2 of a hectare in area and the land of the application site is prime agricultural land (class 3.2), being land defined as capable of being used to produce a wide range of crops.

Policy 5 of NPF4 does not support development on prime agricultural land unless the development: (i) is for essential infrastructure, (ii) is small scale and is directly linked to a rural business or for an essential worker for the rural business to be able to live on site, (iii) is for production and processing facilities associated with land produce, and (iv) is for the generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration. In all of these cases, the layout and design of the proposals should minimise the amount of protected land that is required.

At some 0.2 of a hectare in area, the site is relatively small, and the erection on it of one house would not prejudice any well-defined settlement boundary or landscaped edge. Thus, the proposed development would not conflict with Policy OS2 of the adopted East Lothian Local Development Plan 2018.

However, a case for operational justification of need of an existing agricultural business has not been demonstrated. Accordingly, the proposed development would conflict with NPF4 policy 5 and Policy NH7 of the adopted East Lothian Local Development Plan 2018.

Notwithstanding all of the earlier design, visual impact, amenity, transportation, archaeology and biodiversity considerations, it has not been demonstrated to the satisfaction of the Planning Authority that a new house is required at Newmains to meet a direct operational requirement of the agricultural business of 'Newmains Farm' or any other agricultural, horticultural, forestry or other employment use as required by Policies DC1 and Policy DC4 of the adopted East Lothian Local Development Plan 2018. Neither is the house proposed as affordable housing development of an existing rural settlement.

Finally the proposed new house is (a) not being promoted as enabling development to enable a desirable primary use supported in principle by criterion Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or (b) fund the restoration of a listed building or other buildings of recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable.

Therefore the principle of building a new house on the site which is in a countryside location is inconsistent with national, strategic and local planning policy and guidance concerning the control of development of new build houses in the countryside. Specifically, the proposal to erect a house on the site is in principle contrary to Policies 5, 17 and 29 of NPF4 and Policies DC1, DC4 and DC5 of the adopted East Lothian Local Development Plan 2018.

If approved the proposed development would set an undesirable precedent for the development of new houses in similar circumstances elsewhere in the East Lothian countryside, the cumulative effect of which would result in a detrimental impact on the rural character and amenity of the countryside of East Lothian.

In conclusion, the proposed development does not accord overall with the relevant provisions of the Development Plan and there are no material considerations which outweigh the proposals discordance with the Development Plan.

REASONS FOR REFUSALS:

- 1 The erection of a house on the application site would result in the loss of prime agricultural land and would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies 5, 17 and 29 of National Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

LETTERS FROM

19th June 2023

Currie, Fiona

From: Yates, Robbie
Sent: 03 September 2021 15:05
To: McQueen, Stephanie
Cc: Environment Reception; Forsyth, Peter
Subject: TRANSPORT PLANNING RESPONSE 21/01073/PP - Stephanie McQueen - Planning Consultation

EAST LoTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager
To: Service Manager, Planning

Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains Stenton Dunbar

I have no objection in principle to the proposal but would request that:

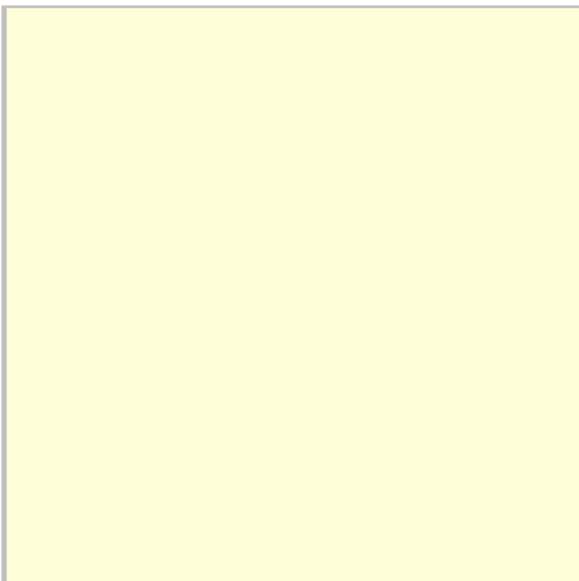
- A minimum of two car parking spaces plus access for servicing, general maintenance and turning space are provided within the site.
- A minimum of the first 2m of the proposed access road from its junction with the U179 is hard formed.
- Evidence is provided that a visibility splay of 2 x 120m is achievable.

Please advise the applicant that all works within or affecting the public road including works on the footway and verge must be authorised in advance by this Council as Roads Authority.

Sent on behalf of PETER FORSYTH
ROAD SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for Robbie Yates Transport Planning Officer, East Lothian Council Tel: 01620 827626

NHS Coronavirus Information



Currie, Fiona

From: Yates, Robbie
Sent: 06 October 2021 17:08
To: McQueen, Stephanie
Subject: RE: PLANNING APPLICATION 21/01073/PP - LAND SOUTHWEST OF NEWMAINS, STENTON

Thanks Steph,

I confirm that I am happy with the visibility splay annotated on drawing number DS127 (PA2)006.

Regards

Robbie Yates

Transportation Planning Officer | Roads Services | Infrastructure | Partnerships & Community Services
East Lothian Council | John Muir House | Haddington | East Lothian | EH41 3HA
[REDACTED] | 01620 827710 | ryates@eastlothian.gov.uk

From: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>
Sent: 05 October 2021 15:49
To: Yates, Robbie <ryates@eastlothian.gov.uk>
Subject: PLANNING APPLICATION 21/01073/PP - LAND SOUTHWEST OF NEWMAINS, STENTON

Hi Robbie << File: 3078312-Drawing-SITE PLAN SHOWING VISIBILITY SPLAYS.pdf >>

Please find attached drawing no. DS127(PA2)006 - Visibility Splays for the above site. I would be grateful if you could please advise if this visibility splay layout is acceptable?

If you would like to discuss this matter please do not hesitate to call me.

Regards,
Steph

Stephanie McQueen | Planner | Planning Delivery |
Ext: 7210 Email: smcqueen@eastlothian.gov.uk
<< OLE Object: Picture (Device Independent Bitmap) >>

 Consider the environment. Please don't print this e-mail unless you really need to.

From: Yates, Robbie <ryates@eastlothian.gov.uk>
Sent: 03 September 2021 15:05
To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>
Cc: Environment Reception <environment@eastlothian.gov.uk>; [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE 21/01073/PP - Stephanie McQueen - Planning Consultation

EAST LOTHIAN COUNCIL ROAD SERVICES
From: Asset & Regulatory Manager
To: Service Manager, Planning

Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains Stenton Dunbar

I have no objection in principle to the proposal but would request that:

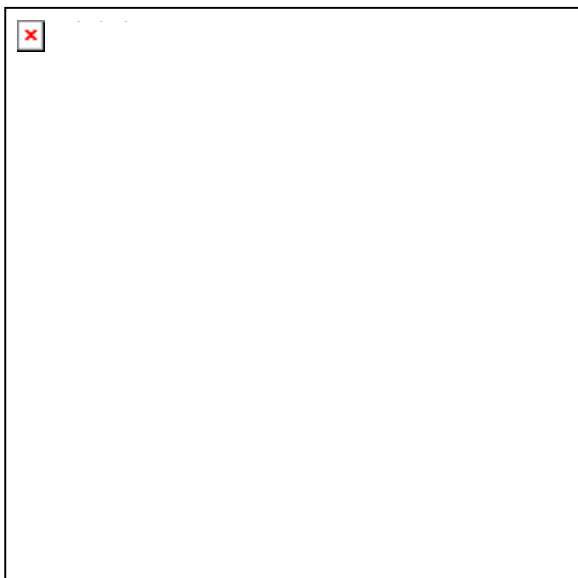
- A minimum of two car parking spaces plus access for servicing, general maintenance and turning space are provided within the site.
- A minimum of the first 2m of the proposed access road from its junction with the U179 is hard formed.
- Evidence is provided that a visibility splay of 2 x 120m is achievable.

Please advise the applicant that all works within or affecting the public road including works on the footway and verge must be authorised in advance by this Council as Roads Authority.

Sent on behalf of PETER FORSYTH
ROAD SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for Robbie Yates Transport Planning Officer, East Lothian Council Tel: 01620 827626

NHS Coronavirus Information



Currie, Fiona

From: Clark, Colin - EHO
Sent: 02 September 2021 11:20
To: Environment Reception
Cc: McQueen, Stephanie
Subject: RE: 21/01073/PP - Stephanie McQueen - Planning Consultation

I refer to your consultation request of 24 August 2021 in connection with the above and would advise I have no comment to make regarding the application.

Regards

Colin Clark | Senior Environmental Health Officer, Public Health & Environmental Protection | Protective Services | East Lothian Council | John Muir House | Haddington | EH41 3HA | Tel. 01620 827443 [REDACTED] | Email. cclark1@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

-----Original Message-----

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 24 August 2021 11:30
To: [REDACTED]
Subject: FW: 21/01073/PP - Stephanie McQueen - Planning Consultation

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 24 August 2021 11:24
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 21/01073/PP - Stephanie McQueen - Planning Consultation

Please see attached document in relation to the following application: Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains Stenton Dunbar East Lothian NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1514/1514_250x239.jpg]

Currie, Fiona

From: Callow, Scott
Sent: 30 August 2021 15:43
To: McQueen, Stephanie
Cc: Environment Reception; Clark, Colin - EHO
Subject: Planning Consultation: 21/01073/PP (Land To South West Of Newmains, Stenton)

Hi Stephanie,

I have reviewed the various historical maps for the site as well as looking at the potential contamination issues that may impact on the development and would comment as follows:

- The site is currently agricultural situated in close proximity to Newmains Farm and associated livestock shed and doesn't seem to have had any historic, potentially contaminative land-use associated with it;
- There is the possibility that undocumented areas of made ground may exist on or in close proximity to the site associated with infilling of the nearby Blackbank Quarry. This could potentially have contributed to localised areas of contamination.

Given the above and due to the nature of the proposed development (a new residential build), further information will be required to determine the ground conditions and potential contamination issues impacting on the site (with the minimum of a Phase I Geo-environmental Assessment being carried out). In light of this I would recommend that the following conditions be attached to any grant of consent:

Condition - Land Contamination Site Investigation, Risk Assessment and Remediation

Part 1

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

- *A Preliminary Investigation incorporating a Phase I Desk Study (including site reconnaissance, development of a conceptual model and an initial risk assessment);*
- *A Phase II Ground Investigation (if the Desk Study has determined that further assessment is required), comprising the following:*
 - *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;*
 - *An appraisal of the remediation methods available and proposal of the preferred option(s).*

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

If it is concluded by the Reporting that remediation of the site is not required, then Parts 2 and 3 of this Condition can be disregarded.

Part 2

Prior to any works beginning on site (and where risks have been identified), a detailed Remediation Statement should be produced that shows the site is to be brought to a condition suitable for the intended use by the removal of unacceptable risks to all relevant and statutory receptors. The Statement should detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It

should also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Statement must be submitted to the Planning Authority for approval.

Part 3

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

Part 4

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

Regards,

Scott

Scott Callow | Environment Protection Officer (Con Land) | East Lothian Council | John Muir House |
Haddington | EH41 3HA |
Tel. 01620 827256 | Email. scallow@eastlothian.gov.uk | Visit our website at www.eastlothian.gov.uk

NHS Coronavirus Information



Wednesday, 25 August 2021



Local Planner
Planning and Building Standards
East Lothian Council
Haddington
EH41 3HA

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

Development Operations
Freephone Number - 0800 3890379
E-Mail - DevelopmentOperations@scottishwater.co.uk
www.scottishwater.co.uk



Dear Customer,

Land To South West Of Newmains, Stenton, Dunbar, EH42 1TE
Planning Ref: 21/01073/PP
Our Ref: DSCAS-0047203-8WW
Proposal: Planning permission in principle for the erection of 1 house and associated works

Please quote our reference in all future correspondence

Audit of Proposal

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

Water Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

- ▶ There is currently sufficient capacity in the Castle Moffat Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.
- ▶ The nearest public water main is approx. 1.2km from the proposed site.

Waste Water Capacity Assessment

- ▶ There is currently sufficient capacity for a foul only connection in the Waste Water. Unfortunately, according to our records there is no public Scottish Water, Waste

Water infrastructure within the vicinity of this proposed development therefore we would advise applicant to investigate private treatment options.

Please Note

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

Surface Water

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

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

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

General notes:

- ▶ Scottish Water asset plans can be obtained from our appointed asset plan providers:
 - ▶ Site Investigation Services (UK) Ltd
 - ▶ Tel: 0333 123 1223
 - ▶ Email: sw@sisplan.co.uk
 - ▶ www.sisplan.co.uk
- ▶ Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.
- ▶ If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- ▶ Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.
 - ▶ The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
 - ▶ Please find information on how to submit application to Scottish Water at [our Customer Portal](#).
-

Next Steps:

▶ All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via [our Customer Portal](#) prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

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

▶ Non Domestic/Commercial Property:

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


▶ Trade Effluent Discharge from Non Dom Property:

- ▶ Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and laundrettes. Activities not covered include hotels, caravan sites or restaurants.
- ▶ If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

- ▶ Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.
- ▶ For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas, so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.
- ▶ The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on **0800 389 0379** or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Yours sincerely,


Development Operations Analyst
developmentoperations@scottishwater.co.uk

Scottish Water Disclaimer:

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Currie, Fiona

From: Robertson, Andrew
Sent: 01 September 2021 15:10
To: McQueen, Stephanie
Cc: Environment Reception
Subject: RE: 21/01073/PP - Stephanie McQueen - Planning Consultation

Hi Stephanie

In relation to planning application 21/01073/PP - Land to the SW of Newmains, I have no comments to make in relation to the Historic Environment.

Although the proposal area has a moderate potential for unknown remains the adjacent historic quarrying indicates that these have a high potential to have been disturbed in the past. The relatively small footprint of the proposals suggest that there is unlikely to be any impact upon buried archaeological remains.


The location in the landscape also suggests that there is unlikely to be any indirect or setting impacts arising from the proposal.

I therefore have no comments to make on the proposal in relation to the historic environment.

As ever any comments or questions just let me know.

Cheers

Andy

Andrew Robertson
Archaeology/ Heritage Officer
East Lothian Council Archaeology Service John Muir House, Haddington
EH41 3HA
Tel: 01620 827039


Archaeology - East Lothian Council
Our HER is now online at John Gray Centre

Please be advised that we will only be undertaking site monitoring and meetings where social distancing requirements can be observed. Please contact us via e-mail if you have any questions or queries about this.

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 24 August 2021 11:25
To: Robertson, Andrew <arobertson1@eastlothian.gov.uk>
Subject: 21/01073/PP - Stephanie McQueen - Planning Consultation

Please see attached document in relation to the following application: Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains Stenton Dunbar East Lothian NHS
Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1514/1514_250x239.jpg]

Currie, Fiona

From: Cumming, Catherine (Biodiversity Officer)
Sent: 07 September 2021 16:32
To: McQueen, Stephanie
Cc: Environment Reception
Subject: Re: 21/01073/PP

Hi Stephanie,

I am writing with regards to the consultation for application 21/01073/PP for the erection of 1 house near Newmains, Stenton. I have no objection to this application - the proposed site will not have a significant impact on any designated sites, and the nature of the existing habitat is of low biodiversity value.

Kind regards,

Catherine

Catherine Cumming (she/her)
Biodiversity Officer
East Lothian Council, Landscape & Countryside, Block C, Brewery Park, Haddington EH41 3HA

ccumming1@eastlothian.gov.uk




@ELCrangers

John Muir House | Brewery Park | Haddington | EH41 3HA

NHS Coronavirus Information



Currie, Fiona

From: Cheyne, Sarah
Sent: 08 October 2021 08:46
To: McQueen, Stephanie
Subject: RE: 21/01073/PP Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains Stenton


Hi Steph

I write in response to the consultation on the above planning application with landscape comments.

The proposal is located within the Eastern Lammermuir Fringe landscape character area. It is situated along a minor road within open countryside and within the bottom of a valley formed during the ice age that runs in west to east direction. The land rises sharply to the south with an area of mixed mainly broadleaved woodland to its southeast, enclosing the site to its south. Trees within the west end of the valley separate it visually from the Danskine to Whitecastle SLA and landform separates the site visually from the Whittingehame to Deuchrie SLA to the east.

The built character of the area is described in the Special Landscape Area SPG (pA1-21) as a scattering of traditional farmsteads often dwarfed by large modern sheds...all constructed in local deep pink sand stone. Houses and settlements are also mainly set within the valley bottoms close to the minor road network. A house within this location therefore appears in keeping with the character of the area. Therefore provided the house was designed to fit with development within the local area and incorporated the local sandstone and these details are controlled by condition then we would have no landscape objections to the site.

Regards
Sarah

Sarah Cheyne
Landscape Projects Officer | Planning Service | East Lothian Council | John Muir House | EH41 3HA
T: 01620 828756 | 

-----Original Message-----

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 24 August 2021 11:31
To: Landscape <landscape@eastlothian.gov.uk>
Subject: 21/01073/PP- Planning Consultation

Please see attached document in relation to the following application: Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains Stenton Dunbar East Lothian NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1514/1514_250x239.jpg]

18 March 2022

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: smcqueen@eastlothian.gov.uk

Dear Stephanie

Applications for 2 New Dwellings – Land To The South of Ruchlaw West Mains Farm Dunbar East Lothian – Paddy & Sheila Crerar – 21/01072/PP and 21/01073/PP

Review of Planning application

I have reviewed the information on this case detailed in the Design & Access Statement prepared by GCA+D, the Operational Needs Assessment prepared by SAC, additional supporting information supplied by Mr Crear in note form and the Summary of Financial Performance for the YE 31 March 2021 and make the following points.

The Design & Access Statement and Operational Needs Assessment put forward a number of arguments in favour of the development. However, as an Agricultural and Rural adviser I confine my comments to the questions of operational need and viability as set out under policy DC4: New Build Housing in the Countryside which states: -

“New Build Housing in the Countryside” will only be supported

.....In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported by Policy DC1.”

The application is for the provision of two dwelling houses in support of Mr & Mrs Crerar's farming activity which is based around a 180-hectare farm with 4 enterprises: suckler cows, red deer, finishing lambs and arable.

Viability

I have reviewed the financial information submitted with the application and would make the following points: -

- 1) Subsidy income appears high, by approximately £4-5k. During the timeframe of the accounting period, the business probably received additional convergence payments which were one off in nature and will not be available to the business on an ongoing nature. I suspect this accounts for the difference between £46.5k shown in the submitted profit and Loss and my estimate of between £41k and £42.5k for BPS and Scottish Suckler Beef Support Scheme Income. It is assumed the land is non-LFA.
- 2) Output from the deer enterprise is stated as £67,720. Assuming 200 breeding hinds, the actual figure appears not to be mentioned in the reports and taking the output for Red Deer – Lowground Breeding and Feeding of £21,951 per 100 hinds (£43,902 for 200) output appears to be 54% above expected levels this would be unusually high.
- 3) Output from the oats over 40 hectares at 8 tonnes per hectare and £150/t would be circa £48k which agrees broadly the £49k stated in the P&L but, in his note (p2) Mr Crerar suggests that this was untypically low with value of 81k annually being achievable. Unless there is a misunderstanding regarding the cropped area, I find this difficult to reconcile.
- 4) Lamb output appears low at £6k for 550 finished lambs at £65/head
- 5) Feed costs appear to be low compared to the levels shown in the relevant gross margins taken from the SAC farm management handbook. Deer concentrate costs are £4k per the profit and loss as opposed to an expectation of £12k but there are "bulky" concentrates included at £3k which probably refers to bought in hay or straw. Cattle concentrates are £7k with an additional £4k of bulky feed compared to an expectation of 11k for concentrates alone.
- 6) Looking at Mr Crerar's note, page 2 where he adjusts his figures, I cannot agree the adjustment for the arable performance without additional information in support. I am also sceptical that the £26.5k in savings mentioned is realistic as specialist equipment for example combine harvesting would still require either contract assistance or additional capital investment. Mr Crerar's profit and loss also includes no provision for interest, or depreciation.

Given all of the above I find it difficult to draw a firm conclusion on the viability of the business from the figures provided.

Operational Need

The operational need or labour requirement calculation also poses difficult issues. The SAC report correctly uses accepted methodology, but the conclusion reached of 4.5 to 5 full time staff being required is simply outdated in relation to today's business structures. Using Mr Crerar's assessment of employment costs of £30k each, which I believe to be fair, this would add be £135 to £150k of additional cost via wages or drawings. This level of cost would be unviable for the level of stocking proposed.

Looking at all of the above, I think we have to look at what would be reasonable in today's environment taking account of how a "normal" farming business might operate with family labour and also Mr Crerar's circumstances which whilst being unusual in that he also operates a hotel business should not count against his application.

On this, my conclusion is that a business of this size and complexity could not justify the employment of two additional farm staff and the associated costs of housing. However, one additional employee to allow a reasonable level of cover and quality of life is reasonable in terms of operational need. In terms of viability, this will place the business under additional pressure and reduce profits, but my view is that a business with the level of livestock proposed should still be capable of returning a reasonable profit with one employed man if they operate effectively.

The volatility of agricultural inputs and outputs currently makes it extremely difficult to forecast long term viability. Grain prices have doubled in recent months, fertiliser prices quadrupled, and fuel prices trebled. Markets will stabilise once the current levels of uncertainty reduce and in the context of this application, we have to assume markets adjusting to reward only the most efficient producers. The level of livestock in the business will, as the labour requirement calculation shows, be labour intensive no matter what measure is used to assess this aspect of the business and my conclusion that one additional dwelling house is reasonable is based on a need for more than one person to provide a reasonable level of cover, operate the business safely and the ability to secure labour when required to ensure good animal welfare standards. The viability issue is much more complex, but my view is that a business of this scale and enterprise mix should be viable with one additional labour unit if operated effectively

If you have any further queries, please do not hesitate to make contact.

Yours sincerely



Ian Thompson

Associate Director

8 July 2022

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: smcqueen@eastlothian.gov.uk

Dear Stephanie

Applications for 2 New Dwellings – Land To The South of Ruchlaw West Mains Farm Dunbar East Lothian – Paddy & Sheila Crerar – 21/01072/PP and 21/01073/PP

Response to Supplementary Information

I have reviewed the additional information submitted regarding these two applications which I believe identical in both cases and as such I intend to deal with them in the same letter.

The information consisted of 4 items:-

- A report containing actual Profit & Loss information for the YE 31 March 2021 and 2022
- A personal statement written by Mr Crerar as to his reasons for wishing to reduce his practical involvement in the farming activities. This is contained in an attachment to an email from Mr Cook of GCA Design covering several administrative points.
- A response to my earlier report from SAC
- A “Whole Farm Review” prepared by my Colleague Peter Hall in 2010 for Mr Crerar

There are a number of matters that have been raised in this correspondence which require clarification

- 1) Mr Cook in his correspondence with Stephanie McQueen planning officer raises the possibility that I have “reported on something that goes beyond that policy remit”. My belief is that Mr Cook is taking issue with my comments regarding business viability. If I have understood correctly he seems to be inferring that I should confine my comments to operational need. For the avoidance of doubt I have copied below the whole of policy DC4.

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- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

I have completed assessments of planning applications for several councils across Scotland in excess of 10 years. The policy is quite clear in that it links the assessment of operational need to the viability of rural businesses. My expertise is regarding both viability and operational need of rural businesses and I believe my reporting on these matters is well within my remit. I am happy to be corrected on this matter if the Council feels this is appropriate.

I now turn to the issues raised in the SAC response to my initial review of the application although I deal with the points in a slightly different order.

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The SAC report then goes on to detail the similarity between the outcomes from the standard labour units assessments carried out. That they are similar is unsurprising is that the same methodology was used throughout. The differences arise from a larger area being farmed and a different farming system being employed i.e. the introduction of farmed venison.

The SAC then reference several points made by Mr Hall the thrust of which was setting out the routine tasks that had to be undertaken and the level of supervision required to husband the livestock appropriately. It appears to me as though Mr Hall was concerned that the challenge of looking after livestock on a daily basis would have been difficult for someone with other commitments. It is to Mr and Mrs Crerar's credit that they took up the challenge of operating the livestock with limited help and have made a real success of it.

The SAC report infers that the advice given by Mr Hall 12 years ago contradicts the conclusions I reached in my recent review of the submitted planning application. I find this somewhat disingenuous given the long time period between the two pieces of work and the different nature of both pieces of work.

Response to Comments on Operational Need

There is a fundamental issue which appears to be causing confusion at work here. The applicant and SAC seem to believe that the new dwellings are to house staff that replace existing staff is a relevant issue. Unfortunately I do not believe it is relevant. As far as I am aware East Lothian Council does not have a policy that allows retiring farmers the right to erect a new dwelling house. This means that the labour requirement has to be tied to the available dwellings irrespective of who is residing where. My position is that I can see the argument for two dwellings in support of the current activities, I believe the case for a third is much more difficult to make. Furthermore that the evidence provided so far is not sufficient to support permission for more than one additional dwelling.

I believe my comment regarding family labour was taken out of context. My point was in regard to Mr Crerar's other interests and the restriction that places on his involvement in the business rather than compared to a "normal" farmer who is 100% engaged on his "family" farm. There was no suggestion that additional labour from close family should be seen as a cheap alternative which I believe is what the SAC response implies.

For the avoidance of doubt, I see the existing dwellinghouse as historically supporting one labour unit which has been made up of a combination of Mr and Mrs Crear working in harmony in an environment they clearly love. I also see a sound argument for an additional dwelling house meaning the farming business would operate with two labour units located on farm and supported where necessary by additional outside help.

The farm has clearly operated in this way to date although how the labour supplied by Mr and Mrs Crerar and associated family help compares to what would be supplied by a dedicated stockman I am not sure. The problem is that by wishing to reduce their involvement with the day to day farming the linkage between the existing dwelling and the ongoing farming operations is broken.

At this point I have to say I fully understand the concerns expressed by Mr Crerar as to the difficulty of working with livestock as one ages (especially after injuries have been sustained). Indeed on a personal level I do have sympathy with the planning system providing a route to retiring farmers. Unfortunately the current policy does not provide a solution to this problem and I have to interpret the policy as is.

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My comments on viability were a way for me to get to the point where I was comfortable with supporting one additional dwelling on a very blunt analysis of the figures provided when balanced against my knowledge of the sector.

It is therefore for the applicant and his professional advisers to present the case for a third dwelling in a suitable format that would lead me to a different conclusion.

In fact, it appears to me that the applicant, and his advisers are in agreement with me that the farming business requires two labour units to reside on farm and be engaged in daily operations. That one of these homes is occupied by Mr Crear and his family is a matter for the business / family to resolve.

Yours sincerely

A black rectangular redaction box covering the signature of Ian Thompson.

Ian Thompson

Associate Director

Currie, Fiona

From: Ian Thompson [REDACTED]
Sent: 11 July 2022 10:04
To: McQueen, Stephanie
Subject: RE: East Lothian Council - planning consultation for planning application 21/01072/PP - Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian
Attachments: SKMBT_C284e22071110420.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi Stephanie

??

I have looked through all of the documentation on this and have attached my thoughts as normal in the attached report.

??

In addition I have set out some further thoughts below for discussion purposes.

??

There are clearly a lot of issues being raised and I have tried not to get too bogged down in detail.

??

My interpretation of where we are is that Mr Crerar has not wanted the SAC to complete a full business plan in support of the applications which would have been very helpful.

??

One issue which I commented on in my initial report is that the current volatility in inputs and outputs makes it very difficult to understand what a settled state for any business might look like going forward.

??

There has been significant uplift in grain prices since Russia invaded Ukraine in late February.?? It is likely that there will be high possibly probably at levels unseen for a generation or more, if not ever.?? These higher prices have formed the basis of the SAC response so it appears there may be some ???Monday morning quarterbacking??? going on.?? The graph below illustrates the rapid increase and recent falling back of wheat prices.??

??



??

Using these prices as a basis to estimate long term viability is difficult.?? On the face of it Mr Crerar???'s figures do suggest the viability case is proven.?? However, his figures are not detailed enough, there is no explanation of the depreciation charge for example.?? The figures do appear to be actual in nature, but both include significant closing stocks which seem high based on the fertiliser and spray spends.?? I am also left with the difficulty mentioned earlier regards viability and estimating long term viability.

??

Ideally, the budgets should incorporate the cost of financing the new dwellings to demonstrate the business can afford to build the dwellings as well as labour costs.?? This has not been considered by the applicant or his advisers.

??

Please make contact if you would like to discuss any of the above.

??

Kind regards

??

Ian

??

??

??

From: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>

Sent: 22 June 2022 16:50

To: [REDACTED]

Subject: FW: East Lothian Council - planning consultation for planning application 21/01072/PP - Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian

??

Hi Ian,

??

I would be grateful if you could please acknowledge receipt of my email of 15th June 2022 and confirm whether you are content to respond to the consultation.

??

Regards,

Stephanie

??

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA??

T.?? 01620 827210 | E. smcqueen@eastlothian.gov.uk ???? Visit our website at????

www.eastlothian.gov.uk



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??

From: McQueen, Stephanie

Sent: 15 June 2022 15:21

To: [REDACTED]

Subject: East Lothian Council - planning consultation for planning application 21/01072/PP - Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian

??

FAO Ian Thomson

??

Good Morning Ian,

PROPOSAL REF. 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works.

LOCATION: Land?? To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian

I refer to our earlier consultation to you of 29/10/21 and to your response received 18/3/22 regarding the above named planning application.?? I have received further information from the applicant???'s agent regarding this proposal.?? The further information received is in the form of:

- a report from the SAC Consulting;
Annex 1 (confidential); ??
Annex 2 (confidential); and
A statement from the application regarding their personal reasons for seeking to step back from physical labour (confidential).????

In addition, the applicant???'s agent advises that :

- the financial details attached represent true P+L accounts and previous figures provided from cash management tools, should therefore be disregarded.
- ??
- a further matter addressed in the SAC response, that is also of a sensitive nature, relates to the timing of these applications and the Applicant???'s own desire to step back from the labour intensive aspects of the business. You will understand and respect that the reasons stated are of a personal nature and therefore where they are included in our formal submission to be shared on a public information platform the information provided has been intentionally underplayed.

This email is notification of a further consultation with yourself as Independent Rural Business Consultant/Agricultural Advisor.

The report from the SAC, along with the other documents submitted with the application (with the exception of confidential documents) can be viewed on the Council???'s website here - [21/01072/PP | Planning permission in principle for the erection of 1 house and associated works | Land To South Of Ruchlaw West Mains Farm Dunbar East Lothian](#)

The two annexes and the personal statement have been submitted on a confidential basis and I have attached copies of them for your information.?? If you require copies of the previous submitted confidential documents sent with my email of 29/10/21 please let me know and I can forward those to you again.?? The confidential documents should only be used in association with this consultation response and should be treated confidentially and destroyed once no longer required for the purpose of this consultation.

This application (Ref. 21/01072/PP) is one of two planning applications received from the same applicants for the same business but at different locations and on which you are being consulted.?? The associated application is 21/01073/PP (Land?? To South West Of?? Newmains, Stenton, Dunbar, East Lothian).?? The proposals in each case are for one house at each location, thereby proposing two new houses overall for the business.?? The same supporting information has been submitted for both applications (Refs. 21/01072/PP and 21/01073/PP).

In accordance with relevant local plan policy, supporting statements have been submitted seeking to provide justification for a new house in the countryside.

I would be grateful if you could please carry out an appraisal of the agricultural business to assess whether or not there is a requirement for a new house(s) in the countryside for an on-site presence to operate the business and thus who/what the labour requirement is and whether the business is viable to support the proposed new house(s).?? Local Development Plan Policies DC1 and DC4 are the primary policies in our consideration of the application.?? In all of this it is likely that you may need to speak to the applicant to make an assessment of the case.

I would be grateful to receive your assessment relative to relevant planning policies being Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014.?? Local Development Plan Policies can be found here - https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan/2

I would be obliged if you could please acknowledge receipt of this email and confirm whether you are content to respond to the consultation.

??

Please email your consultation response to environment@eastlothian.gov.uk however should you require any further information at this time or wish to discuss further please do not hesitate to contact me directly on the email or telephone below.?? I would be grateful If comments could be made within 14 days from the date of receipt of this email however if you require a longer period please contact me to discuss this.

Regards

Stephanie

??

??

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA??
T.?? 01620 827210 | E. smcqueen@eastlothian.gov.uk ???? Visit our website at????
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8 July 2022

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: smcqueen@eastlothian.gov.uk

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A black rectangular redaction box covering the signature of Ian Thompson.

Ian Thompson

Associate Director

Currie, Fiona

From: Ian Thompson [REDACTED]
Sent: 17 February 2023 09:22
To: McQueen, Stephanie
Subject: RE: East Lothian Council - planning consultation for planning application 21/01072/PP - Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian

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Dear Stephanie



Please see my comments in red below, I thought it best to set this out and then possibly discuss how you wanted me to proceed.



I am comfortable that my initial assessment was reasonable i.e. that there is justification for one house.



I think that the figures provided have confirmed my concerns especially in light of recent cost increases. The most difficult issue is whether you feel the existing house should not be considered or not. My view is we have to look at the way the business operates currently and clearly the house is part of that arrangement irrespective of Mr Crerar's view that it is not part of the business from a legal point of view. It is part of his asset holding as an individual.



I am busy all morning, but should be free between 2pm and 3.30pm or after 4.15



Kind regards



Ian



Ian Thompson | Associate Director
[REDACTED]



LAURENCE
GOULD

RURAL BUSINESS SOLUTIONS



Laurence Gould Partnership Limited

Office: 01383 730538

Buchan House, Carnegie Campus,
Enterprise Way, Dunfermline, Fife KY11 8PL

www.laurencegould.com



From: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>

Sent: 14 October 2022 15:29

To: [REDACTED]

Subject: East Lothian Council - planning consultation for planning application 21/01072/PP - Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian



East Lothian Council - planning consultation for planning applications 21/01072/PP - Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP - Land To South West Of Newmains, Stenton, Dunbar, East Lothian



FAO Ian Thomson



Good Afternoon Ian,

PROPOSAL REF. 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works.

LOCATION: Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian

PROPOSAL REF. 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works.

LOCATION: Land To South West Of Newmains, Stenton, Dunbar, East Lothian



I refer to our earlier consultations to you of 29/10/21 and 15/6/22, and to your responses received 18/3/22 and 11/7/22 regarding the above named planning applications. I have received further information from the applicant's agent regarding these proposals. The further information received is in the form of an email (below) and Cash Flow Projections (document attached). This information is provided confidentially.

This email is notification of a further consultation with yourself as Independent Rural Business Consultant/Agricultural Advisor.

The applications can be viewed on the Council's website here

[- 21/01072/PP | Planning permission in principle for the erection of 1 house and associated works | Land To South Of Ruchlaw West Mains Farm Dunbar East Lothian](#)

[21/01073/PP | Planning permission in principle for the erection of 1 house and associated works | Land To South West Of Newmains Stenton Dunbar East Lothian](#)

The confidential documents should only be used in association with this consultation response and should be treated confidentially and destroyed once no longer required for the purpose of this consultation.

I would be grateful if you could please carry out an appraisal of the agricultural business to assess whether or not there is a requirement for a new house(s) in the countryside for an on-site presence to operate the business and thus who/what the labour requirement is and whether the business is viable to support the proposed new house(s). Local Development Plan Policies DC1 and DC4 are the primary policies in our consideration of the application.

I would be grateful to receive your assessment relative to relevant planning policies being Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Scottish Planning Policy: June 2014. Local Development Plan Policies can be found here -

https://www.eastlothian.gov.uk/info/210547/planning_and_building_standards/12242/local_development_plan/2

I would be obliged if you could please acknowledge receipt of this email and confirm whether you are content to respond to the consultation.

Please email your consultation response to environment@eastlothian.gov.uk however should you require any further information at this time or wish to discuss further please do not hesitate to contact me directly on the email or telephone below. I would be grateful if comments could be made within 14 days from the date of receipt of this email however if you require a longer period please contact me to discuss this.

Regards

Stephanie

Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
T. 01620 827210 | E. smcqueen@eastlothian.gov.uk Visit our website at www.eastlothian.gov.uk



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From: Graeme Cook [REDACTED]
Sent: 26 September 2022 15:57
To: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>
Subject: RE: Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP at Land To South West Of Newmains, Stenton

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.



Dear Stephanie,

Applications for two new dwellings - Land to the South of Ruchlaw West Mains Farm, Dunbar and Land to Southwest Newmains Farm, Stenton Ref. nos. 21/01072/PP and 21/01703/PP

In response to your email dated 1.9.22 including supplementary information from Laurence Gould, Rural Business Consultants, dated 8.7.22, I am now writing to provide further information and clarifications in respect of the above two planning applications.

Crerar's home is not the farmhouse

Firstly, I would like to clarify a possible misunderstanding about the Crerar's accommodation. This has been explained before but for the avoidance of doubt, there is no farmhouse associated with either Newmains or Ruchlaw land holdings. As you know, the farm's land holdings are owned exclusively by Paddy Crerar. However, the house he lives in is neither tied to the farm and is owned in joint names with his wife. Indeed, the Crerars have lived in the same house for close to 25 years but have only owned the farm for 14 years.

As a point of information, the farm's previous two owners in last 30+ years, both lived at Tanderlane, a farm approximately a mile from Newmains - where all livestock were overwintered/calved/lambed at that larger unit in purpose-built sheds. Tanderlane had six cottages and a farmhouse.

As a private dwelling house, it is not an option for the farm to acquire this home as a farmhouse given its - recent valuation at £1.2M.

The farm business has no connection with or legal control over the Crerar's home.

It is a perhaps understandable but mistaken assumption to have presumed the Crerar's home to be connected to the farm. As there are no dwelling houses owned by the farm, there is no existing linkage to be broken. What is being sought is two new dwellings to accommodate the additional farm labour of two stockmen. There are not three dwellings as suggested by Laurence Gould.

Individual title deeds in respect of the existing house, Ruchlaw and Newmains Farms can be provided and evidenced if required.

I am struggling with this, if the applicant is saying the existing house is not part of the business, then they have managed to operate the business without accommodation for 14 years. If the existing house is included then I believe we look at the additional labour now required as previously discussed. In either case I think we get to the same place, it is the additional labour now required



Funding the two new dwellings

Regarding your request for further financial details in the form of cash flow projections for the next 3 years, these have been prepared and attached to confirm the viability of the business. This financial information also demonstrates how the business will be able to financially support the wages of two stockmen and any costs associated with the maintenance of the two new dwellings.

The cost of building the new dwellings for the farm will be met in full by Paddy Crerar's assets. No investment is required from the revenue costs from the farm business to fund the capital costs of the new homes. Funding the new dwellings will not therefore impact on the viability of continuing farm operations. **This is a clear admission that there is concern regarding the farming business's ability to fund the new dwellings.**

New dwellings are part of the farming business

At the risk of reiterating previous arguments made in relation to the Applications, we note that Mr Crerar does not intend to reduce his involvement with the Farm. However, he is no longer able to provide a physical support and will continue therefore to focus instead on management and administrative roles.

One person cannot manage the stock for a variety of reasons e.g., holidays, sickness, injury, size of herds, peak season husbandry and animal welfare etc. Both agricultural consultants, SAC, and Laurence Gould, agree that two labour units is the absolute minimum requirement, and that the nature of livestock farming requires that labour to be on site.

Both new houses will have standard agricultural tenancies and will be part of the farming enterprise's assets. To clarify, the applicant is willing to accept a legal agreement restricting occupancy to workers related to the farming business.

Evidence of Financial Viability

A detailed financial assessment for last year and non-inflated, cash flow projections for the next three years are enclosed, showing the ongoing viability of the business. Contracts of employment for additional stockmen will allow rent free use of homes provided and, although not included within the projected figures attached, it is anticipated that the introduction of two dedicated labour units will greatly enhance operational efficiencies and enable future expansion and profitability of the farm business going forward.

To further support the financial details, we can clarify and confirm that the venison sales have been principally to M&S, Waitrose, and Braehead Foods in Ayrshire (for traceable supply to restaurant trade). M&S/Waitrose agree prices in advance with a syndicate of producers including Newmains Farm and the returns provided on venison sales are the €norm€ for those in the syndicate. The price increase for current years slaughter rose by an agreed 18%. Indeed, such is the demand from M&S, and their long term aims/commitment, all the stock available is now committed to them. With strong encouragement for growth in herd size. No invoices or contracts for any of the stock/crop sales had been previously requested but can be supplied if required. **The financial forecasts supplied by Mr Cook are helpful in some regards and not in others.** My previous request for assumptions has not really been followed up, and it is difficult to sense check many of the figures without detailed analysis. Inflation in the agriculture sector is running significantly above CPI (approximately 20% YOY). Again, it is difficult to understand how much of this (if any) is accounted for in Mr Crerar's forecasts as whether the period is a financial or calendar year. Labour alone will increase significantly in 2023 which is not really reflected in the budgets provided. Notwithstanding this, the level of profit in the forecasts varies between 7 and 8% of turnover. This is below the 10 to 15% profit target for a business that is running well and this is without any finance charges being carried by the business. Furthermore, if you assume the houses will cost £250k each, then finance and repayment charges would be £44,734 per annum assuming 6.5% interest and a 20 year payback. This is unaffordable for the business to fund.

Should it be beneficial at this stage to set up a Teams meeting to review and provide any further clarifications that may assist you in determining the Applications I would be pleased to arrange this at a time of your convenience. Also please let me know if you require this email or associated attachment to be uploaded to the eplanning portal.

Regards,

Graeme Cook
Director
Dip Arch RIBA RIAS

If files are attached please note that, as work is continually progressing, these files may not be an exact reflection of the currently issued drawings, which should take precedence, and no liability can be accepted for any errors inherent in the digital information. If you should have any problems with the files, please contact the writer. This e-mail together with any attachments is intended solely for the confidential use of the addressee. Any other distribution, use or reproduction without the sender's prior consent is unauthorised. If you are not the intended recipient please notify the sender by e-mail immediately and delete the message from your computer. Any views expressed by the sender of this message are not necessarily those of GCA + D LTD.

From: McQueen, Stephanie <smcqueen@eastlothian.gov.uk>

Sent: 01 September 2022 16:06

To: [REDACTED]

Subject: Planning application 21/01072/PP at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian and planning application 21/01073/PP at Land To South West Of Newmains, Stenton

Good Afternoon Graeme,

Re: Planning application 21/01072/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South Of Ruchlaw West Mains Farm, Dunbar, East Lothian ; and
Re: Planning application 21/01073/PP - Planning permission in principle for the erection of 1 house and associated works at Land To South West Of Newmains, Stenton

I refer to the above named planning applications and to your emails of 1st, 10th and 19th August 2022.

Following further discussion with the Council's Independent Agricultural Advisor I advise that the supporting information provided to date in support of the applications is sufficient to demonstrate a justification of need and financial viability for one additional house. On that basis, and as I advised in my email of 29/7/22, at this time I

am in a position where I could report one of the applications with a recommendation for approval and the other would be recommended for refusal. However, if the applicant is agreeable to providing further information I would be happy to continue to consider both applications.

I would recommend that in any further submission the applicant and/or the SAC on their behalf, do not focus only on rebutting the comments made by the Council's Independent Agricultural Advisor but rather focus on providing sufficient detailed information to demonstrate that the business could financially support the proposed houses and labour units as well as there being justification for the two labour units. In this regard, the financial information provided to-date is extracts from an accounting software package, it is not in the form of final prepared accounts which would show the full picture of the business activities and they do not include all of the assumptions on which the figures are based. In addition, to date there has been no mention of how the business would support the additional borrowing associated with the building of one or two houses, which should be accounted for as well as understanding the level of debt that may or may not be present already. I would suggest that a 3 year budget going forward (including assumptions) is provided for the business to show the impact of the labour units and house(s) on the business and how this would affect cashflow, rather than profit.

I would also be grateful if you could please confirm if the existing house in which the applicant live is an asset of the business or not?

I have attached a copy of the comments received from the Council's Independent Agricultural Advisor.

In respect of your query regarding the process for determining the applications, I confirm that there are no public objections to either of the applications and therefore they would be determined through delegated powers.

Finally, we have agreed an extension to the timescale for the determination of the applications as a form of processing agreement until 31/8/22. In light of the outstanding matter set out in this email, on behalf of East Lothian Council, I seek a further extension to the timescale for the determination of the applications, as a form of processing agreement, until 7th October 2022? I trust that the application is agreeable to this. Please be assured that if the applications can be determined earlier than this date I will endeavour to do so.

I trust that this is of assistance to you however if you require any further information or assistance regarding this matter please do not hesitate to contact me by email.

You will appreciate that the content of this email is an expression of officer opinion only which is given without prejudice to any decision taken by the Council in respect of the applications for planning permission in principle.

Regards,
Stephanie

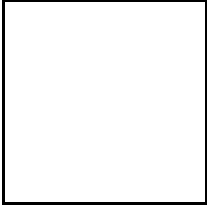
Stephanie McQueen | Planner | Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA
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17 March 2023

Stephanie McQueen

Planning Officer

East Lothian Council

By Email: smcqueen@eastlothian.gov.uk

Dear Stephanie

Applications for 2 New Dwellings – Land To The South of Ruchlaw West Mains Farm Dunbar East Lothian – Paddy & Sheila Crerar – 21/01072/PP and 21/01073/PP

Response to Email Correspondence and Additional Budgets

I have reviewed the additional information submitted by email by GCA&D Design. The information covered the following points which I have responded to in turn.

Crerar Home as the Farmhouse

GCA&D suggest that there is some misunderstanding regarding the status of the house occupied by Mr and Mrs Crerar. When approaching this issue, we have to look at the situation as we find it on the ground at the current time. Historical factors can be relevant and if so should be considered. My understanding is that Mr & Mrs Crerar bought the farmhouse and then added the farm and, they then farmed the land from this house for 14 years. In my opinion there can be no other conclusion other than the house being determined as the farmhouse. The farm business has been operated from that dwelling for a substantial period of time ergo it is the farmhouse.

If one takes the opposite view then the farming business has been operated successfully from a remote location with no requirement for on site labour. If this is the case then the case for additional accommodation is weak.

The argument posed by GCA&D that the farm business has no legal control is flawed. The “farmhouse” has been available to the farming business for 14 years. Mr & Mrs Crerar are in control of both the farmhouse and the farming business.

My conclusion is that the existing house is in fact a “farmhouse” flowing from its historic availability to the farming business and that the farmhouse has to be counted as one dwelling available to the business.

Financial Viability

GCA&D have supplied an additional forecast based on actual performance in 2022. Followed by budgets for 2023, 2024 and 2025.

My problem is that there are no assumptions behind these figures making it impossible to assess their accuracy or context. This is the third time I have made similar comments. GCA&D suggest in their latest email that "No invoices or contracts for any of the stock/ crop sales had been previously requested". It is not for the council to lead the applicant through the application process whereby each area of difficulty is focussed on and then the applicant has the opportunity to "deal" with this area until all issues are dealt with. Rather it is for the application to submit his strongest case which the council finds on. I quote from my previous letter.

"It was difficult to understand the farming system, and the advantages that Mr Crerar has over other businesses for example I cannot infer that the venison might be being sold on an advantageous contract, it is for the applicant to furnish me with this evidence. Indeed, it is critical in the case where returns are so far removed from the norm."

"It is therefore for the applicant and his professional advisers to present the case for a third dwelling in a suitable format that would lead me to a different conclusion".

Unfortunately, the financial information is still lacking in assumptions that engender confidence in the budgets submitted. However, I can see that there has been attempts to assess the impacts of lower grain prices and inflationary pressures on costs and I understand that premium markets are available. I am therefore prepared to accept that profits in the region of between £20,000 and £25,000 are possible if the underlying assumptions regarding pricing of the venison is as stated. I am not prepared to accept that profits are likely to be higher.

I see this level of profit as being the absolute minimum that might be associated with a business for it to be classified as viable.

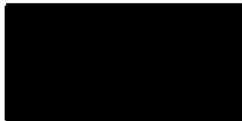
What remains is the issue of funding the build price of the additional houses. If the full build price amortised over a period with interest is calculated, and a reasonable level of profit remains to cover drawings, capital investment and other finance charges on top of the amortised build cost, then there can be no argument that the business is viable and able to fund the new dwellings from profits generated by the business.

In my view it is perfectly reasonable for an individual or business to have capital which can be introduced. Indeed, it generally aids the viability case as interest charges are lower. However, in this scenario where all of the required funding is introduced and there is no prospect of a return on that investment being generated from the farming activity then the reason for the investment has to be questioned. If there is no return on the investment, then the investment activity or decision is not commercial and by definition the viability test is not met.

Conclusion

In conclusion, I remain of the opinion that there is an argument for permission for one additional house to be granted, even this, is I believe finely balanced based on the viability argument.

Yours sincerely



Ian Thompson
Associate Director

App No. 21/01073/PP

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
TOWN AND COUNTRY PLANNING
(DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013**

**Newmains Farm
c/o GCA+D Ltd
Per Graeme Cook
10 South St
Andrew Street
Edinburgh
EH2 2AZ**

APPLICANT: Newmains Farm

With reference to your application registered on 20th August 2021 for planning permission in principle under the above mentioned Acts and Regulations for the following development, viz:-

**Planning permission in principle for the erection of 1 house and associated works
at
Land To South West Of Newmains
Stenton
Dunbar
East Lothian**

East Lothian Council as the Planning Authority in exercise of their powers under the above-mentioned Acts and Regulations hereby **REFUSE PLANNING PERMISSION IN PRINCIPLE** for the said development.

The reasons for the Council's refusal of planning permission in principle are:-

- 1 The erection of a house on the application site would result in the loss of prime agricultural land and would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies 5, 17 and 29 of National

Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.

- 2 The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.

The report on this application is attached to this Decision Notice and its terms shall be deemed to be incorporated in full in this Decision Notice.


Details of the following are given in the application report:

- the terms on which the Planning Authority based this decision;
- details of any variations made to the application in terms of Section 32A of the Town and Country Planning (Scotland) Act 1997.

The plans to which this decision relate are as follows:

<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>
DS127(PA2)001	-	17.08.2021
DS127(PA2)002	-	17.08.2021
DS127(PA2)004	A	06.09.2021
DS127(PA2)005	A	06.09.2021
DS127(PA2)006	-	01.10.2021

21st June 2023



Keith Dingwall
Service Manager - Planning

NOTES

If the applicant is aggrieved by the decision to refuse permission for the proposed development, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to the Clerk to the Local Review Body, Committee Team, Communications and Democratic Services, John Muir House, Haddington, East Lothian EH41 3HA.

If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the Planning Authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Part 2 – National Planning Policy



Sustainable Places

Tackling the climate and nature crises

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that addresses the global climate emergency and nature crisis.

Policy Outcomes:

- Zero carbon, nature positive places.

Local Development Plans:

LDPs must address the global climate emergency and nature crisis by ensuring the spatial strategy will reduce emissions and adapt to current and future risks of climate change by promoting nature recovery and restoration in the area.

Policy 1

When considering all development proposals significant weight will be given to the global climate and nature crises.

Policy impact:

- ✓ Just Transition
- ✓ Conserving and recycling assets
- ✓ Local living
- ✓ Compact urban growth
- ✓ Rebalanced development
- ✓ Rural revitalisation

Key policy connections:

All other policies.

Climate mitigation and adaptation

Policy Principles

Policy Intent:

To encourage, promote and facilitate development that minimises emissions and adapts to the current and future impacts of climate change.

Policy Outcomes:

- Emissions from development are minimised; and
- Our places are more resilient to climate change impacts.

Local Development Plans:

The LDP spatial strategy should be designed to reduce, minimise or avoid greenhouse gas emissions. The six spatial principles should form the basis of the spatial strategy, helping to guide development to, and create, sustainable locations. The strategy should be informed by an understanding of the impacts of the proposals on greenhouse gas emissions.

LDPs should support adaptation to the current and future impacts of climate change by taking into account climate risks, guiding development away from vulnerable areas, and enabling places to adapt to those risks.

Policy 2

- a) Development proposals will be sited and designed to minimise lifecycle greenhouse gas emissions as far as possible.
- b) Development proposals will be sited and designed to adapt to current and future risks from climate change.
- c) Development proposals to retrofit measures to existing developments that reduce emissions or support adaptation to climate change will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

All other policies.

Biodiversity

Policy Principles

Policy Intent:

To protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

Policy Outcomes:

- Biodiversity is enhanced and better connected including through strengthened nature networks and nature-based solutions.

Local Development Plans:

LDPs should protect, conserve, restore and enhance biodiversity in line with the mitigation hierarchy. They should also promote nature recovery and nature restoration across the development plan area, including by: facilitating the creation of nature networks and strengthening connections between them to support improved ecological connectivity; restoring degraded habitats or creating new habitats; and incorporating measures to increase biodiversity, including populations of priority species.

Policy 3

- a) Development proposals will contribute to the enhancement of biodiversity, including where relevant, restoring degraded habitats and building and strengthening nature networks and the connections between them. Proposals should also integrate nature-based solutions, where possible.
- b) Development proposals for national or major development, or for development that requires an Environmental Impact Assessment will only be supported where it can be demonstrated that the proposal will conserve, restore and enhance biodiversity, including nature networks so they are in a demonstrably better state than without intervention. This will include future management. To inform this, best practice assessment methods should be used. Proposals within these categories will demonstrate how they have met all of the following criteria:
 - i. the proposal is based on an understanding of the existing characteristics of the site and its local, regional and national ecological context prior to development, including the presence of any irreplaceable habitats;
 - ii. wherever feasible, nature-based solutions have been integrated and made best use of;
 - iii. an assessment of potential negative effects which should be fully mitigated in line with the mitigation hierarchy prior to identifying enhancements;
 - iv. significant biodiversity enhancements are provided, in addition to any proposed mitigation. This should include nature networks, linking to and strengthening habitat connectivity within and beyond the development, secured within a reasonable timescale and with reasonable certainty. Management arrangements for their long-term retention and monitoring should be included, wherever appropriate; and
 - v. local community benefits of the biodiversity and/or nature networks have been considered.
- c) Proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance. Measures should be proportionate to the nature and scale of development. Applications for individual householder development, or which fall within scope of (b) above, are excluded from this requirement.
- d) Any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment will be minimised through careful planning and design. This will take into account the need to reverse biodiversity loss, safeguard the ecosystem services that the natural environment provides, and build resilience by enhancing nature networks and maximising the potential for restoration.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

Natural places

Policy Principles

Policy Intent:

To protect, restore and enhance natural assets making best use of nature-based solutions.

Policy Outcomes:

- Natural places are protected and restored.
- Natural assets are managed in a sustainable way that maintains and grows their essential benefits and services.

Local Development Plans:

LDPs will identify and protect locally, regionally, nationally and internationally important natural assets, on land and along coasts. The spatial strategy should safeguard them and take into account the objectives and level of their protected status in allocating land for development. Spatial strategies should also better connect nature rich areas by establishing and growing nature networks to help protect and restore the biodiversity, ecosystems and natural processes in their area.

Policy 4

- Development proposals which by virtue of type, location or scale will have an unacceptable impact on the natural environment, will not be supported.
 - Development proposals that are likely to have a significant effect on an existing or proposed European site (Special Area of Conservation or Special Protection Areas) and are not directly connected with or necessary to their conservation management are required to be subject to an “appropriate assessment” of the implications for the conservation objectives.
- Development proposals that will affect a National Park, National Scenic Area, Site of Special Scientific Interest or a National Nature Reserve will only be supported where:
 - The objectives of designation and the overall integrity of the areas will not be compromised; or
 - Any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, environmental or economic benefits of national importance.

All Ramsar sites are also European sites and/or Sites of Special Scientific Interest and are extended protection under the relevant statutory regimes.
 - Development proposals that affect a site designated as a local nature conservation site or landscape area in the LDP will only be supported where:
 - Development will not have significant adverse effects on the integrity of the area or the qualities for which it has been identified; or
 - Any significant adverse effects on the integrity of the area are clearly outweighed by social, environmental or economic benefits of at least local importance.
 - The precautionary principle will be applied in accordance with relevant legislation and Scottish Government guidance.
 - Development proposals that are likely to have an adverse effect on species protected by legislation will only be supported where the proposal meets the relevant statutory tests. If there is reasonable evidence to suggest that a protected species is present on a site or may be affected by a proposed development, steps must be taken to establish its presence. The level of protection required by legislation must be factored into the planning and design of development, and potential impacts must be fully considered prior to the determination of any application.

g) Development proposals in areas identified as wild land in the Nature Scot Wild Land Areas map will only be supported where the proposal:

- i. will support meeting renewable energy targets; or,
- ii. is for small scale development directly linked to a rural business or croft, or is required to support a fragile community in a rural area.

All such proposals must be accompanied by a wild land impact assessment which sets out how design, siting, or other mitigation measures have been and will be used to minimise significant impacts on the qualities of the wild land, as well as any management and monitoring arrangements where appropriate. Buffer zones around wild land will not be applied, and effects of development outwith wild land areas will not be a significant consideration.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Soils](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Green belts](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Blue and green infrastructure](#)

[Play, recreation and sport](#)

[Flood risk and water management](#)

[Rural development](#)

[Tourism](#)

Soils

Policy Principles

Policy Intent:

To protect carbon-rich soils, restore peatlands and minimise disturbance to soils from development.

Policy Outcomes:

- Valued soils are protected and restored.
- Soils, including carbon-rich soils, are sequestering and storing carbon.
- Soils are healthy and provide essential ecosystem services for nature, people and our economy.

Local Development Plans:

LDPs should protect locally, regionally, nationally and internationally valued soils, including land of lesser quality that is culturally or locally important for primary use.

Policy 5

- a) Development proposals will only be supported if they are designed and constructed:
 - i. In accordance with the mitigation hierarchy by first avoiding and then minimising the amount of disturbance to soils on undeveloped land; and
 - ii. In a manner that protects soil from damage including from compaction and erosion, and that minimises soil sealing.
 - b) Development proposals on prime agricultural land, or land of lesser quality that is culturally or locally important for primary use, as identified by the LDP, will only be supported where it is for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. Small-scale development directly linked to a rural business, farm or croft or for essential workers for the rural business to be able to live onsite;
 - iii. The development of production and processing facilities associated with the land produce where no other local site is suitable;
 - iv. The generation of energy from renewable sources or the extraction of minerals and there is secure provision for restoration; and
- In all of the above exceptions, the layout and design of the proposal minimises the amount of protected land that is required.
- c) Development proposals on peatland, carbon-rich soils and priority peatland habitat will only be supported for:
 - i. Essential infrastructure and there is a specific locational need and no other suitable site;
 - ii. The generation of energy from renewable sources that optimises the contribution of the area to greenhouse gas emissions reductions targets;
 - iii. Small-scale development directly linked to a rural business, farm or croft;
 - iv. Supporting a fragile community in a rural or island area; or
 - v. Restoration of peatland habitats.
 - d) Where development on peatland, carbon-rich soils or priority peatland habitat is proposed, a detailed site specific assessment will be required to identify:
 - i. the baseline depth, habitat condition, quality and stability of carbon rich soils;
 - ii. the likely effects of the development on peatland, including on soil disturbance; and
 - iii. the likely net effects of the development on climate emissions and loss of carbon.

This assessment should inform careful project design and ensure, in accordance with relevant guidance and the mitigation hierarchy, that adverse impacts are first avoided and then minimised through best practice. A peat management plan will be required to demonstrate that this approach has been followed, alongside other appropriate plans required for restoring and/ or enhancing the site into a functioning peatland system capable of achieving carbon sequestration.

- e) Development proposals for new commercial peat extraction, including extensions to existing sites, will only be supported where:
- i. the extracted peat is supporting the Scottish whisky industry;
 - ii. there is no reasonable substitute;
 - iii. the area of extraction is the minimum necessary and the proposal retains an in-situ residual depth of peat of at least 1 metre across the whole site, including drainage features;
 - iv. the time period for extraction is the minimum necessary; and
 - v. there is an agreed comprehensive site restoration plan which will progressively restore, over a reasonable timescale, the area of extraction to a functioning peatland system capable of achieving carbon sequestration.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Historic assets and places](#)

[Energy](#)

[Blue and green infrastructure](#)

[Rural development](#)

Historic assets and places

Policy Principles

Policy Intent:

To protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places.

Policy Outcomes:

- The historic environment is valued, protected, and enhanced, supporting the transition to net zero and ensuring assets are resilient to current and future impacts of climate change.
- Redundant or neglected historic buildings are brought back into sustainable and productive uses.
- Recognise the social, environmental and economic value of the historic environment, to our economy and cultural identity.

Local Development Plans:

LDPs, including through their spatial strategies, should support the sustainable management of the historic environment. They should identify, protect and enhance valued historic assets and places.

Policy 7

a) Development proposals with a potentially significant impact on historic assets or places will be accompanied by an assessment which is based on an understanding of the cultural significance of the historic asset and/or place. The assessment should identify the likely visual or physical impact of any proposals for change, including cumulative effects and provide a sound basis for managing the impacts of change.

Proposals should also be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

- b) Development proposals for the demolition of listed buildings will not be supported unless it has been demonstrated that there are exceptional circumstances and that all reasonable efforts have been made to retain, reuse and/or adapt the listed building. Considerations include whether the:
- i. building is no longer of special interest;
 - ii. building is incapable of physical repair and re-use as verified through a detailed structural condition survey report;
 - iii. repair of the building is not economically viable and there has been adequate marketing for existing and/or new uses at a price reflecting its location and condition for a reasonable period to attract interest from potential restoring purchasers; or
 - iv. demolition of the building is essential to delivering significant benefits to economic growth or the wider community.
- c) Development proposals for the reuse, alteration or extension of a listed building will only be supported where they will preserve its character, special architectural or historic interest and setting. Development proposals affecting the setting of a listed building should preserve its character, and its special architectural or historic interest.
- d) Development proposals in or affecting conservation areas will only be supported where the character and appearance of the conservation area and its setting is preserved or enhanced. Relevant considerations include the:
- i. architectural and historic character of the area;
 - ii. existing density, built form and layout; and
 - iii. context and siting, quality of design and suitable materials.
- e) Development proposals in conservation areas will ensure that existing natural and built features which contribute to the character of the conservation area and its setting, including structures, boundary walls, railings, trees and hedges, are retained.

- f) Demolition of buildings in a conservation area which make a positive contribution to its character will only be supported where it has been demonstrated that:
 - i. reasonable efforts have been made to retain, repair and reuse the building;
 - ii. the building is of little townscape value;
 - iii. the structural condition of the building prevents its retention at a reasonable cost; or
 - iv. the form or location of the building makes its reuse extremely difficult.
- g) Where demolition within a conservation area is to be followed by redevelopment, consent to demolish will only be supported when an acceptable design, layout and materials are being used for the replacement development.
- h) Development proposals affecting scheduled monuments will only be supported where:
 - i. direct impacts on the scheduled monument are avoided;
 - ii. significant adverse impacts on the integrity of the setting of a scheduled monument are avoided; or
 - iii. exceptional circumstances have been demonstrated to justify the impact on a scheduled monument and its setting and impacts on the monument or its setting have been minimised.
- i) Development proposals affecting nationally important Gardens and Designed Landscapes will be supported where they protect, preserve or enhance their cultural significance, character and integrity and where proposals will not significantly impact on important views to, from and within the site, or its setting.
- j) Development proposals affecting nationally important Historic Battlefields will only be supported where they protect and, where appropriate, enhance their cultural significance, key landscape characteristics, physical remains and special qualities.
- k) Development proposals at the coast edge or that extend offshore will only be supported where proposals do not significantly hinder the preservation objectives of Historic Marine Protected Areas.
- l) Development proposals affecting a World Heritage Site or its setting will only be supported where their Outstanding Universal Value is protected and preserved.
- m) Development proposals which sensitively repair, enhance and bring historic buildings, as identified as being at risk locally or on the national Buildings at Risk Register, back into beneficial use will be supported.
- n) Enabling development for historic environment assets or places that would otherwise be unacceptable in planning terms, will only be supported when it has been demonstrated that the enabling development proposed is:
 - i. essential to secure the future of an historic environment asset or place which is at risk of serious deterioration or loss; and
 - ii. the minimum necessary to secure the restoration, adaptation and long-term future of the historic environment asset or place.

The beneficial outcomes for the historic environment asset or place should be secured early in the phasing of the development, and will be ensured through the use of conditions and/or legal agreements.
- o) Non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. Where there is potential for non-designated buried archaeological remains to exist below a site, developers will provide an evaluation of the archaeological resource at an early stage so that planning authorities can assess impacts. Historic buildings may also have archaeological significance which is not understood and may require assessment.

Where impacts cannot be avoided they should be minimised. Where it has been demonstrated that avoidance or retention is not possible, excavation, recording, analysis, archiving, publication and activities to provide public benefit may be required through the use of conditions or legal/planning obligations.

When new archaeological discoveries are made during the course of development works, they must be reported to the planning authority to enable agreement on appropriate inspection, recording and mitigation measures.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Forestry, woodland and trees](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Energy](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Digital infrastructure](#)

[Community wealth building](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Tourism](#)

[Culture and creativity](#)



Liveable Places

Design, quality and place

Policy Principles

Policy Intent:

To encourage, promote and facilitate well designed development that makes successful places by taking a design-led approach and applying the Place Principle.

Policy Outcomes:

- Quality places, spaces and environments.
- Places that consistently deliver healthy, pleasant, distinctive, connected, sustainable and adaptable qualities.

Local Development Plans:

LDPs should be place-based and created in line with the Place Principle. The spatial strategy should be underpinned by the [six qualities of successful places](#). LDPs should provide clear expectations for design, quality and place taking account of the local context, characteristics and connectivity of the area. They should also identify where more detailed design guidance is expected, for example, by way of design frameworks, briefs, masterplans and design codes.

Planning authorities should use the Place Standard tool in the preparation of LDPs and design guidance to engage with communities and other stakeholders. They should also where relevant promote its use in early design discussions on planning applications.

Policy 14

- a) Development proposals will be designed to improve the quality of an area whether in urban or rural locations and regardless of scale.
- b) Development proposals will be supported where they are consistent with the six qualities of successful places:

Healthy: Supporting the prioritisation of women's safety and improving physical and mental health.

Pleasant: Supporting attractive natural and built spaces.

Connected: Supporting well connected networks that make moving around easy and reduce car dependency

Distinctive: Supporting attention to detail of local architectural styles and natural landscapes to be interpreted, literally or creatively, into designs to reinforce identity.

Sustainable: Supporting the efficient use of resources that will allow people to live, play, work and stay in their area, ensuring climate resilience, and integrating nature positive, biodiversity solutions.

Adaptable: Supporting commitment to investing in the long-term value of buildings, streets and spaces by allowing for flexibility so that they can be changed quickly to accommodate different uses as well as maintained over time.

Further details on delivering the [six qualities of successful places](#) are set out in Annex D.

- c) Development proposals that are poorly designed, detrimental to the amenity of the surrounding area or inconsistent with the six qualities of successful places, will not be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[All other policies.](#)

Rural homes

Policy Principles

Policy Intent:

To encourage, promote and facilitate the delivery of more high quality, affordable and sustainable rural homes in the right locations.

Policy Outcomes:

- Improved choice of homes across tenures so that identified local needs of people and communities in rural and island areas are met.
- Homes are provided that support sustainable rural communities and are linked with service provision.
- The distinctive character, sense of place and natural and cultural assets of rural areas are safeguarded and enhanced.

Local Development Plans:

LDPs should be informed by an understanding of population change over time, locally specific needs and market circumstances in rural and island areas.

LDPs should set out tailored approaches to rural housing and where relevant include proposals for future population growth – including provision for small-scale housing such as crofts and woodland crofts and the appropriate resettlement of previously inhabited areas. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Plans should reflect locally appropriate delivery approaches. Previously inhabited areas that are suitable for resettlement should be identified in the spatial strategy.

Policy 17

- a) Development proposals for new homes in rural areas will be supported where the development is suitably scaled, sited and designed to be in keeping with the character of the area and the development:
 - i. is on a site allocated for housing within the LDP;
 - ii. reuses brownfield land where a return to a natural state has not or will not happen without intervention;
 - iii. reuses a redundant or unused building;
 - iv. is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
 - v. is demonstrated to be necessary to support the sustainable management of a viable rural business or croft, and there is an essential need for a worker (including those taking majority control of a farm business) to live permanently at or near their place of work;
 - vi. is for a single home for the retirement succession of a viable farm holding;
 - vii. is for the subdivision of an existing residential dwelling; the scale of which is in keeping with the character and infrastructure provision in the area; or
 - viii. reinstates a former dwelling house or is a one-for-one replacement of an existing permanent house.
- b) Development proposals for new homes in rural areas will consider how the development will contribute towards local living and take into account identified local housing needs (including affordable housing), economic considerations and the transport needs of the development as appropriate for the rural location.
- c) Development proposals for new homes in remote rural areas will be supported where the proposal:
 - i. supports and sustains existing fragile communities;
 - ii. supports identified local housing outcomes; and

- iii. is suitable in terms of location, access, and environmental impact.
- d) Development proposals for new homes that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to its rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Historic assets and places](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Quality homes](#)

[City, town, local and commercial centres](#)

[Rural development](#)

[Tourism](#)

Flood risk and water management

Policy Principles

Policy Intent:

To strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

Policy Outcomes:

- Places are resilient to current and future flood risk.
- Water resources are used efficiently and sustainably.
- Wider use of natural flood risk management benefits people and nature.

Local Development Plans:

LDPs should strengthen community resilience to the current and future impacts of climate change, by avoiding development in areas at flood risk as a first principle. Resilience should also be supported by managing the need to bring previously used sites in built up areas into positive use; planning for adaptation measures; and identifying opportunities to implement improvements to the water environment through natural flood risk management and blue green infrastructure.

Plans should take into account the probability of flooding from all sources and make use of relevant flood risk and river basin management plans for the area. A precautionary approach should be taken, regarding the calculated probability of flooding as a best estimate, not a precise forecast. For areas where climate change is likely to result in increased flood exposure that becomes unmanageable, consideration should be given to alternative sustainable land use.

Policy 22

- a) Development proposals at risk of flooding or in a flood risk area will only be supported if they are for:
- i. essential infrastructure where the location is required for operational reasons;
 - ii. water compatible uses;
 - iii. redevelopment of an existing building or site for an equal or less vulnerable use; or.
 - iv. redevelopment of previously used sites in built up areas where the LDP has identified a need to bring these into positive use and where proposals demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice.

The protection offered by an existing formal flood protection scheme or one under construction can be taken into account when determining flood risk.

In such cases, it will be demonstrated by the applicant that:

- all risks of flooding are understood and addressed;
- there is no reduction in floodplain capacity, increased risk for others, or a need for future flood protection schemes;
- the development remains safe and operational during floods;
- flood resistant and resilient materials and construction methods are used; and
- future adaptations can be made to accommodate the effects of climate change.

Additionally, for development proposals meeting criteria part iv), where flood risk is managed at the site rather than avoided these will also require:

- the first occupied/utilised floor, and the underside of the development if relevant, to be above the flood risk level and have an additional allowance for freeboard; and
- that the proposal does not create an island of development and that safe access/ egress can be achieved.

- b) Small scale extensions and alterations to existing buildings will only be supported where they will not significantly increase flood risk.
- c) Development proposals will:
- i. not increase the risk of surface water flooding to others, or itself be at risk.
 - ii. manage all rain and surface water through sustainable urban drainage systems (SUDS), which should form part of and integrate with proposed and existing blue-green infrastructure. All proposals should presume no surface water connection to the combined sewer;
 - iii. seek to minimise the area of impermeable surface.
- d) Development proposals will be supported if they can be connected to the public water mains. If connection is not feasible, the applicant will need to demonstrate that water for drinking water purposes will be sourced from a sustainable water source that is resilient to periods of water scarcity.
- e) Development proposals which create, expand or enhance opportunities for natural flood risk management, including blue and green infrastructure, will be supported.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Biodiversity](#)

[Green belts](#)

[Coastal development](#)

[Design, quality and place](#)

[Infrastructure first](#)

[Quality homes](#)

[Blue and green infrastructure](#)

[Health and safety](#)

[Business and industry](#)

Rural development

Policy Principles

Policy Intent:

To encourage rural economic activity, innovation and diversification whilst ensuring that the distinctive character of the rural area and the service function of small towns, natural assets and cultural heritage are safeguarded and enhanced.

Policy Outcomes:

- Rural places are vibrant and sustainable and rural communities and businesses are supported.
- A balanced and sustainable rural population.

Local Development Plans:

LDPs should identify the characteristics of rural areas within the plan area, including the existing pattern of development, pressures, environmental assets, community priorities and economic needs of each area. The spatial strategy should set out an appropriate approach to development in rural areas which reflects the identified characteristics. The Scottish Government's 6 fold Urban Rural Classification 2020 should be used to identify remote rural areas. Spatial strategies should support the sustainability and prosperity of rural communities and economies. Previously inhabited areas which are suitable for resettlement should be identified in the spatial strategy.

Policy 29

- a) Development proposals that contribute to the viability, sustainability and diversity of rural communities and local rural economy will be supported, including:
- i. farms, crofts, woodland crofts or other land use businesses, where use of good quality land for development is minimised and business viability is not adversely affected;
 - ii. diversification of existing businesses;
 - iii. production and processing facilities for local produce and materials, for example sawmills, or local food production;
- iv. essential community services;
- v. essential infrastructure;
- vi. reuse of a redundant or unused building;
- vii. appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets;
- viii. reuse of brownfield land where a return to a natural state has not or will not happen without intervention;
- ix. small scale developments that support new ways of working such as remote working, homeworking and community hubs; or
- x. improvement or restoration of the natural environment.
- b) Development proposals in rural areas should be suitably scaled, sited and designed to be in keeping with the character of the area. They should also consider how the development will contribute towards local living and take into account the transport needs of the development as appropriate for the rural location.
- c) Development proposals in remote rural areas, where new development can often help to sustain fragile communities, will be supported where the proposal:
- i. will support local employment;
 - ii. supports and sustains existing communities, for example through provision of digital infrastructure; and
 - iii. is suitable in terms of location, access, siting, design and environmental impact.
- d) Development proposals that support the resettlement of previously inhabited areas will be supported where the proposal:
- i. is in an area identified in the LDP as suitable for resettlement;
 - ii. is designed to a high standard;
 - iii. responds to their rural location; and
 - iv. is designed to minimise greenhouse gas emissions as far as possible.

Policy impact:

- ✔ Just Transition
- ✔ Conserving and recycling assets
- ✔ Local living
- ✔ Compact urban growth
- ✔ Rebalanced development
- ✔ Rural revitalisation

Key policy connections:

[Tackling the climate and nature crises](#)

[Climate mitigation and adaptation](#)

[Natural places](#)

[Soils](#)

[Historic assets and places](#)

[Green belts](#)

[Brownfield, vacant and derelict land and empty buildings](#)

[Coastal development](#)

[Sustainable transport](#)

[Design, quality and place](#)

[Local Living and 20 minute neighbourhoods](#)

[Infrastructure first](#)

[Rural homes](#)

[Blue and green infrastructure](#)

[Flood risk and water management](#)

[Business and industry](#)

[City, town, local and commercial centres](#)

[Retail](#)

[Tourism](#)

[Culture and creativity](#)

[Aquaculture](#)

[Minerals](#)

DIVERSE COUNTRYSIDE & COASTAL AREAS

Background

- 5.1 While the LDP's spatial strategy guides the majority of new development to existing settlements in the interests of promoting sustainable travel patterns, it also seeks to support the diversification of the rural economy and the ongoing sustainability of the countryside and coast. The Plan supports development for agriculture, horticulture, forestry, and countryside recreation, as well as other forms of appropriate rural development with a need for a countryside or coastal location, including business, leisure and tourism developments. New homes in the countryside may also be supported in certain circumstances such as conversions of attractive rural buildings or affordable homes to meet local needs.
- 5.2 New rural development should be introduced sensitively to avoid harming the characteristics that attract people to live, work and visit East Lothian's countryside and coast. The Plan seeks to strike the appropriate balance between meeting the needs of the countryside to diversify and develop, while resisting the significant pressure for less sustainable development that would promote car-based travel patterns, would suburbanise the countryside, or would harm the character or appearance of the rural area.
- 5.3 The Council has carried out a review of its rural landscapes, the Landscape Character Area (LCA) Review, based on SNH's Landscape Character Assessment 1998. The Council will have regard to the LCA Review in assessing planning applications. East Lothian's landscape is one of its key assets and its most significant, sensitive and attractive areas deserve enhanced protection, for example the landscape settings of some settlements, or landscapes of particularly special quality.
- 5.4 East Lothian contains a wide range of attractive, vernacular rural buildings, which contribute to local character and distinctiveness. Some of these are no longer required for their original purpose and present opportunities for positive re-use. The Plan supports the restoration of architecturally important rural buildings. This should be done in a way that maintains or complements the layout and appearance of traditional rural buildings or groups of buildings. Advice can be found in the Council's Farm Steadings Design guidance as supplementary planning guidance.

Advice Box 5: Defining the 'Countryside' and 'Coastal Areas'

For the purposes of this LDP:

- Countryside is defined as all areas of East Lothian outwith existing defined settlement boundaries or other land specifically allocated for development (as defined or allocated by this

Plan). This includes the coast (except the Developed Coast), Green Belt, Countryside Around Towns and Special Landscape Areas;

- All relevant Plan policies will be applied, including those in the Design Chapter.

Development in the Countryside

Rural Diversification

- 5.5 Appropriate development in the countryside traditionally includes agriculture, horticulture, forestry and countryside recreation. New businesses may also seek to establish in East Lothian's countryside and coast, including tourism uses that could diversify the local economy. The Plan supports the principle of new built development in the countryside to accommodate an appropriate countryside use or other business, tourism or leisure development. Existing leisure, tourism or employment uses in countryside or coastal locations will not be expected to demonstrate an operational requirement to justify the principle of further development or expansion.
- 5.6 New build retail uses, such as farm shops in the countryside, may only be supported where there is an operational requirement for a countryside location, there is no opportunity to reuse an existing building, and where it would not be more appropriately located in a town centre.
- 5.7 Countryside or coastal sites may be needed to provide infrastructure for operational reasons, or may be appropriate to work minerals or for proposals related to renewable energy.

Policy DC1: Rural Diversification

Development in the countryside, including changes of use or conversions of existing buildings, will be supported in principle where it is for:

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

Proposals must also satisfy the terms of Policy NH1 and other relevant plan policies including Policy DC6.

Proposals for mineral extraction and renewable energy will be assessed against the other relevant policies of the Plan.

Any proposals for the restoration or conversion of vernacular buildings to accommodate uses supported in principle by this policy should be of an appropriate scale and character and designed in such a way that maintains or complements their layout and appearance.

- 5.11 Where there is no existing building worthy of conversion in the locality in line with policy DC2, as a further exception to the normal policy presumption against new housing in the countryside, the Plan also allows for small-scale affordable housing developments that would meet the needs of small and less accessible rural communities. In such communities, the cost of rural housing is often unaffordable to many who need to live or work in the countryside, and there are fewer housing opportunities in these localities. Such proposals must adjoin an existing small-scale settlement identified by this Plan and be subordinate in scale to that settlement. To demonstrate that the new housing is justified, the registered affordable housing provider shall provide evidence that there is a clear need in the locality and ensure that the development can fulfil this need for the longer term. Proposals must be for a very small number of homes.

Policy DC4: New Build Housing in the Countryside

New build housing development will only be supported in the countryside outwith the constrained coast where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

- (i) In the case of a single house, the Council is satisfied that it is a direct operational requirement of a viable agricultural, horticultural, forestry, countryside recreation or other business, leisure or tourism use supported in principle by Policy DC1. The Council will obtain independent advice from an Agricultural and Rural Advisor on whether there is a direct operational requirement for an associated house; or
- (ii) In the case of other small scale housing proposals, it is for affordable housing and evidence of need is provided, and the registered affordable housing provider will ensure that the dwellings will remain affordable for the longer term. Proposals should be very small scale and form a logical addition to an existing small-scale rural settlement identified by this plan.
- (iii) The proposal satisfies the terms of Policy NH1.

Enabling Housing Development

- 5.12 The Council may exceptionally be willing to support an element of new build housing as enabling development to help deliver another form of development (other than for residential development or infrastructure) that is supported in principle in a countryside location under policy DC1, or where it would fund the restoration of a listed building or one that has recognised heritage value including being recorded on the national Buildings at Risk Register or other significant feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features. Such an approach would only be supported if the wider benefits of the main proposal outweigh the normal policy presumption against new build housing in the countryside. Any such enabling development must be essential, the minimum necessary to achieve the primary

use, and not a substitute for normal development funding, including borrowing. Additionally, such proposals would not be expected to provide affordable housing for this reason.

Policy DC5: Housing as Enabling Development

Housing in the countryside may exceptionally be supported as enabling development where it will:

- a) enable a desirable primary use supported in principle by criterion b of Policy DC1 and the benefits of the primary use outweighs the normal presumption against new build housing in the countryside; or
- b) fund the restoration of a listed building or other building with recognised heritage value, or other significant designated feature of the built or natural environment, the retention of which is desirable. Proposals must also protect or enhance the setting of such features and satisfy the terms of Policies CH1 and where relevant, CH6. Enabling development will only be acceptable where it can be clearly demonstrated to be the only means of preventing loss of the asset and securing its long-term future;
- c) the proposal satisfies the terms of Policy NH1.

Any enabling development must be on the same site as and part of the main proposal. Where the proposal will fund the restoration of a listed building, the priority is for enabling development to take place on the same site as the listed building. Any enabling development proposed off site must be clearly justified with strong evidence to demonstrate why the enabling development could not take place on the site.

In all cases, the benefits of the proposed development must outweigh the normal presumption against new build housing development in the countryside.

The Council will obtain independent advice on the extent of enabling development to ensure that it is the minimum necessary to achieve the primary use and it is not a substitute for normal development funding including borrowing.

Development in Coastal Areas

- 5.13 Scottish Planning Policy expects development plans to promote the developed coast as the focus for new developments requiring a coastal location. In East Lothian such areas are where settlements intersect with the coastline and these locations should continue to be the focus for most coastal economic and recreational activity on the coast.
- 5.14 Between coastal settlements there are generally undeveloped areas where new coastal development should generally be avoided. In such constrained areas new development may be acceptable in certain circumstances where there is an operational requirement for a coastal location, for example appropriate tourism proposals or infrastructure, including flood defences or on-shore development proposed in association with off-shore energy projects. The constrained coastline includes local variations: there are parts that are not intensively

Proposals should be of a size, scale and nature that do not harm green belt objectives or the character or appearance of the local area.

Changes of use will be acceptable in principle subject to other relevant Plan policies.

Countryside Around Towns

5.20 There are a number of areas beyond the Edinburgh Green Belt that are also subject to development pressure but should be retained as open or undeveloped. Countryside Around Towns designations will apply and their objectives are to:

- to conserve the landscape setting, character or identity of the particular settlement; and /or
- to prevent the coalescence of settlements; and/or
- where it can provide opportunity for green network and recreation purposes.

5.21 The remaining open or undeveloped areas of land between certain settlements in the west of East Lothian will have a key role in maintaining their separate identities. The introduction of the new settlement at Blindwells means land between it and Tranent and certain coastal settlements also merits protection from significant built development. There are community uses operating in the countryside here, and cultural heritage assets of national and more local importance, and the Plan should support development of these uses that allows the cultural heritage assets to be maintained or enhanced.

5.22 Land between Belhaven and West Barns also has a role in maintaining their separate identities. In other parts of East Lothian settlement coalescence is generally less of an issue but the character and identity of certain settlements could be compromised by development affecting their landscape setting. There is also scope to provide new, or extend or improve existing, active travel routes in Countryside Around Towns areas as part of the wider green network. Details of the particular importance of each designated area will be set out in supplementary planning guidance on Countryside Around Towns when the plan is operative.

Policy DC8: Countryside Around Towns

Development that would harm the objectives of the specific Countryside Around Town area, as defined in supplementary planning guidance, will not be permitted. New development within areas designated as Countryside Around Towns will be supported in principle only where:

- i) it is required to implement part of the green network strategy as defined by that strategy;

- ii) it is required for community uses;
- iii) it is required for rural business, tourism or leisure related use;
- iv) it is essential infrastructure that has a clear operational requirement for that particular location and there is no other suitable site available; or

Any new development must not harm the landscape setting of the countryside location and must be of a scale, size and form that would not harm the objectives for the countryside around towns designation.

Special Landscape Areas

5.23 The Council has assessed the East Lothian landscape in accordance with Guidance on Local Landscape Designations produced by Scottish Natural Heritage and Historic Scotland. The Plan designates Special Landscape Areas and the boundaries of these areas are shown on the Proposals Map. Supplementary planning guidance on Special Landscape Areas will identify the boundaries of these areas, describe each Special Landscape Area and include a Statement of Importance for each. Development should accord with this supplementary planning guidance.

Policy DC9: Special Landscape Areas

Areas are designated as Special Landscape Areas as identified within supplementary planning guidance on Special Landscape Areas. Development within or affecting Special Landscape Areas will only be permitted where:

1. it accords with the Statement of Importance and does not harm the special character of the area; or
2. the public benefits of the development clearly outweigh any adverse impact and the development is designed, sited and landscaped to minimise such adverse impacts.

The Council will refer to the Statement of Importance of the relevant site in assessing planning applications.

Green Network

5.24 The Green Network seeks to integrate biodiversity, landscaping, active travel, flood mitigation, open space and climate change adaptation and other relevant interests. It will be made up of green spaces (parks, public spaces, woodland spaces etc) and blue spaces (rivers, streams wetlands and SUDS etc). Although the Green Network will not compensate for the loss of flood plains, it can provide some mitigation for flooding and some adaptation for

Policy CH2: Development Affecting Conservation Areas

All development proposals within or affecting a Conservation Area or its setting must be located and designed to preserve or enhance the special architectural or historic character or appearance of the Conservation Area. Proposals for new development should accord with the size, proportions, orientation, alignment, density, materials, and boundary treatment of nearby buildings and public and private spaces. Parking requirements of new developments must accord with the Council's adopted parking standards unless it can be demonstrated that a reduced level of parking (which in exceptional circumstances could be no parking provision) will achieve positive townscape benefits without compromising road safety.

The Council will set out in supplementary planning guidance more detailed policies on the circumstances in which it would support proposals for alterations to shop fronts, external security, external wall treatment and the display or installation of advertisements in Conservation Areas.

Demolition of Unlisted Buildings

- 6.46 Demolition of an unlisted building within a Conservation Area requires Conservation Area Consent. Where a building makes a positive contribution to the area it should be retained. As with a listed building, every effort should be made to retain it and find a new use for it before demolition can be considered. Proposals for demolition of an unlisted building that makes a positive contribution to a Conservation Area must therefore make a similar case to that for the demolition of a listed building. Demolition can also be considered in the case of emergency where serious structural damage caused by unexpected event leaves no alternative. Any replacement building should preserve or enhance the character or appearance of the area, making reference to the relevant character statement/appraisal. Historic Environment Scotland will be consulted on proposals to demolish unlisted buildings in a Conservation Area.

Policy CH3: Demolition of an Unlisted Building in a Conservation Area

Proposals for Conservation Area Consent will be supported provided that there are appropriate proposals for redevelopment or intermediate treatment and:

- (i) the building to be demolished is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair;
- (ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character; or
- (iii) the building does not positively contribute to the character or appearance of the conservation area and its removal or replacement would not adversely affect the character of the conservation area or it would facilitate positive townscape benefits.

Proposals for redevelopment or intermediate treatment must preserve or enhance the character or appearance of the conservation area. Demolition will not be allowed to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement development or for an alternative means of treating the cleared site has been agreed.

In the case of an emergency, proposal for redevelopment or intermediate treatment may not be required.

Development Affecting Scheduled Monuments and Archaeological Sites

- 6.47 Scheduled Monuments are sites or structures of national importance scheduled by Historic Environment Scotland for legal protection. Scheduled Monument Consent is required from HES for any work affecting them, including repairs. Their setting is often very important to both the understanding of and the appearance of the monument. There are around 295 Scheduled Monuments in East Lothian, including well-known landmarks such as Traprain and North Berwick Laws.
- 6.48 The vast majority of archaeological sites within East Lothian are not scheduled and have no statutory protection at national level but are nevertheless of regional or local importance. The East Lothian Historic Environment Record lists these as 'archaeological sites' and contains approximately 8,000 entries. All sites and monuments, whether scheduled or not, are fragile and irreplaceable and they are a material consideration in the planning process.
- 6.49 The preservation in situ of important archaeological remains will always be preferred. Where development is proposed within areas of archaeological potential the developer must commission and make available to the Planning Authority, an archaeological assessment as part of any planning proposals. If significant archaeological remains are uncovered, the developer is encouraged to make provision for public accessibility and community involvement, e.g. through local media involvement, school visits, talks, open days, or exhibitions.

Policy CH4: Scheduled Monuments and Archaeological Sites

Where a proposed development might affect any Scheduled Monument or archaeological site (of known or suspected archaeological interest), the developer must undertake and make available to the planning authority a professional archaeological assessment and, if necessary, a field evaluation.

Development that adversely impacts on a scheduled monument, or its setting, will not be permitted.

Development that would harm a site of regional or local archaeological interest, or its setting, will only be permitted in exceptional circumstances, where the Council accepts that archaeological advice that the significance of the remains is not sufficient to justify their physical preservation in situ when weighed against other material considerations (including the benefits of the proposed development). In such situations, the developer must make proper provision for the excavation, recording and analysis of the archaeological remains in advance of the commencement of development, the results of which must be reported and any subsequent post-excavation work undertaken should also be reported and, if warranted, published. Appropriate conditions may be applied to any planning permission to achieve this.

Where it is feasible within a proposed development to accommodate, preserve or enhance a Scheduled Monument or archaeological remains, interpretation and integration of these features and where appropriate, public access, will be expected.

Development Affecting a Nationally Important Historic Battlefield

- 6.50 The Inventory of Historic Battlefields is a list of nationally important battlefields designated by Historic Environment Scotland for their association with key historical events or figures, for the physical remains and/or archaeological potential they contain, or for their landscape context. Designated areas associated with battlefields can be extensive. There are currently four battlefields in East Lothian included in the Inventory of Historic Battlefields: Battle of Pinkie Cleugh (1547), Battle of Prestonpans (1745), Battle of Dunbar I (1296), and Battle of Dunbar II (1650). An Overview and Statement of Significance for each site is published by Historic Environment Scotland.
- 6.51 The effect of proposed development on the historical and archaeological significance of designated battlefield areas is a material planning consideration. Development should not adversely impact on the archaeological resource or the landscape context, including key views to from or within the battlefield. The cumulative effect of new development in addition to past or current developments should not adversely impact on the battlefield. Historic Environment Scotland will be consulted on development proposals within an Inventory Battlefield site, other than proposals for householder development.
- 6.52 East Lothian also has other battlefields that are of regional or local significance that are not included on the national Inventory. These will be treated as archaeological sites and assessed under Policy CH4. In due course the Council will prepare supplementary planning guidance on Battlefields.

Policy CH5: Battlefields

Development within a site listed in the Inventory of Historic Battlefields will not be permitted where it would have a significant adverse affect on the key features of the battlefield, including its key landscape characteristics and special qualities, unless it can be demonstrated that the overall integrity and character of the battlefield area will not be compromised. Any new development supported in such areas must provide appropriate mitigation that conserves or enhances the key features of the battlefield, including through siting, scale, design and landscape treatment and, where relevant, contributes to the understanding of the battle and historic assets, particularly with respect to any archaeological deposits found in situ (See Policy CH4).

Development Affecting Gardens and Designed Landscapes

- 6.53 Gardens and Designed Landscapes make a significant contribution to East Lothian's historic environment and landscape. There are currently 27 gardens and designed landscapes in East Lothian that are of national importance and are included in Historic Environment Scotland's National Inventory of Gardens and Designed Landscapes. There are also many more gardens and designed landscapes of local or regional importance that are identified on East Lothian's Historic Environment Record; the assessment of these is an ongoing process.
- 6.54 Scottish Planning Policy requires that gardens and designed landscapes of national, regional or local importance are protected and, where appropriate, enhanced. They can have different qualities and are assessed under the following value-based criteria, although do not have to be of value under all of them:
- Value as an individual work of art
 - Historic value
 - Horticultural, arboricultural, silvicultural value
 - Architectural value
 - Scenic value
 - Nature conservation value
 - Archaeological value
- 6.55 Impacts of development proposals on gardens and designed landscapes will be a material planning consideration. Planning applications that may affect a garden or designed landscape on the National Inventory will be referred to Historic Environment Scotland for its comments.

Policy CH6: Gardens and Designed Landscapes

Development that would significantly harm the elements justifying designation of sites of national importance listed in the Inventory of Gardens and Designed Landscapes, or sites of local or regional importance included in historic gardens and designed landscape records, will not be permitted.

Area Based Cultural Heritage Policies

Greywalls, Gullane

6.56 The particular importance of the landscape setting of category A listed Greywalls and its associated Designed Landscape is recognised. Greywalls should remain the focus of its setting at all times and with reference to the framed view from the garden, the eye should never be distracted by the presence of new development.

Policy CH7: Greywalls , Gullane

Development that harms the landscape setting of Greywalls and its associated Designed Landscape will not be permitted.

West Road Field, Haddington

6.57 This greenfield land forms a prominent open area on the approaches to the town centre, framing the housing surrounding it on three sides and allowing for expansive southern views. In so doing it contributes to the character and appearance of the Conservation Area. It may be possible to accommodate some limited, carefully located and well-designed housing, appropriate to its site and location, on the downslope towards Pencaitland Road. Any such development must not interrupt the middle and longer distance southern views and, through design, scale, materials and layout, must preserve or enhance the character and appearance of the Conservation Area. Such development must also provide, at the developer's expense, the laying out and landscaping of the remainder of the West Road field as a public park. The latter will be secured by a legal agreement.

Policy CH8: West Road Field, Haddington

The contribution that the West Road field makes to the character and appearance of the Haddington Conservation Area is recognised. The Council will support a limited residential development on its down slope to Pencaitland Road provided that (1) this can be accommodated without harming the character and appearance of the Conservation Area and (2) the developer lays out and appropriately landscapes the balance of the field as a public park.

High Street, Inchview, Prestonpans

6.58 In Prestonpans, there remains scope for further improvement to the High Street and Inch View streetscapes and to important public spaces, using consistent materials to promote a coordinated approach. Part of the character of the street is that, in following the shoreline, it allows occasional glimpses of the sea on the north. Several locations where sea views are available are landscaped and open to the public but other undeveloped sites also make a significant contribution to the character of the street. Such sites also allow views into the High Street from the coastal walkway. In assessing any development proposals on these sites, the Council must be satisfied that they would not harm the character and amenity of the area by closing off important views of the Forth.

Policy CH9: High Street/Inch View, Prestonpans

In considering development proposals on vacant or underused land on the coastal side of High Street / Inch View, the Council must be satisfied that the overall amenity of the area will not be harmed by the loss of important seaward views. Any proposals will need to be accompanied by project specific information to inform an assessment under the Habitats Regulation Appraisal that will be undertaken by the competent authority. Only projects that do not have an adverse effect on the integrity of the Firth of Forth SPA will be permitted.

can also be achieved in the layout, design and materials used for buildings, as well as their relationship to one another and the landform, landscape and sun path characteristics of an area. However, a rigid application of such design principles would compromise the Plan's other design requirements. A balance must be made between competing design objectives, and measures to reduce resource consumption must be incorporated whenever possible. Active travel and public transport opportunities are to be prioritised in designs and provided in new development to encourage their use as alternatives to the private car.

- 7.9 In the development of a new settlement, in areas of significant change, or where there is potential to regenerate or improve the character and appearance of an area, there may be opportunities to create or enhance an area's character and identity. Settlement expansions and new settlements should be developed at higher densities to make efficient use of land without causing overcrowding, congestion or loss of amenity. These new mixed communities should support a mix of land uses, a range of house types, sizes and tenures as well as local service provision. Development in areas of significant change must ensure that East Lothian's special qualities are maintained and enhanced. The design of these new places should be based on the best examples of East Lothian's existing buildings and places as well as the best examples from further afield that can be adapted to an East Lothian context.
- 7.10 New development must integrate with the existing landscape and townscape of the area, maximise the potential to make connections with the surroundings and reflect local vernacular architectural styles. It should create a sense of place, safety and welcome, be easy to navigate and must maximise accessibility to all in the community as well as be energy efficient and adaptable. Ensuring this will maintain the setting, character, identity and amenity of the area as well as create high quality new places. Standardised buildings and layouts designed or those designed primarily for the needs of vehicles and that reflect nothing of their surroundings will not be acceptable.

Policy DP1: Landscape Character

All new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be well integrated into its surroundings by responding to and respecting landform, and by retaining and where appropriate enhancing existing natural and physical features at the site, including water bodies, that make a significant contribution to the character and appearance of the area and incorporate these into the development design in a positive way;
2. Include appropriate landscaping and multifunctional green infrastructure and open spaces that enhance, provides structure to and unifies the development and assists its integration with the surroundings and extends the wider green network where appropriate.

Policy DP2: Design

The design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must:

1. Be appropriate to its location in terms of its positioning, size, form, massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings;
2. By its siting, density and design create a coherent structure of streets, public spaces and buildings that respect and complement the site's context, and create a sense of identity within the development;
3. Position and orientate buildings to articulate, overlook, properly enclose and provide active frontages to public spaces or, where this is not possible, have appropriate high quality architectural or landscape treatment to create a sense of welcome, safety and security;
4. Provide a well connected network of paths and roads within the site that are direct and will connect with existing networks, including green networks, in the wider area ensuring access for all in the community, favouring, where appropriate, active travel and public transport then cars as forms of movement;
5. Clearly distinguish public space from private space using appropriate boundary treatments;
6. Ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking, including for the occupants of neighbouring properties;
7. Retain physical or natural features that are important to the amenity of the area or provide adequate replacements where appropriate;
8. Be able to be suitably serviced and accessed with no significant traffic or other environmental impacts.

- 7.11 The Council will prepare design guidance and, where appropriate, Development Briefs and guides to assist the operation of these policies as appropriate.

Advice Box 11: Design Statements

All planning applications for national or major developments types must be accompanied by a design and access statement. All planning applications for development of a local development type where the land to which the application relates is listed in Section 13(2) of Part 3 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, including in a conservation area, historic garden or designed landscape, the site of a scheduled monument or the curtilage of a category A listed building must be accompanied by a Design Statement. This does not apply to applications made under section 42 of the Act, for engineering or mining operations, householder development or where a change of use to land is proposed.

- 4.6 For development proposals that are expected to generate a significant number of trips a Transportation Assessment will be required. Where new development creates travel demands, the Council will seek provision of, or a contribution towards, necessary improvements to the transport network required as a direct result of it, including provision for public transport and the enhancement of active travel networks consistent with promoting an appropriate order of travel priority. Where specific improvements to the transport network are necessary, developers will provide these improvements, including contributions pro rata towards strategic mitigation in line with Policy T32. The Council will secure this mitigation by planning condition and / or legal agreement, as appropriate.

Policy T1: Development Location and Accessibility

New developments shall be located on sites that are capable of being conveniently and safely accessed on foot and by cycle, by public transport as well as by private vehicle, including adequate car parking provision in accordance with the Council's standards. The submission of Travel Plans may also be required in support of certain proposals.

Policy T2 : General Transport Impact

New development must have no significant adverse impact on:

- Road safety;
- The convenience, safety and attractiveness of walking and cycling in the surrounding area;
- Public transport operations in the surrounding area, both existing and planned, including convenience of access to these and their travel times;
- The capacity of the surrounding road network to deal with traffic unrelated to the proposed development; and
- Residential amenity as a consequence of an increase in motorised traffic.

Where the impact of development on the transport network requires mitigation this will be provided by the developer and secured by the Council by planning condition and / or legal agreement where appropriate.

Active Travel Networks

- 4.7 The LTS promotes an enhanced active travel network that is integrated as part of the Green Network and with public transport options. The Council seeks to encourage walking and cycling as modes of transport to promote sustainable travel, improve health and well being, and to maximise accessibility and social inclusion, particularly for those who do not own a car. Some parts of East Lothian are relatively well connected via roads and foot and cycle paths, including via repurposed railway routes and paths along river banks. Many of

these routes are included in the Council's Core Paths Plan and its Green Network Strategy. These provide active travel options which should be enhanced in association with new development in the area to provide extensions of and connections to the active travel network. The Council will ensure that new development does not obstruct or damage existing foot or cycle paths, or other routes for public access, and that new development mitigates its impact and does not prejudice the future implementation of enhancements to the network within East Lothian. Wherever appropriate, extensions to the network of active travel routes shall be provided or contributed to as part of new developments, particularly routes set out in the Core Path Plan as part of the Green Network Strategy.

- 4.8 As part of this approach the Council proposes a Segregated Active Travel Corridor for East Lothian which aims to promote a priority route for pedestrians and cyclists. This is so active travel can provide a realistic alternative to the private car, including for longer journeys. In time this may form part of the national walking and cycling network. The route will generally follow the A199 corridor (former A1) and link the western boundary of East Lothian with Edinburgh through to Dunbar. The section of the route from Wallyford to Edinburgh will deviate from the road and continue westwards to the East Lothian Council boundary by closely following the main East Coast rail line route. This route will provide a safe, better connected active travel route and facilities through East Lothian, and will link to other active travel corridors that lead to key destinations, including town centres, transport interchanges and routes.
- 4.9 Provision for the creation of the active travel network Segregated Active Travel Corridor must be made by developments that generate a need for them as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32 and Policy DEL1.

PROP T3: Segregated Active Travel Corridor

The Council will develop a new segregated active travel corridor within East Lothian and will work in partnership with local communities, public, developers and the private sector to secure funding mechanisms. Relevant development proposals will be required to provide or contribute to the provision of the Segregated Active Travel Corridor for East Lothian as set out in the Developer Contributions Framework Supplementary Guidance in accordance with Policy T32. An indicative route is illustrated on the Proposals Map. A finalised route will be confirmed subject to HRA.

Policy T4: Active Travel Routes and Core Paths as part of the Green Network Strategy

The Council will protect its existing core path and active travel networks and ensure that new development does not undermine them, including the convenience, safety and enjoyment of their use.

Policy NH1: Protection of Internationally Designated Sites

Development proposals unconnected to the conservation management of a Natura 2000 or Ramsar site, that are assessed by the competent authority as likely to have a significant effect on the integrity of a Natura 2000 site or Ramsar site (including proposals outwith the boundary of the designated site) will be subject to Appropriate Assessment. Applicants for such development must provide any information requested by the competent authority to enable it to carry out the Appropriate Assessment, including any project specific information and masterplan.

Where the Appropriate Assessment cannot rule out adverse effects upon the integrity of a Natura 2000 or Ramsar site, the proposal will only be permitted where:

- a) there are imperative reasons of over-riding public interest and there are no alternative solutions; and
- b) compensatory measures are provided to ensure that the overall coherence of the Natura 2000 network is protected.

Candidate Natura 2000 sites will be treated as if they were already designated.

National Sites

- 6.9 At national level Sites of Special Scientific Interest (SSSIs) provide protection to areas of biological and geological value. There are 15 such sites in East Lothian. The Geological Conservation Review (GCR) additionally identified sites of geological importance and these sites will be treated in the same way as SSSIs. As SSSI's and GCR sites protect nationally important elements of the natural heritage, development proposals which would harm that interest should seek alternative solutions where possible. Where a proposal unavoidably harms the natural heritage interest, appropriate mitigation with the aim of conserving biodiversity or geodiversity interest overall should be provided.
- 6.10 Within these sites there may be features of biological or geological importance that are not part of the citation. Nevertheless they provide a level of ecological, geological and landscape context to the site. Impacts on these features will be considered under Policy NH3 and are considered to have greater significance because they form part of the designated site.

Policy NH2: Protection of Sites of Special Scientific Interest and Geological Conservation Review Sites

Development that would adversely affect a Site of Special Scientific Interest or Geological Conservation Review site will only be permitted where it can be demonstrated that:

- a) the objectives of designation and overall integrity of the site will not be compromised;
- b) any significant adverse effects on the qualities for which the area has been designated are clearly outweighed by social, economic or environmental benefits of national importance;
- c) there are no alternative solutions; and
- d) appropriate mitigation will be provided.

Where proposals affect non-notified features within a site, this will be considered against criteria in Policy NH3.

Local Nature Conservation Sites, Local Nature Reserves, and Country Parks

- 6.11 Local Biodiversity Sites are designated by this Plan. The new Local Biodiversity Sites, and the methodology and summary site statements for them are set out in a technical note published alongside this Plan. The sites in the Geodiversity Audit by the British Geological Survey are also included in the technical note. Together with the Local Biodiversity sites these are Local Nature Conservation Sites, which are shown on the Proposals Map.
- 6.12 In addition to these sites, other local designations that are of biodiversity value are Local Nature Reserves and country parks; the Council currently has one of each at Aberlady Bay and John Muir Country Park respectively. These areas are also of value for compatible recreation, which will be considered alongside their natural heritage value in the assessment of any planning applications. Proposals for development in these areas will also be assessed against the policy below.

Policy NH3: Protection of Local Sites and Areas

Local Biodiversity Sites and Local Geodiversity Sites are designated as Local Nature Conservation Sites, as shown on the Proposals Map. Details of these sites are set out in Technical Note 10: Planning for Biodiversity (2016) and Technical Note 11: Planning for Geodiversity (2016).

Development that would adversely affect the interest of a Local Nature Conservation Site, Local Nature Reserve or Country Park will only be permitted where it is demonstrated that any damage to the natural heritage interest or public enjoyment of the site is outweighed by the economic, social or environmental benefits of the development and suitable mitigation will be secured.

Biodiversity and Geodiversity Interests, including Protected Species

- 6.13 Biodiversity and geodiversity interests are not restricted to designated sites and the Council will seek to protect and enhance all biodiversity, including habits and species, and

Soil Quality

- 6.18 East Lothian's soils provide many ecosystems services, not least for food production and forestry, which depend on their sustainable use. Soils have a role in absorbing contaminants, storing carbon, retaining water and reducing its overland flow. They are also a source of minerals and contain varied biodiversity. Pressures on soils include climate change and loss of soil organic matter, as well as threats related to development such as soil sealing and changes to hydrology. Disturbance of carbon rich soils, including through development, can lead to the release of CO₂, adding to climate change risk.
- 6.19 Particularly sensitive soil types are prime agricultural land and carbon rich and rare soils. Prime agricultural land is the most versatile land for food production, and is a non-renewable resource. The Council aims to reduce adverse impacts on soils, avoid where possible development on prime agricultural land, and consider climate changes impacts of developing certain soil types.

Policy NH7: Protecting Soils

Development on prime quality agricultural land or rare or carbon rich soils, such as peat, will not be permitted unless:

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

Proposals for renewable energy generation or mineral extraction on prime quality agricultural land may also be acceptable where provision is made for restoration of the land to its former status and if soil will be reused where feasible.

In the case of carbon rich soils, in order that the Council may assess the merits of the proposal, applicants must demonstrate the effect it would have on CO₂ emissions as a result of its construction and where relevant operation.

Trees and Woodland

- 6.20 Trees can improve the quality of the environment and provide a range of benefits, including contributing to green network objectives. They often contribute significantly to the character and amenity of an area, are both a setting and resource for recreation, and are valuable for biodiversity. With a changing climate, trees may become more important to regulate temperatures in towns and provide shade, as well as having an important role in mitigation of climate change. Significant trees may have particular biodiversity, landscape and cultural value, including trees subject to Tree Preservation Orders, trees in Conservation Areas or veteran trees, and these should be retained where possible and public access encouraged.
- 6.21 Ancient woodland is an irreplaceable resource and should be protected from adverse effects arising from development. The Scottish Government's Control of Woodland Removal policy sets out national policy on woodland removal and replacement planting. Its aims include support for the maintenance and expansion of forest cover in Scotland and achieving an appropriate balance between forested and non-forested land. It contains a strong presumption in favour of protecting Scotland's woodland resources. East Lothian has relatively sparse tree cover, increasing the importance of protecting existing trees, and increasing woodland cover where possible. Developers are encouraged to engage early with Forestry Commission Scotland to investigate opportunities that could be facilitated through its Forestry Grant Scheme.
- 6.22 Some development sites contain groups of trees, for example shelter belts, or relict hedgerows. If these are incorporated into private gardens, they tend to suffer from varied pressures and maintenance, and the overall appearance and value as a linear feature for biodiversity and landscaping can be reduced. Wherever possible, such features should be integrated into areas of public open space, with access for maintenance and suitable space for replacement planting, and developments should avoid backing onto or enclosing them.
- 6.23 Trees on and adjacent to development sites should be retained where possible, and protected in line with British Standard 5837. Trees adjacent to development sites can be affected by changes in drainage patterns or damage to their root systems. Impacts on trees outwith a development site are also a consideration, including for development design. The Council will use planning conditions to protect any tree that makes a significant contribution to the setting and amenity of an area. Work on trees should be carried out in accordance with relevant British Standards 3998. Where the tree is located on a site proposed for development, ensuring that development and any works to the tree or trees are carried out appropriately will be a condition of planning permission.
- 6.24 The aim of policy on trees is to give protection to trees and woodland, in fulfilment of the Council's biodiversity duty and as an important part of promoting sustainable development.

Open Space and Play Provision

- 3.119 The best open spaces are parts of wider networks and are designed to complement surrounding places, buildings and land uses. High quality open spaces are multifunctional and contribute to an area's sense of place and identity. Multifunctional open spaces can help to create better places, for example by including provision for a range of formal and informal leisure activities, by integrating with active travel networks, by including provision for biodiversity as well as forestry and woodland planting. Where appropriate open space may contribute towards flood management. Future management and maintenance arrangements for all types of open space are essential and arrangements for this must also be agreed as part of any planning permission.
- 3.120 Open space and play facilities are essential to the attractiveness of East Lothian's towns and villages. Opportunities to take part in organised sport and informal recreation are essential to the quality of life enjoyed in the area. It is the Council's objective to ensure recreational facilities and open spaces form part of the green network, are well designed, easily accessible and meet the needs of all in the community. This is essential to healthy lifestyles, community integration, physical and mental well being, and for general amenity, and can contribute towards objectives for biodiversity and resilience to climate change.
- 3.121 The LDP seeks to protect, enhance and promote the provision of new open space and play provision. The approach is informed by the Council's open space audit and strategy, which includes an assessment of playing field provision. The need for additional open space and playing fields in association with LDP strategy and sites has been based on this work. These documents assess how well the needs of East Lothian's communities are being met against the Council's standards and help to identify the new provision needed to meet increased demands while maintaining associated quantitative, qualitative and accessibility standards.

Protection of Open Space

- 3.122 The loss of areas of open space that have significant amenity or recreational value will be resisted by the Council, unless their function is not harmed or appropriate alternative provision can be made locally. The enhancement of existing open spaces is supported where this would address need in an area or lead to them becoming more multifunctional. The Proposals Map identifies larger areas of value as open space subject to Policy OS1.
- 3.123 However, it has not been possible to identify all areas that have very local value either as areas for informal recreation or play, or as a setting for built development. Where an area with recreational, amenity or landscape open space potential not designated as such by Policy OS1 is proposed as a development site, the Council will consider its value as open

space based on the open space audit and strategy and its contribution to the amenity of the area against Policy OS1.

Policy OS1: Protection of Open Space

Recreational, leisure and amenity open space and facilities, including outdoor sports facilities, will be safeguarded to meet the recreational needs of the community or protect the amenity or landscape setting of an area. Alternative uses will only be considered where there is no significant loss of amenity or impact on the landscape setting and:

- i. the loss of a part of the land would not affect its recreational, amenity or landscape function, or
- ii. alternative provision of equal community benefit and accessibility would be made available, or
- iii. provision is clearly in excess of existing and predicted requirements.

Change of use to Garden Ground

- 3.124 The Council receives a number of applications for the change of use of land to garden ground. In the countryside, this can have visual and landscape effects in domesticating the appearance of the countryside. Within settlements, housing estates are often laid out with the landscaping as an integral part of the design, to bring visual amenity to the scheme. These schemes can suffer from the incremental loss of this landscaping. While an individual piece of land can seem small and unimportant, the cumulative effect of several such permissions could make a considerable impact on the amenity of the area. Once one planning permission is granted, it is difficult to resist further applications, which could lead to a gradual erosion of the visual or recreational amenity of housing areas. If permission is granted, the land for which a change of use is approved may be subject to a legal agreement to prevent the development of a new dwelling on the land.

Policy OS2: Change of Use to Garden Ground

Provided other policies of the plan are met, change of use of public open space to garden ground will be supported if it would not result in unacceptable loss of visual or recreational amenity or harm the integrity of a landscaping scheme, or set a precedent that if followed would do so. In the case of a change of use of an area of countryside to garden ground any well-defined settlement boundary or landscaped edge must not be prejudiced. In all cases the area of the change of use must be small in scale and must not harm the character or appearance of the surrounding area.

SUGGESTED SCHEDULE OF CONDITIONS – REVIEW AGAINST REFUSAL OF PLANNING PERMISSION 21/01073/PP

Should the LRB be minded to uphold the appeal the Planning Authority would respectfully suggest that planning permission in principle be 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) Notwithstanding the submitted indicative drawings, and for avoidance of doubt, the indicative design proposal plans submitted as part of this Planning Permission in Principle application do not represent an approved scheme and all matters are reserved. The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the house, the existing and finished site and floor levels in relation to Ordnance Datum, the details of waste management and recycling facilities, the details of surface water management, drainage arrangements, and SUDS proposals, the hard and soft landscaping of the site, the means of access to it and the means of any enclosure of the boundaries of the site and those details shall accord with the following principles of development for the site:

- a. The house shall be designed with a pitched roof(s) and such roof(s) shall be clad with natural slates or natural red clay pantiles, or a mix of natural slates and natural clay pantiles, with any pantiles being kept to lower sections of roof;

- b. The external walls of the house shall be finished either wholly with natural local red sandstone, or a combination of natural local red sandstone and a wet dash or textured render. Any render used shall not be a white or pale coloured render;

- c. The house shall be designed to complement the existing local traditional architectural vernacular, character and appearance of neighbouring and nearby buildings, and shall include traditional components and styles of design;

- d. The house shall be designed so that areas of glazing are generally of a traditional size and scale and so that any such glazing and, if relevant, any photovoltaic panels are positioned to minimise their visual impact in views of the site;

- e. The house shall be provided with parking spaces within the curtilage of the house at a rate of 150% for a house of 5 habitable rooms or fewer (minimum 2 spaces), or 225% for a house of 6 or more habitable rooms, formed either as a driveway or accessed from a driveway, and those parking spaces shall each have minimum dimensions of 2.5 metres by 5 metres, and sufficient on-site turning and manoeuvring

space shall be provided to enable a vehicle to enter and leave the public road in a forward gear;

f. The provision of visibility splays measuring 2 metres by 120 metres to each side of the junction of the vehicular access road with the U179 public road;

g. A minimum of the first 2 metres of the vehicular access road measured back from its junction with the U179 public road and for its full width shall be hard-formed across its full width;

h. The means of enclosing the boundaries of the site shall be shown and the house shall not be occupied until the approved means of enclosure has been erected or planted; and

i. A scheme of landscaping for the site.

No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

Reason:

In order to enable the Planning Authority to consider these matter/s in detail to ensure that adequate and satisfactory provision is made for the accommodation of vehicles clear of the highways in the interests of road safety, and to enable the Planning Authority to control the development in the interests of safeguarding the character and appearance of the area and the privacy and amenity of neighbouring residential properties and of occupiers of the new house and the impact of the proposed development on the Whittingehame to Deuchrie Special Landscape Area and the Danskin to Whitecastle Special Landscape Area, and the setting of the Whittingehame Local Garden and Designed Landscape.

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

- Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
- Phase II - A site survey (ground investigation, gas monitoring, and sample analysis) and risk evaluation. This phase is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation. The Phase II investigation shall include survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site, and an appraisal of the remediation methods available and proposal of the preferred option(s).
- Phase III - Where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the

risks to acceptable levels, and make the site suitable for the proposed use. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Remediation Strategy shall be submitted to and approved in advance in writing by the Planning Authority.

The Desk Study and Ground Investigation shall be undertaken by suitably qualified, experienced and competent persons and shall be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11.

Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to the Planning Authority for approval confirming that the works have been carried out in accordance with the Remediation Strategy.

The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required.

Before the proposed house hereby approved is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

Reason

To ensure that the site is clear of contamination prior to the occupation of the building.

- 4) The details to be submitted pursuant to condition 2 above shall include full details of the surface water management strategy including the proposed sustainable urban drainage scheme (SUDS) for the site. The surface water management strategy including the proposed sustainable urban drainage scheme (SUDS) for the site shall thereafter be fully implemented in accordance with the details as approved by the Planning Authority.

Reason:

To ensure the provision of a satisfactory sustainable urban drainage scheme for the application site in the interests of flood prevention, environmental protection and the long-term amenity of the area.

- 5) 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.

- 6) The occupation of the house hereby approved shall be restricted to a person(s) solely or mainly employed in the agricultural business of Newmains Farm operated from the agricultural unit at Newmains, or the dependant of such a person.

Reason:

To comply with the Council's Policy for the erection of new houses in the countryside.

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

Reason:

To minimise the environmental impact of the development.

- 8) 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.