

LOCAL REVIEW BODY

25th January 2024

Application No: 23/00514/P

Land at Muirpark Steading, Tranent

Appointed Officer's Submission

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OFFICER REPORT

22nd August 2023

App No. **23/00514/P**

Application registered on **30th May 2023**
Target Date **29th July 2023**

Proposal	Change of use of gypsy/traveller pitches for the erection of 1 house and associated works	SDELL	N
		CDEL	N
Location	Land At Muirpark Steadings Tranent East Lothian	Bad Neighbour Development	N

APPLICANT: **Miss Paris McCallum**

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

**c/o QB Wood Architects
Per Billyana Dacheva
Station Masters Office
Station Road
South Queensferry
EH30 9JP**

DECISION TYPE:

Application Refused

PLANNING ASSESSMENT

This application relates to an area of land of some 0.12 hectares within the western part of the site known as Muirpark Steading. It is within an area of countryside as defined by Policy DC1 of the adopted East Lothian Local Development Plan 2018.

Muirpark Steading is located to the south of the A199 public road some 300 metres to the east of the eastern edge of Tranent and some 1100 metres to the west of the western edge of Macmerry. It is enclosed by stone walls to the north and west and high fencing to the south, east and west. Access is provided by way of an existing tarmac driveway taken from the A199 public road to the northeast that leads to a set of metal entrance gates.

In December 2014 planning permission (ref: 14/00860/P) was sought partly in retrospect for a change of use of agricultural land for storage and distribution (class 6) use and for use as 4 individual permanent Gypsy Traveller pitches (3 caravans per pitch), erection of amenity block for use as shower/toilet and kitchen facilities, erection of bin store, fencing, walls, gates and gate piers, formation of hardstanding areas and installation of lighting.

In February 2016 the Council refused planning permission for the following reasons:

1. In that the development includes gypsy/traveller residential use with no agricultural, horticultural, forestry or other established business use to justify a direct operational requirement for an on-site residential presence it is contrary to parts 1 and 4 of Policy DC1 of the adopted East Lothian Local Plan 2008.
2. In that the development includes Class 6 business use of a scale and character not appropriate to this countryside location it is contrary to Policy DC1 of the adopted East Lothian Local Plan 2008.
3. The gypsy/traveller use generates additional pedestrian traffic to and from the site, resulting in additional pedestrians requiring to cross the A199 public road to the existing footpath, with a consequent hazard to road safety.

In April 2016 the applicant appealed to the Scottish Government's Directorate for Planning and Environmental Appeals against the refusal of East Lothian Council to grant planning permission for the proposed development. On 28 October 2016 the appeal was allowed and planning permission was granted.

In June 2017 planning permission (ref: 17/00130/P) was granted for the erection of a utility block within the approved gypsy/traveller site.

In March 2023 planning permission (ref: 22/01337/P) was granted partly in retrospect for a change of use of gypsy/traveller pitch (pitch 4), business area (Class 6) and utility block to form 1 house and associated works.

Planning permission is now sought through this application for the change of use of two further gypsy/traveller pitches (pitches 2 and 3) the subject of planning permission 14/00860/P to form one house and associated works. The associated works comprise of the formation of garden areas for the proposed house, the erection of fencing and the formation of a driveway and parking for 3 cars.

The application site is enclosed to the north by an existing 1.8 meters high stone wall with the A199 public road beyond. It is enclosed to the west by a high stone wall and 1.8 meters high timber fencing with the house and garden of Muirpark Cottage beyond. It is enclosed to the south by 1.8 meters high fencing with agricultural land beyond. To the east is the remaining land and buildings of Muirpark Steading which consists of an existing house and its garden ground the subject of planning permission 22/01337/P, a remaining gypsy traveller pitch and a utility building.

The application site is identified by The Coal Authority as being within an area at high risk from past mining related activities.

What is proposed is the erection of a single storey pitched roof house and associated garden ground. The house as proposed would be centrally located within the site and would be oriented to face north with gable elevations to the east and west. At its closest point it would be some 0.5 meters off the western boundary of the site. It would have a rectangular footprint measuring at most some 18 metres by some 8.2 metres.

Gardens areas would be formed to the front and rear of the proposed house. Planning permission is also sought for the formation of a driveway, footpaths and vehicle parking areas,

as well as for the erection of fencing on a section of the eastern boundary of the site. The proposed house would be accessed from an existing internal driveway serving the wider Muirpark Steading at a point to the northeast of the application site.

The remainder of the Muirpark Steading site would remain unaltered and the existing access into the site would continue to serve the remaining gypsy/traveller pitch and utility building approved by planning permission 14/00860/P and the house approved by planning permission 22/01337/P.

Subsequent to registration the following documents have been submitted in support of the application: i) Coal Mining Risk Assessment; and ii) Drainage Strategy.

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

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

Policies 1 (Tackling the climate and nature crises), 3 (Biodiversity), 5 (Soils), 9 (Brownfield, vacant and derelict land and empty buildings), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local living and 20 minute neighbourhoods), 16 (Quality Homes) and 17 (Rural Homes) of NPF4 are relevant to the determination of this application. Also relevant are Policies DC1 (Rural Diversification), DC4 (New Build Housing in the Countryside), DC5 (Housing as Enabling Development), DP1 (Landscape Character), DP2 (Design), Policy NH7 (Protecting Soils), T1 (Development Location and Accessibility), and T2 (General Transport Impact) of the ELLDP.

No public objections to the application have been received.

Policy DP1 of the ELLDP states amongst other things that all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be well integrated into its surroundings.

Policy DP2 of the ELLDP requires that the design of all new development, with the exception of changes of use and alterations and extensions to existing buildings, must be appropriate to its location in terms of positioning, size, form massing, proportion and scale and use of a limited palette of materials and colours that complement its surroundings.

Policies 13, 14, 15 and 16 of NPF4 also apply to this development to ensure that development proposals are designed to improve the quality of the area in which it is located and will contribute to local living.

The proposed house would replicate the form and appearance of the existing house within Muirpark Steading to the east. Its external elevation walls would be constructed of buff facing block and would feature quoins finished in reconstituted stone. A main entrance doorway would be formed within its north elevation and would provide access to an entrance hallway, kitchen/dining area, living room, a master-bedroom with dressing room and ensuite, 2 further bedrooms, a bathroom and storage/utility areas. Conventionally proportioned window and door openings would be formed in its north (front), south (rear) and west (side) elevations. The

roof of the proposed house would be finished in grey concrete tiles with a ridge height of some 5.3 metres. Two side-by-side roof windows would be installed within its north (front) roof slope. All windows and door openings would be of brown timber. All rainwater goods would be of grey uPVC.

Whilst it would be visible in short duration glimpsed views from the A199 public road running to the north of the site, by virtue of its single-storey height, size, scale, form, proportions, architectural design and its external finishes the proposed house would not appear harmfully intrusive or incongruous within the landscape of the wider area.

The site is well contained within its landscape setting due to the enclosures of the site. Thus the proposed fencing, driveway, vehicle parking areas footpaths and laid out gardens would not harmfully impact on their countryside environment. In their location, neither individually nor cumulatively, would they appear harmfully prominent, intrusive, exposed or incongruous in their landscape setting.

Amenity space would be provided in the form of private garden areas to the north (front) and south (rear) of the proposed house.

Paved footpaths would be formed to the north (front), east (side) and south (rear) of the proposed house. The eastern boundary to the south of the proposed access would be enclosed by a 1.8 meters high vertically boarded timber fence that would extend some 22 meters from the south boundary.

On these matters the proposals do not conflict with NPF4 Policy 14 and with Policies DP1 and DP2 of the ELLDP.

In being only some 330 metres east of Tranent and with good transport links to other towns and villages in East Lothian as well as Edinburgh, future occupants of any house within the application site would be within reasonable proximity to schools, community facilities and employment opportunities that could be easily accessed by sustainable or active travel methods.

On these considerations the proposals do not conflict with Policies 13, 14, 15 and 16 of NPF4.

Access to the proposed house would be taken from an existing internal driveway within Muirpark Steading at a point to the northeast of the application site. A driveway, turning area and onsite parking for three cars would be formed to the north (front) and east (side) of the proposed house.

The Council's Roads Services raise no objection to the application, being satisfied that the proposed arrangements for parking and access are to an acceptably standard, consistent with Policies T1 and T2 of the adopted East Lothian Local Development Plan 2018.

Policy DP2 of the ELLDP states that the design of all new development must ensure privacy and amenity, with particular regard to levels of sunlight, daylight and overlooking.

The site of the proposed house is bounded by high walls and fencing on its north, south and west boundaries. The 1.8 meters high timber fence proposed for the east boundary of the site would ensure that use of the land to the south of the proposed house as garden ground would

provide a space that is private. Therefore the house and garden would be afforded sufficient privacy and amenity.

In its position the proposed house would not give rise to significant harmful loss of sunlight or daylight to any existing nearby residential properties.

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 development and the garden boundaries of neighbouring residential properties and an 18 metres separation distance between directly facing windows of the proposed new development and the windows of existing neighbouring residential properties.

None of the windows of the proposed house would be within 18 metres of any directly facing windows of any neighbouring residential properties. Due to the position, orientation and distance from neighbouring residential properties the window openings to be formed in the north (front) and south (rear) elevation of the proposed house would not allow for any harmful overlooking or loss of privacy to any neighbouring residential property. Two window openings to be formed within the west (side) elevation of the proposed house would be within 9 meters of the garden boundary of the residential property of Muirpark Cottage to the west. Those openings would serve a bedroom dressing area and ensuite bathroom facility. They would face onto existing high fence boundary treatment enclosing the west boundary of the site therefore the occupants of Muirpark Cottage to the west will not experience any loss in privacy or amenity. Consequently, the proposed house would not allow for harmful overlooking of any neighbouring residential property.

On the above considerations the proposals do not conflict with policy DP2 of the ELLDP.

The Council's Senior Environmental Health Officer raises no objection to the application, being satisfied that the proposed development would not have an adverse impact on any neighbouring land uses.

The site is within a Coal Authority Development High Risk Area. In such areas there are existing recorded risks to the ground stability which need to be assessed and mitigated as part of the new development proposals in the interests of public safety. The Coal Authority were consulted on the application and advised that as a Coal Mining Risk Assessment Report had not been submitted with the application they initially objected to the application as it had not been demonstrated that the site can be developed without risk posed by past coal mining activity. Following this initial response from the Coal Authority the applicant's agent has submitted a report addressing the matter of Coal Mining Risk Assessment. The Coal Authority have subsequently been re-consulted on the application and have confirmed that they are in agreement with the recommendations of the Coal Mining Risk Assessment Report in that a coal mining legacy potentially poses a risk to the proposed development and that intrusive site investigation should be undertaken prior to development. Should planning permission be granted the Coal Authority recommends that a condition is attached to ensure that site investigation works and any remedial works are carried out prior to the commencement of development.

Subject to the above controls the Coal Authority raises no objection to the application.

The Council's Contaminated Land Officer has commented on the application to state that he has reviewed the various historical maps for the site as well as looking at the potential contamination issues that may impact on the development. He notes that historic steading and associated sheep wash activities on the application site, as well as previous use of the land for storage, may have resulted in localised contamination. He further advises that the site may also be underlain by shallow coal mine workings thus there is the potential for mine gas to impact on the proposed development. Given the above, 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 (Desk Study) being carried out. In light of this the Contaminated Land Officer recommends that conditions should be attached to any grant of planning permission requiring that a Geo-Environmental Assessment is carried out, with the Report(s) being made available to the Planning Authority for approval prior to any works taking place on site. The condition shall also cover issues of remediation and unexpected contamination. This issue can be made subject of a planning conditions should planning permission be approved.

Subject to the above controls the Council's Contaminated Land Officer raises no objection to the application.

Scottish Water raise no objection to the proposals. They inform however that whilst there is currently sufficient capacity in the Castle Moffat Water Treatment Works to service the proposed development there is no public waste water infrastructure within the vicinity of the application site and therefore advise investigation of private treatment options. A copy of Scottish Waters consultation response has been forwarded to agents for the applicant accordingly.

The Council's Flood Protection Officer has been consulted on the application. She advises that proposed surface water and drainage arrangements are acceptable and raises no objection on grounds of drainage or flood risk.

The Council's Waste Services raise no objection to the application. They do however recommend that all waste and recycling containers are presented for collection on the A199 alongside those of the existing dwelling within Muirpark Steading.

The proposed house would have a neutral impact in terms of Policy 1 of NPF4.

NPF4 Policy 3 states, amongst other things, that proposals for local development will include appropriate measures to conserve, restore and enhance biodiversity, in accordance with national and local guidance and that measures should be appropriate to the nature and scale of development. It can reasonably be made a condition of any grant of planning permission that prior to the commencement of development details of measures to be taken to enhance biodiversity on the site will be submitted to and approved by the Planning Authority. Subject to the imposition of that planning control the proposals would not conflict with Policy 3 of NPF4.

Notwithstanding the above the application site is located in a countryside location within East Lothian that is characterised by a low density dispersed built form within an agricultural landscape. While there are both residential and commercial buildings within the vicinity of the application site it is not identified in the adopted East Lothian Local Plan 2018 as being within

a settlement and the Local Plan does not allocate the land of the site for housing development. Rather the application site is defined as being located within the countryside.

Consequently, the principle and detail of the erection of one house on the application site must be assessed against national, strategic and local planning policy relating to the control of new housing development in the countryside. In this instance the principle of the erection of a house and associated works on the application site must be considered against the Policies of NPF4 and the other policies of the ELLDP.

It is stated in paragraphs 5.1 and 5.2 of the ELLDP that while the Local Development Plans 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 through support in principle for agriculture, horticulture, forestry and countryside recreation, as well as other forms of appropriate business, leisure and tourism developments. 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.

Paragraph 5.10 of the ELLDP states that the Local Development Plan 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. In such circumstances, appropriate evidence clearly demonstrating the need for a new dwelling on the particular site in association with the business will be required. Such evidence should include that no suitable existing dwelling has been recently made unavailable for that purpose and that there is no existing building that could be converted to a house.

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, and allows for new build housing development in the countryside where the Council is satisfied that a new house is a direct operational requirement of an agricultural, horticultural, forestry or other employment use.

Policy DC4 also allows for other small scale housing proposals that form a logical addition to an existing small scale rural settlement where they are promoted for affordable housing and evidence of need is provided and the registered affordable housing provider will ensure that the dwelling(s) will remain affordable for the longer term.

In this instance it has not been demonstrated to the satisfaction of the Planning Authority that a new house is required at Muirpark Steading to meet a direct operational requirement of an existing agricultural, horticultural, forestry or other employment use. Neither is the proposed house being promoted as affordable housing to be operated by a registered affordable housing provider.

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

In this instance the proposal is not being promoted to enable a desirable primary use supported by Policy DC1 nor is it being promoted as enabling development promoted to fund the restoration of a listed building or any building with recognised heritage value.

On the above considerations the proposed new house is contrary to Policies DC1, DC4 and DC5 of the ELLDP.

NPF4 Policy 9 states that development proposals that will result in the sustainable reuse of brownfield land including vacant land and buildings, whether permanent or temporary, will be supported. As other than an area of hardstanding no other operational development has been undertaken in the use of the application site as a gypsy traveller site the land will return to its natural state without intervention and does not therefore constitute vacant or derelict brownfield land.

NPF4 Policy 17 states that development proposals for new homes in rural areas will be supported where the development: i) reuses a redundant or unused building; ii) is an appropriate use of a historic environment asset or is appropriate enabling development to secure the future of historic environment assets; iii) 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.

The proposed house does not reuse a redundant or unused building nor is it an appropriate use of an historic environment asset. Furthermore there is no agricultural or other employment use presently in operation to justify the need for a new house on the application site. Neither has the applicant advanced any such case of justification of need for the principle of the proposed new house. No case has been put forward that the proposed house has an operational requirement for its countryside location or that it would 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.

In all of the above the proposals are contrary to NPF4 Policy 17.

The proposed scheme of development for a new house on this rural site located within the East Lothian countryside does not meet the circumstances specified in Policies 17 of NPF4 and Policies DC1, DC4 and DC5 of the adopted ELLDP 2018. In conclusion the proposed scheme of development is not therefore in accordance with the Development Plan and there are no material planning considerations that outweigh the fact that the proposed scheme of development is not in accordance with the Development Plan.

REASONS FOR REFUSAL

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, does not reuse a redundant or unused building, and 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 Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.

- 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 an appropriate use of a historic environment asset or 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

22nd August 2023

Currie, Fiona

From: Robertson, Andrew
Sent: 12 June 2023 15:06
To: Taylor, David (Officer)
Cc: Environment Reception
Subject: RE: 23/00514/P-Mr David Taylor - Planning Consultation

Hi David

Thanks for this.

No comments in respect of the Historic Environment. The original 18th C steading was totally demolished in the 1960's and from what I can tell all the remains were removed.

I therefore have no comments on this application.

Let me know if you need anything else.

Cheers

Andy

Andrew Robertson
Archaeology/ Heritage Officer
East Lothian Council Archaeology Service John Muir House, Haddington
EH41 3HA
Tel: 01620 827039
[REDACTED]
Archaeology - East Lothian Council
Our HER is now online at John Gray Centre

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 05 June 2023 15:42
To: [REDACTED]
Subject: 23/00514/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Currie, Fiona

From: Cumming, Catherine (Biodiversity Officer)
Sent: 11 July 2023 12:07
To: Taylor, David (Officer)
Cc: Environment Reception
Subject: RE: 23/00514/P-Mr David Taylor - Planning Consultation

Hi David,

I have no objections to the below application for the change of use at Muirpark Steading and the erection of one house. The site in its current form is hardstanding, which has negligible biodiversity value. The conversion to garden ground would create opportunities for enhancement in accordance with NPF4 Policy (Biodiversity) by providing habitat for species such as garden & farmland birds. Tree planting, whether individual trees, rows of trees, or hedgerow can provide shelter and foraging for pollinators, other invertebrates and small birds and in time may provide nesting opportunities. I would recommend that some native species are incorporated into the garden ground to maximise benefits for local biodiversity.

Kind regards,

Catherine

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

From: Environment Reception <environment@eastlothian.gov.uk>

Sent: 27 June 2023 13:59

To: [REDACTED]

Subject: 23/00514/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

NHS Coronavirus Information

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintranet.eastlothian.gov.uk%2Fmultimedia%2F1624%2F1624_250x83.jpg&data=05%7C01%7Cenvironment%40eastlothian.gov.uk%7C0b36da65e14644b3db6208db81ff00da%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638246704441469209%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6Ik1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sd ata=Sr71aatUAjaf45Yii2jae15mldLzfq7%2B877nYKPa5xM%3D&reserved=0]



The Coal
Authority



INVESTOR IN PEOPLE



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Web: www.gov.uk/coalauthority

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

[By Email: environment@eastlothian.gov.uk]

26th July 2023

Dear Mr Taylor

PLANNING APPLICATION: 23/00514/P

Change of use of gypsy/traveller pitches for the erection of 1 house and associated works; Land At Muirpark, Steadings, Tranent, East Lothian – Re-consultation

Thank you for your consultation notification of 17 July 2023 seeking the further views of The Coal Authority on the above planning application.

The Coal Authority Response: Material Consideration

The Coal Authority previously objected to this application in a letter dated 19th June 2023 as no Coal Mining Risk Assessment was submitted by the applicant to support the application.

We note that this application is now accompanied by a Coal Mining Risk Assessment report (11th July 2023, prepared by The Coal Authority's commercial arm). The report has been based upon a review of coal mining and geological information, and concludes that unrecorded underground coal mine workings at shallow depth may be present beneath the site.

The report makes recommendations for ground investigations to be carried out on the site in order to establish the extent of any unrecorded shallow mine workings and

to inform any remedial works and mitigation measures needed to ensure the site is safe and stable.

The report notes that the site falls within the Annfield opencast mining prospecting site. It advises that prior to the design and implementation of intrusive site investigations it would be prudent to undertake a review of the British Geological records, which may remove the need for, or may help to refine the scope of any intrusive ground investigations. However, we note that no further information pertaining to a review of BGS records has been submitted in support of the planning application. As such, the Coal Authority's Planning & Development Team would expect the undertaking of intrusive site investigations to confirm the exact of any coal mining legacy on site.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

SUDs

We also note that where SUDs are proposed as part of the development scheme consideration will need to be given to the implications of this in relation to the stability and public safety risks posed by coal mining legacy. The developer should seek their

own advice from a technically competent person to ensure that a proper assessment has been made of the potential interaction between hydrology, the proposed drainage system and ground stability, including the implications this may have for any mine workings which may be present beneath the site.

The Coal Authority Recommendation to the LPA

The Planning Team at the Coal Authority concurs with the conclusions of the Coal Mining Risk Assessment report; that coal mining legacy potentially poses a risk to the proposed development and that investigations are required, along with possible remedial measures, in order to ensure the safety and stability of the proposed development.

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

1. *No development shall commence until;*

- a) a scheme of intrusive investigations has been carried out on site to establish the risks posed to the development by past shallow coal mining activity; and***
- b) any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary, have been implemented on site in full in order to ensure that the site is made safe and stable for the development proposed.***

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

- 2. *Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the methods and findings of the intrusive site investigations and the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.***

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

Should planning permission be granted for this proposal, we also request that the following wording is included as Informative Notes on any decision notice:

1 - Ground Investigations

Under the Coal Industry Act 1994 any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) require the prior written permission of the Coal Authority since these activities can have serious public health and safety implications. Such activities could include site investigation boreholes, excavations for foundations, piling activities, other ground works and any subsequent treatment of coal mine workings and coal mine entries for ground stability purposes. Failure to obtain permission to enter or disturb our property will result in the potential for court action. Application forms for Coal Authority permission and further guidance can be obtained from The Coal Authority's website at: www.gov.uk/get-a-permit-to-deal-with-a-coal-mine-on-your-property

2 - Shallow coal seams

In areas where shallow coal seams are present caution should be taken when carrying out any on site burning or heat focused activities.

Please do not hesitate to contact me if you would like to discuss this matter further.



Peter Woodcock | BSc (Hons)
Trainee Planning Manager

Disclaimer

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

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

Currie, Fiona

From: Clark, Colin - EHO
Sent: 07 June 2023 11:16
To: Environment Reception
Cc: Taylor, David (Officer)
Subject: RE: 23/00514/P-Mr David Taylor - Planning Consultation

I refer to your consultation request of 05th June 2023 in connection with the above and would advise I have no comment to make regarding the proposal.

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
Visit our website at www.eastlothian.gov.uk

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

From: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Sent: 05 June 2023 15:36
To:

Subject: FW: 23/00514/P-Mr David Taylor - Planning Consultation

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 05 June 2023 15:32
To: Environmental Health/Trading Standards <ehts@eastlothian.gov.uk>
Subject: 23/00514/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Currie, Fiona

From: Callow, Scott
Sent: 19 June 2023 12:03
To: Taylor, David (Officer)
Cc: Environment Reception; Clark, Colin - EHO
Subject: Planning Consultation: 23/00514/P (Land at Muirpark Steadings, Tranent)

Categories: 

Hi David,

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 proposed development incorporates the change of use of an existing traveller's pitch to form one house and associated works. Due to historic activities on the site (former steading & associated sheep wash) as well as the previous use of the land for storage (oil drums etc.), it is possible that localised contamination of the soil has occurred;
- The site may also be underlain by shallow coal mine workings thus there is the potential for mine gas to impact on the proposed development.

Given the above and due to the nature of the proposed development (residential), 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:

Land Contamination Condition - Investigation, Risk Assessment, Remediation and Validation

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 (only 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 as well as details of the procedures to be followed for the verification of the remedial works. 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

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

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.

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

Regards,

Scott

Scott Callow | Environment Protection Officer (Con Land) | Public Health & Environment Protection | East Lothian Council | John Muir House | Haddington | EH41 3HA

Tel. 01620 827256

Email. [REDACTED]

Visit our website at www.eastlothian.gov.uk

NHS Coronavirus Information



Currie, Fiona

From: MacInnes, Julie
Sent: 22 August 2023 14:08
To: Taylor, David (Officer)
Subject: RE: #037 Plan App - 23/00514/P-Mr David Taylor - Planning Consultation

Hi David

Thank you for sending these documents and apologies for the delay in getting back to you. With reference to my initial flood risk response,

- I note that Finished Floor Levels (FFL) are shown to be 600mm above the existing ground level.
- I note the drainage strategy showing overland flow paths, and information on surface water and foul drainage management on site.
- I see the planned evacuation route detailed in the drainage strategy, I would recommend that in addition to this, the applicant signs up to the SEPA Floodline Service at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sepa.org.uk%2Fenvironment%2Fwater%2Fflooding%2Ffloodline%2F&data=05%7C01%7Cdtaylor1%40eastlothian.gov.uk%7Cce5a04399e354acd34c008dba310d957%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638283064975556818%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=yWKddWancgNKi8M%2BHZcmNYmLulcExUsgJEDKc0I2jt0%3D&reserved=0> or by calling 0345 988 1188.

I am content that my previous comments have been addressed and have no further comments or objections.

Kind regards

Julie MacInnes
Technician – Flood Protection
East Lothian Council

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

From: Taylor, David (Officer) [REDACTED]
Sent: 08 August 2023 16:22
To: MacInnes, Julie [REDACTED]
Subject: RE: #037 Plan App - 23/00514/P-Mr David Taylor - Planning Consultation

Hi Julie

Ref: 23/00514/P - Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

Hope you are well.

Further to below the attached has been submitted by agent ref the above application.

Please let me know if you require any further information.

Thanks
David

David Taylor
Planner

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

From: MacInnes, Julie [REDACTED]
Sent: 14 July 2023 16:18
To: Taylor, David (Officer) [REDACTED]
Cc: Environment Reception <environment@eastlothian.gov.uk>; [REDACTED]
Subject: RE: #037 Plan App - 23/00514/P-Mr David Taylor - Planning Consultation

Hi David

Apologies for the delayed response. Please see below my formal response to planning application 23/00514/P - Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent.

In terms of information that this Council has concerning flood risk to this site, I would state that SEPA's Flood Hazard Mapping indicates that the site is at risk from a surface water flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

It should be noted that it is only around 1/3rd of the site at risk of flooding, to depths predicted to be below 0.3m. However, this does cover the area where the building is proposed (see SEPA Flood Map attached).

The SEPA Flood Hazard Map (Scotland) has primarily been developed to provide a strategic national overview of flood risk in Scotland. Whilst all reasonable effort has been made to ensure that the flood map is accurate for its intended purpose, no warranty is given.

If the applicant wishes to view these maps, they are publically available at <https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fmap.sepa.org.uk%2Ffloodmaps&data=05%7C01%7Cdtaylor1%40eastlothian.gov.uk%7Cce5a04399e354acd34c008dba310d957%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638283064975556818%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=tenosUr%2BHcknE5PxJAJYq%2BzK7aDzAsMJCT1kajO118%3D&reserved=0>

I note that no Surface Water Management/Drainage Plan has been submitted. I would request that the applicant submits the following for further assessment:

- Finished Floor Levels (FFL) - any FFL should be at least 600mm above the existing ground level.
- A surface water management plan detailing how surface water flood risk will be mitigated at the site. For example, how water will be guided away from the property, towards the garden ground.
- Information on surface water and foul drainage on site, including any overland flow paths.
- An evacuation plan for times of flood risk (If examples are needed, these can be provided upon request) – linked to SEPA's Floodline Service (see sign up details below).

The applicant can sign up to SEPA's Floodline Service at

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.sepa.org.uk%2Fenvironment%2Fwater%2Fflooding%2Ffloodline%2F&data=05%7C01%7Cdtaylor1%40eastlothian.gov.uk%7Cce5a04399e354acd34c008dba310d957%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638283064975556818%7CUnknown%7CTWFpbGZsb3d8eyJWljoImC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=yWKddWancgNKi8M%2BHZcmNYmLulcExUsgJEDKc0I2jt0%3D&reserved=0> or by calling 0345 988 1188. It would also be advisable for the applicant to review the Scottish Government's Living with Flooding: Action Plan and incorporate measures such as raised electrical sockets, flood gates or self-closing airbricks, as required.

Please note that this information should be taken in the context of the material that this Council holds in fulfilling its duties under the Flood Risk Management (Scotland) Act 2009.

Kind regards

Julie Macinnes
Technician – Flood Protection
East Lothian Council

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

From: Environment Reception <environment@eastlothian.gov.uk>

Sent: 05 June 2023 15:32

To:

Subject: #037 Plan App - 23/00514/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

NHS Coronavirus Information

[https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fintranet.eastlothian.gov.uk%2Fmultimedia%2F1624%2F1624_250x83.jpg&data=05%7C01%7Cdtaylor1%40eastlothian.gov.uk%7Cce5a04399e354acd34c008dba310d957%7C85e771afe90a4487b4071322ba02cc82%7C0%7C0%7C638283064975713066%7CUnknown%7CTWFpbGZsb3d8eyJWljoIMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikl1haWwiLCJXVCI6Mn0%3D%7C3000%7C%7C%7C&sdata=cpSIEA%2BRGo90%2FdD0sW6vzqS%2BH1sjk9Nj%2FWGclod9VUI%3D&reserved=0]

Currie, Fiona

From: Pringle, Rebecca
Sent: 16 June 2023 08:43
To: Taylor, David (Officer)
Subject: RE: Muirpark Steading, Tranent

Hi David,

Apologises for the delay in response, I've been on leave.

No, that wouldn't change my response, especially without knowing what occupancy there has been on the private site in recent years.

Thanks,

Rebecca

From: Taylor, David (Officer) [REDACTED]
Sent: 05 June 2023 15:59
To: Pringle, Rebecca [REDACTED]
Subject: FW: Muirpark Steading, Tranent

Hi Rebecca

Hope you are well.

I write concerning application ref 23/00514/P for Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Muirpark Steading, Tranent.

Proposals within this application are for a change of use of a further x2 pitches to the west of the site (leaving only x1 pitch operational).

Can I ask if this would change in any way your response below in terms of the loss of private gypsy/traveller provision and our need/demand?

Regards
David

David Taylor | Planner, Planning Delivery | East Lothian Council | John Muir House | Haddington EH41 3HA | [REDACTED] | www.eastlothian.gov.uk

From: Pringle, Rebecca [REDACTED]
Sent: 20 January 2023 16:36
To: Irving, Daryth [REDACTED]
Subject: RE: 22/01337/P, Muirpark Steading, Tranent

Hi Daryth,

Apologises for the delay in getting back to you.

It's really hard to estimate the need and demand, and especially for private sites as they tend to be set up by families. So they won't rent out the pitches beyond their immediate family. So the application is almost the equivalent of someone in an owner-occupied property looking to adapt their outbuilding...not sure how great that analogy is! The only thing I might consider, is if any individual is being made 'homeless' or being evicted as a result of the pitch change. Not sure if that is something you can go back and ask?

Sorry to not be of more help!

Rebecca

From: Irving, Daryth [REDACTED]
Sent: 11 January 2023 14:07
To: Pringle, Rebecca [REDACTED]
Subject: 22/01337/P, Muirpark Steading, Tranent

Hi Rebecca

I am looking to consult Housing on the above application, which proposes 'Change of use of gypsy/traveller pitch, business area (Class 6) and utility block to form 1 house and associated works'.

As a bit of background in 2016 planning permission (ref: 14/00860/P) was granted on appeal for the use of the Muirpark Steading site (which occupies a countryside location between Macmerry to the east and Tranent to the west) for:

- (i) the change of use of the agricultural land of the site for use as 4 individual permanent gypsy/traveller pitches (3 caravans per pitch) and for the part change of use of the land to Class 6 storage and distribution use;
- (ii) the erection of an amenity block for use as shower/toilet and kitchen facilities;
- (iii) the erection of a bin store, fencing, walls, gates and gate piers; and
- (iv) the formation of hardstanding areas and the installation of lighting.

In June 2017 planning permission (ref: 17/00130/P) was granted for the erection of a utility block within the approved gypsy/traveller site. The purpose of the utility block is to serve all the residents of the gypsy/traveller site with cooking, social and washing facilities

The above application now proposes the change of use of one of the approved gypsy/traveller pitches (pitch 4) and the approved business area (Class 6) the subject of planning permission 14/00860/P and the utility block the subject of planning permission 17/00130/P all to form one house and associated works. It is proposes to use the utility block as a house and the land surrounding it as garden ground and parking.

I was looking for comments from Housing in terms of the loss of private gypsy/traveller provision and our need/demand. Is this something you can help with?

Regards

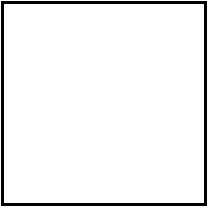
Daryth

Daryth Irving | Senior Planner | Planning Delivery | East Lothian Council | John Muir House, Haddington EH41 3HA

[REDACTED]



NHS Coronavirus Information



Currie, Fiona

From: Transport Planning
Sent: 18 July 2023 16:14
To: Environment Reception; Taylor, David (Officer)
Cc: [REDACTED]
Subject: TRANSPORT PLANNING RESPONSE: 23/00514/P-Mr David Taylor - Planning Consultation

EAST LOTHIAN COUNCIL ROAD SERVICES

From: Asset & Regulatory Manager

To: Service Manager, Planning

Proposal: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works, Land At Muirpark Steadings, Tranent

The application site access adjoins the A199 classified road.

Sites which propose to access onto a classified road must have sufficient space available for vehicles to leave the adjoining road in a forward gear and return to it also in a forward gear.

The existing access to the application site is of a high standard with good visibility, the access is hard formed and 2-way movement is available at the access junction. Vehicles will be able to manoeuvre within the application site in order to return to the adjoining classified road in a forward gear.

There would be 2 no. parking spaces provided to serve the property which is acceptable.

I can therefore confirm that I have no objection to the application.

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

Sent on behalf of IAN LENNOCK
ROAD SERVICES, ASSET & REGULATORY MANAGER

If telephoning, please ask for:

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

From: Environment Reception <environment@eastlothian.gov.uk>

Sent: 05 June 2023 15:42

To: Transport Planning [REDACTED]

Subject: 23/00514/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

Wednesday, 07 June 2023



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 At Muirpark, Steadings, Tranent, EH33 1QN
Planning Ref: 23/00514/P
Our Ref: DSCAS-0088184-5SP
Proposal: Change of use of gypsy/traveller pitches 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. Please read the following carefully as there may be further action required. Scottish Water 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.

Waste Water Capacity Assessment

- ▶ 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-Domestic 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 5kg 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,

Ruth Kerr.

Development Services Analyst

PlanningConsultations@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: Largue, Ross
Sent: 27 June 2023 15:12
To: Environment Reception
Subject: RE: 23/00514/P-Mr David Taylor - Planning Consultation

Good afternoon,

Waste Services have no objection to this however all waste and recycling containers would need to be presented for collection on the A199 alongside the existing dwellings containers.

Thanks

Ross Largue
Team Manager
Waste Services
East Lothian Council

Tel : 01620 827271

[REDACTED]

Waste Services
Kinwegar Depot & Transfer Station,
A199 Haddington Road,
Wallyford,
East Lothian,
EH21 8JU

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

From: Environment Reception <environment@eastlothian.gov.uk>
Sent: 27 June 2023 13:59
To: Largue, Ross [REDACTED]
Subject: 23/00514/P-Mr David Taylor - Planning Consultation

Please see attached document in relation to the following application: Change of use of gypsy/traveller pitches for the erection of 1 house and associated works at Land At Muirpark Steadings Tranent East Lothian

NHS Coronavirus Information

[https://intranet.eastlothian.gov.uk/multimedia/1624/1624_250x83.jpg]

App No. 23/00514/P

**EAST LoTHIAN COUNCIL
DECISION NOTICE**

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

**Miss Paris McCallum
c/o QB Wood Architects
Per Billyana Dacheva
Station Masters Office
Station Road
South Queensferry
EH30 9JP**

APPLICANT: Miss Paris McCallum

With reference to your application registered on 30th May 2023 for planning permission under the above mentioned Acts and Regulations for the following development, viz:-

**Change of use of gypsy/traveller pitches for the erection of 1 house and associated works
at
Land At Muirpark Steadings
Tranent
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** for the said development.

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

- 1 The erection of a house on the application site would be new build housing development in the countryside of East Lothian on land which is not allocated for housing development, does not reuse a redundant or unused building, and 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 Policy 17 of NPF4 and Policies DC1 and DC4 of the adopted East Lothian Local Development Plan 2018 and Government policy guidance regarding the control of new housing development in the countryside expounded in Scottish Planning Policy: June 2014.

- 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 an appropriate use of a historic environment asset or 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>
23029-E01	A	18.05.2023
23029-E02	A	18.05.2023
23029-P01	C	30.05.2023
23029-P02	D	08.08.2023
23029-P03	C	08.08.2023

6th September 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.

ELLDP 2018

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.

Policy DC3: Replacement Dwellings in the Countryside

Proposals for replacement dwellings in the countryside will be supported in principle where they would: x

- (i) be a like for like replacement of a dwelling recently rendered uninhabitable by unforeseen circumstances, such as a demonstrable and accidental fire, provided there is compelling evidence that the loss of the original habitable dwelling was recent and that it benefited from lawful use as a dwelling immediately prior to the loss; or
- (ii) replace an existing dwelling with lawful use rights as such (not the plot of a previous, now demolished house) that the Council accepts that due to the construction of the building it is incapable of retention for habitation and that all reasonable efforts have been made to maintain the building.

Applicants must submit credible evidence at the time of the planning application to demonstrate compliance with this policy as relevant. Any replacement dwelling must be similar in size, scale and massing to the original and would be of an appropriate character for its location.

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) (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.

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

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.

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 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 places and buildings that respect and complement the sites 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.

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.

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.

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.

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

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

Policy 9

a) Development proposals that will result in the sustainable reuse of brownfield land including vacant and derelict land and buildings, whether permanent or temporary, will be supported. In determining whether the reuse is sustainable, the biodiversity value of brownfield land which has naturalised should be taken into account.

b) Proposals on greenfield sites will not be supported unless the site has been allocated for development or the proposal is explicitly supported by policies in the LDP.

c) Where land is known or suspected to be unstable or contaminated, development proposals will demonstrate that the land is, or can be made, safe and suitable for the proposed new use.

d) Development proposals for the reuse of existing buildings will be supported, taking into account their suitability for conversion to other uses. Given the need to conserve embodied energy, demolition will be regarded as the least preferred option.

Policy impact:

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

Key policy connections:

- Tackling the climate and nature crises
- Climate mitigation and adaptation
- Historic assets and places
- Zero waste
- Design, quality and place
- Local Living and 20 minute neighbourhoods
- Infrastructure first
- Quality homes
- Rural homes
- Blue and green infrastructure

- Play, recreation and sport
- Health and safety
- Business and industry
- City, town, local and commercial centres
- Rural development
- Culture and creativity

Policy 13

a) Proposals to improve, enhance or provide active travel infrastructure, public transport infrastructure or multi-modal hubs will be supported. This includes proposals:

i. for electric vehicle charging infrastructure and electric vehicle forecourts, especially where fuelled by renewable energy.

ii. which support a mode shift of freight from road to more sustainable modes, including last-mile delivery.

iii. that build in resilience to the effects of climate change and where appropriate incorporate blue and green infrastructure and nature rich habitats (such as natural planting or water systems).

b) Development proposals will be supported where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies and where appropriate they:

i. Provide direct, easy, segregated and safe links to local facilities via walking, wheeling and cycling networks before occupation;

ii. Will be accessible by public transport, ideally supporting the use of existing services;

iii. Integrate transport modes;

iv. Provide low or zero-emission vehicle and cycle charging points in safe and convenient locations, in alignment with building standards;

v. Supply safe, secure and convenient cycle parking to meet the needs of users and which is more conveniently located than car parking;

vi. Are designed to incorporate safety measures including safe crossings for walking and wheeling and reducing the number and speed of vehicles;

vii. Have taken into account, at the earliest stage of design, the transport needs of diverse groups including users with protected characteristics to ensure the safety, ease and needs of all users; and

viii. Adequately mitigate any impact on local public access routes.

c) Where a development proposal will generate a significant increase in the number of person trips, a transport assessment will be required to be undertaken in accordance with the relevant guidance.

d) Development proposals for significant travel generating uses will not be supported in locations which would increase reliance on the private car, taking into account the specific characteristics of the area.

e) Development proposals which are ambitious in terms of low/no car parking will be supported, particularly in urban locations that are well-served by sustainable transport modes and where they do not create barriers to access by disabled people.

f) Development proposals for significant travel generating uses, or smaller-scale developments where it is important to monitor travel patterns resulting from the development, will only be supported if they are accompanied by a Travel Plan with supporting planning conditions/obligations. Travel plans should set out clear arrangements for delivering against targets, as well as monitoring and evaluation.

g) Development proposals that have the potential to affect the operation and safety of the Strategic Transport Network will be fully assessed to determine their impact. Where it has been demonstrated that existing infrastructure does not have the capacity to accommodate a development without adverse impacts on safety or unacceptable impacts on operational performance, the cost of the mitigation measures required to ensure the continued safe and effective operation of the network should be met by the developer.

While new junctions on trunk roads are not normally acceptable, the case for a new junction will be considered by Transport Scotland where significant economic or regeneration benefits can be demonstrated. New junctions will only be considered if they are designed in accordance with relevant guidance and where there will be no adverse impact on road safety or operational performance.

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
- Design, quality and place
- Local Living and 20 minute neighbourhoods
- Infrastructure first
- Quality homes
- Rural homes
- Blue and green infrastructure
- Business and industry
- City, town, local and commercial centres
- Retail
- Rural development
- Tourism

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.

Policy 15

a) Development proposals will contribute to local living including, where relevant, 20 minute neighbourhoods. To establish this, consideration will be given to existing settlement pattern, and the level and quality of interconnectivity of the proposed development with the surrounding area, including local access to:

- sustainable modes of transport including local public transport and safe, high quality walking, wheeling and cycling networks;
- employment;
- shopping;
- health and social care facilities;
- childcare, schools and lifelong learning opportunities;
- playgrounds and informal play opportunities, parks, green streets and spaces, community gardens, opportunities for food growth and allotments, sport and recreation facilities;
- publicly accessible toilets;
- affordable and accessible housing options, ability to age in place and housing diversity.

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
- Sustainable transport
- Design, quality and place
- Infrastructure first
- Quality homes
- Blue and green infrastructure
- Play, recreation and sport
- Community wealth building

- City, town, local and commercial centres
- Retail

Policy 16

a) Development proposals for new homes on land allocated for housing in LDPs will be supported.

b) Development proposals that include 50 or more homes, and smaller developments if required by local policy or guidance, should be accompanied by a Statement of Community Benefit. The statement will explain the contribution of the proposed development to:

i. meeting local housing requirements, including affordable homes;

ii. providing or enhancing local infrastructure, facilities and services; and

iii. improving the residential amenity of the surrounding area.

c) Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include:

i. self-provided homes;

ii. accessible, adaptable and wheelchair accessible homes;

iii. build to rent;

iv. affordable homes;

v. a range of size of homes such as those for larger families;

vi. homes for older people, including supported accommodation, care homes and sheltered housing;

vii. homes for people undertaking further and higher education; and

viii. homes for other specialist groups such as service personnel.

d) Development proposals for public or private, permanent or temporary, Gypsy/Travellers sites and family yards and Travelling Showpeople yards, including on land not specifically allocated for this

use in the LDP, should be supported where a need is identified and the proposal is otherwise consistent with the plan spatial strategy and other relevant policies, including human rights and equality.

e) Development proposals for new homes will be supported where they make provision for affordable homes to meet an identified need. Proposals for market homes will only be supported where the contribution to the provision of affordable homes on a site will be at least 25% of the total number of homes, unless the LDP sets out locations or circumstances where:

- i. a higher contribution is justified by evidence of need, or
- ii. a lower contribution is justified, for example, by evidence of impact on viability, where proposals are small in scale, or to incentivise particular types of homes that are needed to diversify the supply, such as self-build or wheelchair accessible homes.

The contribution is to be provided in accordance with local policy or guidance.

f) Development proposals for new homes on land not allocated for housing in the LDP will only be supported in limited circumstances where:

- i. the proposal is supported by an agreed timescale for build-out; and
- ii. the proposal is otherwise consistent with the plan spatial strategy and other relevant policies including local living and 20 minute neighbourhoods;

iii. and either:

- delivery of sites is happening earlier than identified in the deliverable housing land pipeline. This will be determined by reference to two consecutive years of the Housing Land Audit evidencing substantial delivery earlier than pipeline timescales and that general trend being sustained; or
- the proposal is consistent with policy on rural homes; or
- the proposal is for smaller scale opportunities within an existing settlement boundary; or

- the proposal is for the delivery of less than 50 affordable homes as part of a local authority supported affordable housing plan.

g) Householder development proposals will be supported where they:

i. do not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design and materials; and

ii. do not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking.

h) Householder development proposals that provide adaptations in response to risks from a changing climate, or relating to people with health conditions that lead to particular accommodation needs 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
- Green belts
- Brownfield, vacant and derelict land and empty buildings
- Sustainable transport
- Design, quality and place
- Local Living and 20 minute neighbourhoods
- Infrastructure first
- Heat and cooling
- Blue and green infrastructure
- Play, recreation and sport
- Rural homes
- Health and safety

- City, town, local and commercial centres

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.

- 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.

Conditions:

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

Reason:

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

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

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

- a. the position within the application site of all elements of the proposed development and position of adjoining land and buildings;
- b. finished ground and floor levels of the development relative to existing ground levels of the site and of adjoining land and building(s).

The levels shall be shown in relation to an Ordnance Bench Mark or Temporary Bench Mark from which the Planning Authority can take measurements and shall be shown on the drawing; and c. the ridge height of the proposed house and garage shown in relation to the finished ground and floor levels on the site.

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

3. A schedule and/or samples of all of the external finishing materials and finishing colours to be used in the external finishes of the house and garage hereby approved shall be submitted to and approved in writing by the Planning Authority prior to their use in the development. Thereafter, the external finishing materials and colours used shall accord with the schedule and samples so approved.

Reason: To ensure the satisfactory appearance

4. Prior to the occupation of the house hereby approved the vehicular access, turning and parking arrangements shall be laid out and made available for use, as shown in docketed drawing no. 23029-PO1 rev C and thereafter the access, turning and parking areas shall be retained for such uses, unless otherwise approved in writing by the Planning Authority.

Reason: To ensure the provision of an acceptable standard of vehicular access, turning and parking in the interests of road safety.

5. Prior to the commencement of development a scheme of intrusive investigations shall be carried out on site to establish the risks posed to the development by past shallow coal mining activity. All remedial stabilisation works and/or mitigation measures to address land instability arising from shallow coal mining legacy shall be implemented on site in full in order to ensure that the site is made safe and stable for the development proposed. All remedial works shall be carried out in accordance with authoritative UK guidance.

Prior to the occupation of the development, or it being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site has been made safe and stable for the approved development shall be submitted to and approved in advance in writing by the Planning Authority in consultation with the Coal Authority. This document shall confirm the completion of the remedial works and any mitigating measures necessary to address the risks posed by past coal mining activity.

Reason

To ensure that adequate remediation of coal mining legacy on the site has been undertaken prior to the occupation of the flatted building hereby approved.

6. Prior to the commencement of development, to ensure that the site is clear of contamination, a Geo-Environmental Assessment shall be carried out and the following information shall be submitted to and approved by the Planning Authority:
 - o Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment.
 - o Phase II - Incorporating a site survey (ground investigation and sample analysis) and risk evaluation. It 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.
 - o Phase III - Where risks are identified, a Remediation Strategy should be produced detailing and quantifying any works which must be undertaken in order to reduce the risks to acceptable levels.

Should remedial works be required then, prior to any residential units being occupied, a Validation Report shall be submitted to and be approved by the Planning Authority 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.

Reason:

To ensure that the site is clear of contamination and that remediation works are acceptable prior to the occupation of the house hereby approved.

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 so approved.

Reason: To minimise the environmental impact of the development

8. Prior to the commencement of development , details of measures to protect and enhance biodiversity on the application site shall be submitted to and approved by the Planning Authority. The measures as so approved shall be implemented prior to any use being made of the agricultural building hereby approved and shall thereafter be retained, unless otherwise approved in writing by the Planning Authority.

Reason:

In the interests of protecting and enhancing biodiversity on the site and within the surrounding area.