

REVIEW DECISION NOTICE

Decision by East Lothian Local Review Body (the “**ELLRB**”)

Application for Review by Geddes Consulting acting on behalf of Mrs Sheila Crerar of Newmains Farm Farmhouse, Newmains, Dunbar decision to refuse Planning Permission in principle for the erection of 1 house and associated works at Land to south west of Newmains, Stenton, Dunbar, East Lothian.

Site Address: Land to south west of Newmains, Stenton, Dunbar, East Lothian

Application Ref: 21/01073/PP

Application Drawing: Please refer to the Drawings/Plans detailed at 3.1 (i)

Date of Review Decision Notice: 6 March 2024

Decision

The ELLRB unanimously agreed to support the appeal and grant Planning Permission in principle for the erection of 1 house and associated works at Land to south west of Newmains, Stenton, Dunbar, East Lothian for the reasons more particularly set out below.

This Notice constitutes the formal decision notice of the Local Review Body as required by the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

1. Introduction

The above application for Planning Permission in principle was considered by the ELLRB, at a meeting held on Thursday, 18 January 2024. The Review Body was constituted by Councillor C Yorkson (Chair), Councillor D Collins and Councillor L Allen. All three members of the ELLRB had attended a site visit in respect of this application prior to the meeting.

1.1. The following persons were also present at the meeting of the ELLRB:-

Mr M Mackowiak, Planning Adviser to the LRB

Mr C Grilli, Legal Adviser to the LRB

Ms F Currie, Clerk

2. Proposal

- 2.1. The planning application is for review of decision to refuse Planning Permission in principle for the erection of 1 house and associated works at Land to south west of Newmains, Stenton, Dunbar, East Lothian
- 2.2. The planning application was registered on 20th August 2021 and the Decision Notice refusing the application is dated 21 June 2023.
- 2.3. The reasons for refusal are more particularly set out in full in the said Decision Notice dated 21 June 2023. The reason(s) for refusal are/is set out as follows:
1. *The erection of a house on the application site would result in the loss of prime agricultural land and would be new build housing development in the countryside of East Lothian for which a need to meet the requirements of the operation of an agricultural, horticultural, forestry, countryside recreation, or other business, leisure or tourism use has not been demonstrated, and which is not proposed as affordable housing development of an existing rural settlement. The proposal is therefore contrary to Policies 5, 17 and 29 of National Planning Framework 4 and DC1 and DC4 of the adopted East Lothian Local Development Plan 2018.*
 2. *The erection of a house on the application site would be new build housing development in the countryside of East Lothian for which a desirable primary use supported in principle by criterion b of Policy DC1 and with benefits that outweigh the normal presumption against new build housing in the countryside has not been demonstrated; and which is not promoted to fund the restoration of a listed building, building of recognised heritage value or significant designated feature of the built or natural environment, the retention of which is desirable. The proposal is therefore contrary to Policy DC5 of the adopted East Lothian Local Development Plan 2018.*
- 2.4. The notice of review is dated 8 September 2023.

3. Preliminaries

- 3.1. The ELLRB members were provided with copies of the following:-

i.	<p>The drawings accompanying this application are referenced and numbered as follows:</p> <table border="1"> <thead> <tr> <th><u>Drawing No.</u></th> <th><u>Revision No.</u></th> <th><u>Date Received</u></th> </tr> </thead> <tbody> <tr> <td>DS127(PA2)001</td> <td>-</td> <td>17.08.2021</td> </tr> <tr> <td>DS127(PA2)002</td> <td>-</td> <td>17.08.2021</td> </tr> <tr> <td>DS127(PA2)004</td> <td>-</td> <td>06.09.2021</td> </tr> <tr> <td>DS127(PA2)005</td> <td>-</td> <td>06.09.2021</td> </tr> <tr> <td>DS127(PA2)006</td> <td>-</td> <td>01.10.2021</td> </tr> </tbody> </table>	<u>Drawing No.</u>	<u>Revision No.</u>	<u>Date Received</u>	DS127(PA2)001	-	17.08.2021	DS127(PA2)002	-	17.08.2021	DS127(PA2)004	-	06.09.2021	DS127(PA2)005	-	06.09.2021	DS127(PA2)006	-	01.10.2021
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ii.	The Application for planning permission in principle registered on 20 August 2021																		
iii.	The Appointed Officer's Submission																		

iv.	<p>Policies relevant to the determination of the application:</p> <p>National Planning Framework 4 Policies:</p> <ul style="list-style-type: none"> - 1 (Tackling the climate and nature crises), - 2 (Climate mitigation and adaptation), - 3 (Biodiversity), - 4 (Natural places), - 5 (Soils), - 7 (Historic assets and places), - 14 (Design, quality and place), - 17 (Rural Homes), - 22 (Flood risk and water management) and - 29 (Rural development) <p>The adopted East Lothian Local Development Plan 2018:</p> <ul style="list-style-type: none"> - Policies DC1 (Rural Diversification), - DC4 (New Build Housing in the Countryside), - DC5 (Housing as Enabling Development), - DC9 (Special Landscape Areas), - CH4 (Scheduled Monuments and Archaeological Sites), - CH6 (Gardens and Designed Landscapes), - DP2 (Design), - T1 (Development Location and Accessibility), - T2 (General Transport Impact), - NH3 (Protection of Local Sites and Areas), - NH7 (Protecting Soils) and - OS2 (Change of Use to Garden Ground) <p>In addition the following are also relevant to the determination of the application, namely:-</p> <ul style="list-style-type: none"> - Supplementary Planning Guidance on Special Landscape Areas and Countryside and Coast - Planning Advice Note 72: Housing in the Countryside
v.	<p>Notice of Review dated 8 September 2023 together with Applicant's Submission with supporting statement and associated documents.</p>

4. **Findings and Conclusions**

- 4.1. The ELLRB confirmed that the application for a review of the planning application permitted them to consider the application afresh and it was open to them to grant it in its entirety, grant it subject to conditions or to refuse it. They confirmed that they had access to the planning file in respect of this matter and to all the information that the Appointed Officer had available when reaching the original decision to grant planning permission subject to conditions, including all drawings and copies of all representations and objections received in respect of the original application. They also confirmed they had received and reviewed the Applicant's Submission and further representations made in connection within this appeal before the ELLRB today.

- 4.2. The Members then asked the Planning Adviser to summarise the planning policy position in respect of this matter. The Planning Adviser advised that the planning application relates to a review of the decision on application seeking planning permission in principle for the erection of 1 house and associated works. He confirmed that the application site consists of an irregular shaped area of land, measuring approx. 2000sqm. The site is located in the countryside on the south side of the U179 public road. The site is some 65 metres to the west of the agricultural buildings of Newmains and some 580 metres to the southwest of the residential properties of the former Newmains Steading, including Newmains Farmhouse which is occupied by the applicants. The application site is some 2 miles to the southwest of the village of Stenton and some 1 mile to the east of the village of Garvald. The application site is part of larger grassed agricultural fields that are part of the agricultural unit of Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'. This agricultural business comprises of two farms: Ruchlaw West Mains and Newmains, and is a mixed livestock and arable holding, with a total area of some 166 hectares of land. The case officer's report accurately described the application site and its surroundings including landscape and natural features that are present in the locality.

The proposed house is sought as living accommodation in association with the operation of the existing agricultural business that operates from Newmains, which alongside further land at Ruchlaw West Mains, is operated by the applicant under the sole trader name of 'Newmains Farm'. An indicative layout plan for the proposed development was submitted with the application to show how a house and associated vehicular access, driveway, parking and hardstanding areas could be accommodated on the application site.

This application is one of two applications for planning permission in principle submitted by the applicant, 'Newmains Farm' to provide residential accommodation for two agricultural workers in association with the agricultural business of 'Newmains Farm'. The second application for planning permission in principle (Ref. 21/01072/PP) sought planning permission for the principle of the erection of one house on land at Ruchlaw West Mains of the agricultural business of 'Newmains Farm'. It should be noted that planning permission was granted for this second application in June last year.

The report of handing confirms that a Design Statement prepared by the applicant's agent and further supporting statement prepared by SAC Consulting (SRUC) were submitted with this application. Also submitted with the application on a confidential basis were two personal statements from the Applicant, Profit and Loss Accounts, a labour requirement assessment, a confidential Operational Needs Assessment, and a farm review scheme assessment dated 2010.

The Planning Adviser confirmed that in her report the case officer summarised key points included in the Design Statement, namely that:

- 1) the applicants Mr Paddy and Mrs Sheila Crerar, have lived in their family home at Newmains for some two decades and that the house does not belong to the farm business.
- 2) they purchased the land at Newmains approximately 12 years ago and some 10 years ago they purchased land at Ruchlaw West Mains. No houses were purchased with either parcel of land.
- 3) the applicants have expanded the business over the last 10 years and that the business has been managed by the applicants with occasional assistance from their children and

with arable work out-sourced to contractors. The statement explained that the applicant's children are now pursuing further education and careers outwith the farm, and that other than the applicants there are no employees on the farm. The applicants also have other employment outwith the farm business.

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

The Design Statement, together with the labour requirement assessment and confidential Operational Needs Assessment, conclude that the agricultural business of 'Newmains Farm' has a requirement of 4.2 labour units for the management of the deer, cattle and arable enterprises of 'Newmains Farm'. The further statement from SAC Consulting explains that following changes in the availability of family assistance and for health and safety reasons, and due to their age and physical abilities, the applicants wish to limit their involvement in the undertaking of manual farm operations but are fully committed to managing the farm. This supporting statement finds that the existing farm operations have a justification for two full-time employees who would take over the work currently undertaken by the applicants, Paddy and Sheila Crerar. The applicants' would continue to manage the administrative duties of the farm but would no longer undertake the physical day-to-day work. The statement goes on to explain that due to the remote location, especially during inclement weather and the requirements for animal husbandry duties, the two workers would require to live on the site in order to manage the animal husbandry duties.

The Planning Adviser confirmed that the case officer's report confirms that no public representations to the application were received and that Dunpender Community Council were consulted on the application however no response was received from them. The case officer's report also states that no consultees objected to the Application. All the responses received to this application were summarised and were included in the report of handling.

The Planning Adviser then set out the policies relevant to this application, all as referred to in 3.1 (iii) above. He then noted that the case officer confirmed that Policy DC4 (New Build Housing in the Countryside) of the adopted LDP is most relevant to the determination of this application. This policy sets out specific criteria for the erection of new build housing in the countryside whereby such development will only be supported where there is no existing house or no appropriate existing building suitable for conversion to a house is available in the locality and:

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

Criterion (ii) is not applicable to the current proposal.

The Planning Adviser then further confirmed that in accord with Policy DC4 of the adopted LDP, the Planning Officer sought the advice of the Council's independent agricultural and rural advisor (Laurence Gould) on the conclusions reached in the Newmains Operational Needs Assessment. The case officer's report thoroughly summarised that advice with its main points being that:

- there is a clear need for a livestock business of this nature to have access to on-site accommodation and thus there is a direct operational justification of need for a person to live on site in support of the business.
- the level of livestock in the business will be labour intensive. However, the Agricultural and Rural Advisor disagrees with the labour requirement calculations submitted with the application, finding them outdated. His assessment of the information provided is that there is a labour requirement for two labour units and that the applicants together would comprise one of those labour units.
- based on the financial information provided with the application, the business is not sufficiently financially robust and could not support the employment of two additional agricultural workers and the associated costs of housing. The rural advisor was of the opinion that a business of this size and complexity and with this level of livestock, could support one additional agricultural worker, and that although this would add pressure on the business and reduce profits, the business, if operated effectively, should still be capable of returning a reasonable profit taking into account the costs involved with one new agricultural worker and associated house.
- From this assessment of the information provided with the application, the rural advisor found that the existing agricultural business demonstrates that there is a need for an on-site presence for the management and well-being of the livestock, and the requirement for a total of two labour units, and that the applicants' together would comprise one of those labour units. Thus although there is a need for two houses to support the existing business, the applicants' existing house is considered to be one of those houses and the applicants, who would remain involved in the agricultural business, would comprise one of the labour units.
- Notwithstanding that the applicants advised that their existing house is not an asset of the agricultural business of 'Newmains Farm' they have nonetheless been operating that agricultural business from their house for some 12 years. Accordingly, the Council's rural consultant advised that there is justification for only one additional house and therefore that justification for only one of the new houses proposed through this application (Ref. 21/01073/PP) and through application Ref. 21/01072/PP has been demonstrated. It was already noted that application Ref. 21/01072/PP has already been granted planning permission in 2023

The case officer conducted a detailed planning assessment of the proposal and concluded that the principle of the development of one house on the application site is in principle contrary to Policies 5 (Soils), 17 (Rural Homes) and 29 (Rural Development) of NPF4 and Policies DC1, DC4 (New Build Housing in the Countryside) and DC5 (Housing as Enabling Development) of the adopted East Lothian Local Development Plan 2018.

The Planning Adviser then referred to the detailed submission from the appellants agent and summarised the terms of the appellant's submission. The submission states that the appellant operates a farm business on two separate land holdings – Newmains (343 acres) and Ruchlaw West Mains Farm (108 acres). It is a livestock and arable business with significant demands on manual labour to undertake the physical work associated with its animal husbandry throughout the farming calendar. Work on the farm requires at least two workers at all times to undertake all the farming activities throughout the seasons. These

demands are exacerbated by the need to comply with health and safety requirements, and physically demanding labour and farming operations spread across the two separate landholdings and farm buildings located on both farms. The Appellant and her husband are not fully physically active farmers due to past injuries and bad experiences with cattle and deer. As such, whilst remaining fully committed to the farm business, they can only undertake a restricted range of duties on the farms and cannot participate in the heavy manual work on the Farm. The advice from the Appellant's agricultural advisor is that a hands-on farm manager, working with an additional farm labourer are required to assist and undertake all manual duties on this Farm. This conclusion is based on an operational needs assessment by the Appellant's agricultural advisor SAC. This assessment fully justified the need for two homes for these workers.

There are no buildings on the farms which can be converted to new accommodation for these two workers.

The Planning Adviser advised that the Appellant's statement includes a critique and rebuttal of the report received from the council's agricultural and rural advisor. The appellant's statement sets out requirement for two additional homes on the farm to accommodate these two workers and enable the Appellant and her husband continuing to occupy Newmains House. The Appellant's home is required to accommodate the assistance provided by the Appellant and her husband and is not available for another farm worker. The Appellant's home is also not linked to either land holding.

The Appellant's submission highlights the fact that their home was purchased as a dwelling house within the Newmains Steading and argued that this cannot be ignored in the current planning determination. The Appellant's home was not purchased as a farmhouse associated with and linked to any of its two agricultural land holdings and is therefore not available to be occupied by a farm worker. In any case, it will continue to be occupied by the Appellant and her husband to manage the farm business.

The Planning Adviser then continued summarising the Appellant's submission confirming that in said submission the Appellant confirmed that she and her husband are willing to fund the construction costs of the two new farm cottages, budgeted at £700,000 from other sources and not via the farm business. The current farm viability is therefore not impacted by this investment. Laurence Gould concluded in their final response to the Council (PA 1.06o) that this investment decision ... is not commercial and by definition the viability test is not met. Again, the advice to the Council should have focused on the real issue - whether the building of the two new homes would have an adverse impact of the business at Newmains Farm. This investment by the Appellant and her husband confirms that there is no adverse impact on the viability of the farming business. Finally, the appellant's submission highlights that there were some inaccuracies in the Officer Report. Namely that it includes the incorrect reference to the Appeal Site being Prime Agricultural Land and, more importantly, the legal status of Appellant's home being the farmhouse for Newmains Farm. The Planning Adviser confirmed that the case officer's report correctly identifies the site as Class 3.2 agricultural land but incorrectly refers to it as being prime agricultural land. The site is identified as Class 3.2 land by the James Hutton Institute Land Capability for Agriculture mapping and since prime agricultural land is only up to class 3.1 the Site is not Prime Agricultural Land.

The Planning Adviser then reviewed the agents suggestion that the report includes an incorrect reference to the legal status of Appellant's home being the farmhouse for Newmains Farm and confirmed that the report states as follows "Notwithstanding that the applicants advise that their existing house is not an asset of the agricultural business of 'Newmains Farm' they have nonetheless been operating that agricultural business from

their house for some 12 years.” The Planning Adviser confirmed his view that this is a statement of fact. Also within the officer report there are references to this particular house being occupied by the applicants for some two decades and that it does not belong to the farm business. Nevertheless the appellants submission highlights that Newmains House was purchased as an independent residential home within Newmains Steading. Laurence Gould advises that the family home functions as a farmhouse because the Appellant and her husband operate the farm. This is not disputed on an interim basis but this is not the case permanently. However, Laurence Gould advises the Council that the family home is available to accommodate a new worker if the family move to another home. This would imply that the Appellant must leave their property and simply hand it over to a farm worker (on a rental basis) with no income from its sale to purchase another home. The agent states that Laurence Gould has failed to consider that the Appellant and her husband will continue to live in the property to help with the administration of the farm business and other light manual duties. Newmains House is not available to accommodate a new worker.

- 4.3. Members then asked questions of the Planning Adviser and in response to questions the Planning Adviser confirmed that the applicant would accept a condition that the proposed property was part of the business, and that the other property which had already received permission on the site while not part of this application was situated approximately three (3) kilometres from this property.
- 4.4. The Chair asked his colleagues if they had sufficient information to proceed to determine the application today and they unanimously agreed to proceed. Comments on the application followed.
- 4.5. Councillor Collins stated that this was a difficult application with two properties being developed on the site one of which has already been granted. Councillor Collins considered the hours and days that would be required to work with the livestock and following her own calculations supported the calculations set out by the applicant. She acknowledged that the proposed site for the building was not prime agricultural land and proposal would be beneficial for animal welfare. She further commented that in her view this application met the requirements of NPF4 insofar as applies to agriculture and would deliver two jobs through the operation of the farm. Accordingly, she was minded to support the application and uphold the appeal and grant planning permission in principle subject to conditions set out by the planning case officer and in particular that the building was conditioned to remain part of the farm business.
- 4.6. Councillor Allen noted and was thankful of Councillor Collin’s comments given she was a farmer. She had listened to Councillor Collins comments and agreed with these further she had been re-assured that the applicant was prepared to accept condition that the site would remain with the farm business. Accordingly on this basis she was minded to support the application and grant planning permission in principle subject to conditions set out by the planning case officer.
- 4.7. The Chair stated that he had originally been concerned that the site may not be conditioned to be part of the farm business and if this were not the case then there would have been potential for further applications to come forward for unrelated housing. He commented that subject to conditions suggested by the planning case officer he was also minded to support the application and grant planning permission in principle.

Accordingly, the ELLRB unanimously agreed to support the appeal for the reasons set out within this decision notice and grant planning permission in principle subject to the following conditions.

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

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

- 2) Notwithstanding the submitted indicative drawings, and for avoidance of doubt, the indicative design proposal plans submitted as part of this Planning Permission in Principle application do not represent an approved scheme and all matters are reserved. The submission for approval of matters specified in conditions of this grant of planning permission in principle in accordance with the timescales and other limitations in section 59 of the Town and Country Planning (Scotland) Act 1997 (as amended) shall include details of the siting, design and external appearance of the house, the existing and finished site and floor levels in relation to Ordnance Datum, the details of waste management and recycling facilities, the details of surface water management, drainage arrangements, and SUDS proposals, the hard and soft landscaping of the site, the means of access to it and the means of any enclosure of the boundaries of the site and those details shall accord with the following principles of development for the site: a. The house shall be designed with a pitched roof(s) and such roof(s) shall be clad with natural slates or natural red clay pantiles, or a mix of natural slates and natural clay pantiles, with any pantiles being kept to lower sections of roof; b. The external walls of the house shall be finished either wholly with natural local red sandstone, or a combination of natural local red sandstone and a wet dash or textured render. Any render used shall not be a white or pale coloured render; c. The house shall be designed to complement the existing local traditional architectural vernacular, character and appearance of neighbouring and nearby buildings, and shall include traditional components and styles of design; d. The house shall be designed so that areas of glazing are generally of a traditional size and scale and so that any such glazing and, if relevant, any photovoltaic panels are positioned to minimise their visual impact in views of the site; e. The house shall be provided with parking spaces within the curtilage of the house at a rate of 150% for a house of 5 habitable rooms or fewer (minimum 2 spaces), or 225% for a house of 6 or more habitable rooms, formed either as a driveway or accessed from a driveway, and those parking spaces shall each have minimum dimensions of 2.5 metres by 5 metres, and sufficient on-site turning and manoeuvring space shall be provided to enable a vehicle to enter and leave the public road in a forward gear; f. The provision of visibility splays measuring 2 metres by 120 metres to each side of the junction of the vehicular access road with the U179 public road; g. A minimum of the first 2 metres of the vehicular access road measured back from its junction with the U179 public road and for its full width shall be hard-formed across its full width; h. The means of enclosing the boundaries of the site shall be shown and the house shall not be occupied until the approved means of enclosure has been erected or planted; and i. A scheme of landscaping for the site. No part of the development hereby approved shall be begun on the site until all of the above details have been submitted to and approved in writing by the Planning Authority. The development shall be carried out in accordance with the details so approved.

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

- 3) Prior to the commencement of the development hereby approved on the site, a suitable Geo-Environmental Assessment of the site shall be carried out, and the findings report of that assessment shall be submitted to and approved in advance in writing by the Planning Authority. The scheme shall include details of the following: - Phase I - A preliminary investigation incorporating a desk study, site reconnaissance, development of a conceptual model and an initial risk assessment. - Phase II - A site survey (ground investigation, gas monitoring, and sample analysis) and risk evaluation. This phase is required if the Phase I investigation has indicated that the site is potentially contaminated and the degree and nature of the contamination warrants further investigation. The Phase II investigation shall include survey of the extent, scale and nature of contamination, and reporting on the appropriate risk assessment(s) carried out with regards to Human Health, the Water Environment and Gas Characteristic Situation as well as an updated conceptual model of the site, and an appraisal of the remediation methods available and proposal of the preferred option(s). - Phase III - Where risks are identified, a Remediation Strategy shall be produced detailing and quantifying any works which must be undertaken in order to reduce the 89 risks to acceptable levels, and make the site suitable for the proposed use. The Remediation Strategy shall detail all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. It shall also ensure that the site will not qualify as contaminated land under Part2A of the Environmental Protection Act 1990 in relation to the intended use of the land following development. The Remediation Strategy shall be submitted to and approved in advance in writing by the Planning Authority. The Desk Study and Ground Investigation shall be undertaken by suitably qualified, experienced and competent persons and shall be conducted in accordance with the Environment Agency's Contaminated Land Report 11, Model Procedures for the Management of Land Contamination, CLR11. Should remedial works be required then, prior to the site being occupied, a Validation Report shall be submitted to the Planning Authority for approval confirming that the works have been carried out in accordance with the Remediation Strategy. The presence of any previously unsuspected or unforeseen contamination that becomes evident during the development of the site shall be brought to the attention of the Planning Authority. At this stage, further investigations may have to be carried out to determine if any additional remedial measures are required. Before the proposed house hereby approved is occupied the measures to decontaminate the site shall be fully implemented as approved by the Planning Authority.

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

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

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

- 5) Prior to the commencement of the development hereby approved, details of wheel washing facilities to be installed on the site shall be submitted to and approved in advance in writing by the Planning Authority. The wheel washing facilities shall be provided and maintained in working order during the period of construction of the site. All vehicles must use the wheel washing facilities to prevent deleterious materials being carried onto the public road on vehicle tyres. 90 Thereafter, the Wheel Washing Facilities shall be implemented and complied with in accordance with the approved details for the period of construction of the development hereby

approved.

Reason: In the interests of road and pedestrian safety.

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

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

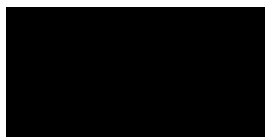
- 7) Prior to the commencement of development, a report on the actions to be taken to reduce the Carbon Emissions from the build and from the completed development shall be submitted to and approved in writing by the Planning Authority. This shall include the provision of renewable technology for all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

Reason: To minimise the environmental impact of the development.

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

Reason: In the interests of enhancing the biodiversity on the site

Planning Permission in principle is hereby granted.



Carlo Grilli
Legal Adviser to ELLRB

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Notification to be sent to applicant on determination by the planning authority of an application following a review conducted under Section 43A(8)**

Notice Under Regulation 21 of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008.

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.

- 2 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 V of the Town and Country Planning (Scotland) Act 1997.