



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

**TUESDAY 3 SEPTEMBER 2024  
COUNCIL CHAMBER, TOWN HOUSE, HADDINGTON  
& HYBRID MEETING FACILITY**

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**Committee Members Present:**

Councillor N Hampshire (Convener)  
Councillor L Allan  
Councillor C Cassini  
Councillor D Collins  
Councillor A Forrest  
Councillor N Gilbert  
Councillor S McIntosh  
Councillor K McLeod  
Councillor J McMillan  
Councillor C Yorkston

**Other Councillors Present:**

Councillor S Akhtar  
Councillor L Jardine

**Council Officials Present:**

Mr K Dingwall, Service Manager – Planning  
Ms E Taylor, Team Manager – Planning Delivery  
Ms J McLair, Planner  
Mr C Grilli, Service Manager – Governance  
Ms M Haddow, Transportation Planning Officer  
Mr S Cooper, Service Manager – Communications  
Ms J Newcombe, Biodiversity Officer  
Ms P Gray, Communications Adviser  
Mr J Canty, Transportation Planning Officer

**Clerk:**

Ms B Crichton

**Visitors Present/Addressing the Committee:**

Item 2: Mr J Grey, Mr A Black, Ms S Bolton, Ms J Jack, Mr N Kilkeny, Ms S Fletcher, and Ms L Shaw Stewart  
Item 3: Mr T Thomas

**Apologies:**

Councillor J Findlay  
Councillor C McGinn

**Declarations of Interest:**

Item 2 – Councillor Allan, due to having signed a petition in support of the proposals.

The clerk advised that the meeting was being held as a hybrid meeting, as provided for in legislation; that the meeting would be recorded and live streamed; and that it would be made available via the Council's website as a webcast, in order to allow public access to the democratic process in East Lothian. She noted that the Council was the data controller under the Data Protection Act 2018; that data collected as part of the recording would be retained in accordance with the Council's policy on record retention; and that the webcast of the meeting would be publicly available for six months from the date of the meeting.

The clerk recorded the attendance of Committee members by roll call.

**1. MINUTES FOR APPROVAL**  
**a. PLANNING COMMITTEE, 4 JUNE 2024**

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

**b. PLANNING COMMITTEE, 25 JUNE 2024**

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

*Sederunt: Councillor Allan left the meeting.*

**2. 24/00001/SGC: ENERGY CONSENTS UNIT (ECU) CONSULTATION: PROPOSED WINDFARM AND BATTERY ENERGY STORAGE SYSTEM ON LAND AT NEWLANDS HILL, EAST LOTHIAN COUNCIL'S RESPONSE**

A report had been submitted regarding the Council's proposed response to the above consultation by the Energy Consents Unit (ECU) on an application to them under the Electricity Act 1989, East Lothian Council planning online reference 24/00001/SGC. Keith Dingwall, Service Manager – Planning, spoke to the proposed response, highlighting the salient points. The report recommendation was to approve the proposed consultation response as outlined at Appendix 1 to the report, which objected to the proposals on five different grounds.

Officers responded to questions from Committee members. Mr Dingwall provided context to the national picture in terms of choosing strategic sites. While the application fell within National Planning Framework 4 (NPF4) National Development 3 Strategic Renewable Electricity Generation and Transmission Infrastructure, NPF4 policies did not specify location; therefore, Planning Authorities were required to assess each application on its own merits. Members would have to take into account NPF4's strong presumption in favour of the principle of renewable energy, but he highlighted that this location was not consistent with East Lothian Council's previously-undertaken Landscape Capacity Study.

James Grey spoke on behalf of the applicant, Belltown Power. He highlighted the application in the context of climate and nature emergencies, and Scotland's ambitious net zero targets; he asserted that there was clear need for projects in areas of high wind capacity, of which Newlands Hill was one. He highlighted the two years of pre-work, including site surveys, assessment, and consultation, and said that a pro-active approach to consultation had been taken. He also highlighted the lack of objections from other statutory consultees, and considered that consultations and engagement had demonstrated strong public support.

Continuing, Mr Grey addressed each of the five grounds for objections in turn. On Objection A, Landscape, he acknowledged that turbines at Newlands Hill would be more visible than other sites, but believed this to be in line with NPF4 policy, which recognised that the landscape would change and going forward, new wind development would inevitably be more visible. Turning to Objection B, which included comments from the Council's Heritage Officer, he highlighted Historic Environment Scotland's involvement in the pre-work and their lack of objection. On Objection C, concerning mountain hare conservation, he described the approach as proportionate, as having been adopted elsewhere as standard, and as being fully aligned with the legal protection afforded to mountain hares. It was felt that the ecological enhancements proposed would help to reverse the decline in mountain hare population. He also highlighted Nature Scot's lack of objection to the proposals. On Objection D, relating to green networks and core paths, he considered that policies had not been properly applied in the report, and noted that there had been no consideration of the 120 hectares of biodiversity and habitat mitigations proposed; however, he said Belltown Power recognised the strong views held regarding access to green networks and core paths, and would be open to discussion of potential enhancements and appropriately-worded conditions to enhance access and recreation. Regarding Objection E, he reaffirmed that all possible alternative routes to the site had been assessed and discounted, and provided further information. He described the proposed route from the north as being the best available route, which would justify the limited, temporary, and reversible impact to prime agricultural land. He advised that Belltown Power would also be happy to agree to a set of conditions which set out reinstatement and replanting obligations post construction. He concluded by highlighting various local, regional, and national benefits of the proposals, including: commitments to prioritising the local supply chain; two local community councils benefitting from a significant financial commitment; and a local ownership offering.

Representatives of Belltown Power answered questions from Committee members. Mr Grey advised that Belltown Power would be willing to take a collaborative approach to biodiversity commitments, and advised that they participated in the East Lammermuir Proposed Development Forum. Andy Black felt there had been a misunderstanding regarding hedgerow removal. The road would have to be expanded to bring large components to site, but this was only at discreet pinch points, and could be reinstated post-delivery.

Responding to further questions, Mr Grey acknowledged that there would be a visible impact on the East Lothian plain, but it was Belltown Power's position that the impact would be localised and therefore acceptable under NPF4. He also noted that projects would be required in more visible areas to accommodate the evolution of infrastructure required to double operational capacity. He outlined other projects Belltown Power had built and operated for 13 years. He also outlined the community benefits being offered by Belltown Power, including: an £5000/mW per annum to Gifford Community Council and Garvald and Morham Community Council, for use as an energy discount scheme and community benefit fund; and a pioneering community ownership scheme in which 1% of the project's equity would be given to the Association of Community Councils, and a further 4% at cost.

Mr Grey responded to further questions from Committee members. He advised that, despite the turbines' large size, the Landscape Visual Assessment indicated that the significant adverse impact of the windfarm would be localised to up to five kilometres from the site; although there would be a wider visual impact, this would not be to an extent that would be considered beyond a localised impact. He highlighted ownership constraints which had meant that other sites in the area would not have been viable. He advised that the front row of turbines had been reduced to improve issues of visual impact. He reiterated that NPF4 had changed visual impact expectations. He described Newlands Hill as being one of the best remaining available sites which had not already been developed across Scotland, England, and Wales.

Sharon Bolton spoke against the proposals. She advised she had lived at a farm near Garvald for 20 years, and gave an account of her own actions to mitigate climate change, including running a sustainable fashion business from her home; despite her various commitments to the climate emergency, she was against this development. She said she spoke on behalf of the many residents who would be impacted by the huge increase in traffic during the construction and site maintenance periods. She pointed out that the proposed access route for HGVs from East Linton to Newlands Hill was along 13 miles of an already well-used B-road network in varying states of repair, and she highlighted the various current groups of road users. She felt the width of the roads, in places at only two metres, was entirely unsuited to a constant flow of HGVs. She thought the single-carriageway road from Luggate to Morham, south of Traprain Law, would be irretrievably damaged by abnormal indivisible loads (AILs), and noted the archaeological potential of this area. She also highlighted that the two miles of new haul roads to be constructed at West Mains and Baro would disrupt historic field patterns and the distinctive rural character of the landscape. She felt that the huge cost of carving this route through unspoilt East Lothian countryside meant that it would be unlikely that the site would remain with only 17 turbines, particularly when it was being referred to as an 'energy hub'. She pointed out that East Lothian already hosted 300 turbines, and felt that the skyline was becoming industrialised. She suggested that the applicant speak with the residents of Innerwick to understand how destructive and divisive the industry was to the rural landscape and its communities. She referred to fashions in energy generation, and said the trend in onshore windfarms was being replaced by offshore windfarms; she felt that the precious asset of the Lammermuir Hills should be protected and should not be sold to private windfarm companies. She agreed that a more clearly defined national strategy for green energy production would help to direct this type of development more appropriately. She urged the Planning Committee to vote in support of the report's recommendations.

Jane Jack spoke against the proposals. She ran a family farm at Snawdon, which was adjacent to the site of the proposed turbines, and also farmed at Newlands Farm and Cranshaws Farm. She highlighted the scale of the turbines, which, at 200m, would be almost as high as the Queensferry Crossing towers, and considerably taller than the existing Lammermuir turbines. Their positioning on top of Newlands Hill would render them clearly visible from an extremely wide area of East Lothian and beyond, visible from much of her farm, and dominant on the landscape. She was also concerned about the noise level, the loss of dark sky due to the aviation lights, and the nighttime flicker from the rotating blades. She was also concerned that the seven households which received their water from two bore wells on the farm would suffer from a decrease in water quality and quantity, and from microplastic pollution from the breakdown of the turbine blades. She highlighted concerns about safety during construction and maintenance periods on the idyllic country roads, such as the B6355. She highlighted the large windfarms already sited on the Lammermuirs, and felt it was tragic to now consider developing and destroying the untouched central section with its uninterrupted skyline, which was popular with visitors. She pointed out that the development went against the East Lothian Landscape Report 2018, which concluded that it was essential to: retain the open landscape character of the Lammermuirs; preserve the key views; to maintain the skyline; and protect visually sensitive areas from the potential threat of windfarm development. She described her family as custodians of the special landscape for future generations, and described the visual impact of the proposals as devastating to the area.

Responding to a question from Councillor McMillan, Ms Jack advised that she had spoken with a shepherd at Priestlaw, which was nearby to a windfarm. He reported being able to hear the windfarm from his house, especially the clunking of the turbine breaks in periods of high winds.

Neville Kilkenny spoke against the proposals. He was a mycologist and worked as a consultant specialising in fungal ecology, and raised concerns about the proposed development's negative impact on biodiversity. He believed that the proposals failed to meet NPF4 guidance, in that support would only be given to proposals which would conserve, restore, and enhance

biodiversity, including nature networks, so they would be in a demonstrably better state than without intervention. He stated that the Environmental Impact Assessment (EIA) did not fully assess the biodiversity value of the development area or the AIL route, and noted that only low, minor, not significant, or negligible impacts had been identified. He commended the Biodiversity Officer's contribution to the report, and particularly their appraisal of the AIL route, and the effect of the development on mountain hare populations.

Continuing, Mr Kilkenny then referred to the Phase 1 Habitat and National Vegetation Classification (NVC) Survey carried out over the windfarm site in August 2022, and the assessment of the AIL route in April 2023. He quoted from the report to illustrate that ground flora had been notably sparse due to the late spring in 2023, thus making identification of species and of NVC communities challenging. He was concerned that relevant data was not available for the desk study of many taxon groups, and felt that further specialist surveys would have been appropriate. He was also concerned by specific taxonomic oversights within the list of protected notable plant species. He raised concern over a dubious recommendation for grassland habitat species enrichment contained within the outline Habitat Management and Enhancement Plan, and was also concerned that no fungal survey had been carried out at the development site. He pointed out that a survey had not been carried out in the areas identified as ancient woodland, and said the important continuity of ecosystems would be compromised even if they were ever reinstated after the 40-year lifespan of the windfarm. He asserted that new peat soil thresholds were urgently required to reveal the real impact of the proposed development. He pointed out that the grid connection for this development was inseparable from the proposals; he asserted that underground cabling would have a far greater environmental impact, despite an above-ground solution being considered to have an unacceptable visual impact. He considered that the International Treaty for the Conservation of Biodiversity must take precedence above any current planning policy. He also asserted that there was a responsibility to protect species as the climate changed, and some of the most vulnerable communities were those loyal to the upland and montane heath. He concluded that these communities must not be seen as expendable commodities as humans attempted to remediate the damage they had done on the planet.

Susie Fletcher made representation on behalf of East Lammermuir Community Council (ELCC). ELCC welcomed the report, and on surveying residents in and around Stenton, had found an even split between support for, and objection to, the development; however, they had found that 88% of respondents objected to the proposed construction traffic and access routes. She made comments on behalf of ELCC regarding traffic and visibility. On traffic, ELCC felt that the developers, contractors, and sub-contractors should be required to form and support a Community Traffic Liaison Group, including representatives from East Lammermuir, Dunpender, Gifford Community Council and Garvald and Morham Community Council, East Lothian Council, and BEAR Scotland. It was felt that this group should consider learning from the East Lammermuir Construction Traffic Group and the Lorries in Our Lane group, which sought to establish new baselines of good practice for construction traffic through learning from existing construction programmes. She stated that no construction traffic should move through Stenton village at any time, and ELCC felt that construction traffic access from the south must be explored further. On visibility, ELCC felt that the developers and relevant contractors should be required to join and work with the East Lammermuir Biodiversity Community Liaison Group, to ensure that the efforts made to mitigate impact and enhance the local area were in line with the group's 'summit to shore' vision for the local ecosystems. She disagreed with the assessment that the Lammermuir Ridge was the backdrop, rather than a focal point, of the Stenton Conservation Area. She advised that ELCC noted the near certainty of further electricity infrastructure-related developments in East Lammermuir, and she highlighted a map of the upcoming developments available online; ELCC were deeply concerned that the developments would do irreparable damage to the local area and communities. ELCC strongly supported the Council's recommendation that this proposal should be rejected, given the disproportionate number of developments the area had absorbed to support offshore generation and transfer of electricity to England.

Linda Shaw-Stewart made representation on behalf of Dunpender Community Council (DCC). She advised that DCC was in favour of alternative energy sources, but had specific reservations about this project, given the overdevelopment of the area, and the feeling that the development was surely surplus to requirements. She made comment relating to visual impact, construction traffic, and the absence of compensatory payments for Dunpender residents. On visual impact, DCC felt that the proposals appeared to entirely disregard the 2018 Landscape Report. She highlighted important features of the area, such as the hillfoot coastal plain area, Traprain Law, and the network of roads used for horse riding, cycling, and walking. She noted the overpowering effect of the enormous turbines on the views across the county, and their invasive flicker-effect lighting. On construction traffic, DCC wanted to highlight the proposals' devastating impact on local roads, which already had to cope with agricultural traffic. Ms Shaw-Stewart also noted that there was no timeframe for restoring the damage caused to roads, and said previous windfarm projects had left permanent scars across the small roads into the hills. It was felt that a strict timescale of one year should be imposed if the project was to go ahead, enforced by a road bond held by the Council. On the absence of compensatory payments for Dunpender residents, she reported that those who lived near the transportation route felt abandoned, despite being deeply affected by the project; it was therefore felt that the compensation scheme should be widened, and that DCC should have greater interaction with the developers on this matter. It was also felt that the local liaison staff should be properly compensated. She emphasised that DCC asked the Planning Committee to reject the application, and felt that the area had already accommodated its share of green energy projects.

Councillor Jardine indicated that although she lived in the Dunpender Ward, which would be impacted, she sought to comment as impartially as she could on the proposals. She had called the application in because there were a significant number of supporters and objectors to the proposals, and was mindful that the very public campaign against the proposals may have deterred people who may have wished to speak in support. Although the decision on the application would be determined by the ECU, she felt the Council must take forward community views and consider its own responsibilities for strategic development; she commented that energy and climate concerns had overtaken the current Local Development Plan (LDP) 2018. She commented that the community were largely supportive of renewables and alternative energy sources, but wanted to be taken with the developers; she felt it was important that Councillors considered this in their evaluations. She would not declare a position for or against the development, but had wanted to ensure that proper consideration was given to the response.

Councillor Collins commented on the damage to the countryside road network by previous developments, and she supported the local concerns relating to construction traffic, AILs, and the roads to be constructed. If the proposals were to go ahead, she felt that a collaborative plan was needed so that communities felt taken along on the journey.

Councillor McMillan, local member, commented on the quality of contributions to the meeting. He indicated that he would support the officer recommendations, and felt the presentation of the officer report summed up his experience of living in the area, rambling in the Lammermuirs, and also his position as Economic Development Spokesperson and someone who was supportive of green energy. He thought that infrastructure so far had been well planned, but commented that such proposals would have been refused under the LDP. While he supported green energy and the move towards zero carbon, he thought that consideration must be given to the landscape and the negative effects this development may have on the nature of the Lammermuirs. He thought the noise potential was huge, and he also thought that the water supply to the homes around Snawdon would have to be tested should the proposals go ahead. He urged Scottish Ministers and the ECU to watch this debate, visit, and consider carefully why he and officers felt the proposals were unacceptable. He commented that it would be detrimental to the rural economy, environment, and way of life. He described the Lammermuirs

as precious, and thought that the development went against local economic aspirations, preservation of the landscape, and how we wanted East Lothian to be in the future.

Councillor Cassini described herself as being a huge supporter of green energy, but felt that the supply of green energy had a tipping point. She felt that this development, with its construction routes and associated traffic, noise pollution, and loss of dark sky, resulted in proposals which were not very green in nature at all. She would support the officer's recommendations.

Councillor Menzies highlighted that in January 2024, Scotland was already producing the equivalent of 113% of Scotland's energy consumption, so she felt Scotland could not be described as 'in an energy crisis'. She felt that Committee members should consider the impact on the locality and on Scotland more than electricity production and export to England.

Councillor McIntosh said she had struggled with her decision, as a fan of renewable energy, and as someone who was greatly concerned about the climate emergency. She had felt uneasy about objecting to the windfarm on the grounds of landscape, because this had to be weighed against the impact catastrophic climate change would have on the landscape; however, she felt the report was very thorough, and she would support the officer's recommendations. She commented that the contributors seemed to be struggling to be able to say that the development was now enough, the turbines were too high, and so on; she had the impression that many of the objectors might have been more content with a smaller size of turbine. She commented that the scale of the development would have a significant impact on the road access network. She also commented that the transition to renewable energy was big business, and while developers wanted to make energy production cleaner, they were also interested in profits. She highlighted that the grid could not currently take the amount of energy being produced, so large sums were being spent switching off the offshore turbines; it was clear that greater strategic planning was required for such infrastructure, and she suggested that people lobby the Scottish Government to take this work forward. She also commented on the long and terrible impact of the fossil fuel industry on communities, and cited some examples from around the world. She commented that the country's energy consumption had to be considered in terms of using our fair share of resources, and highlighted Earth Overshoot Day on 3 June each year in the UK. However, she understood the cumulative impact of these developments on East Lothian; she still felt that that a line must be drawn and this development should be considered to be too much for the area. She would support the officer's recommendation, but also commented that the suggested conditions, should the development go ahead, had also been good work.

Councillor Forrest felt the site visit had been of great benefit, and allowed him to put the content of the submitted objections in context. He had also found it useful to see the road network that would have to accommodate HGVs, and the damage the vehicles would cause. He would support the officer's recommendation.

Councillor Akhtar, local member, thanked everyone who had spoken, and particularly Mr Kilkenny for sharing his expertise. She felt that the work of the Planners, Biodiversity Officers, and Transport Officers in producing the report had made it easy for Committee members to support the recommendations to object to the proposals. She agreed that the proposals were unacceptable in terms of visual impact, cumulative impact, and because the development would compromise the whole ecosystem. She felt that the erection of 17 turbines could turn out to be the thin end of the wedge. She hoped that the ECU would take the comprehensive paper on board and the comments of the local community. She encouraged all Planning Committee members to support the officer's recommendation.

The Convener highlighted that the Planning Committee had already supported a number of windfarms within East Lothian onshore and offshore. They accepted that renewable energy was needed to combat climate change, but felt the face of the Lammermuir Hills must be

strongly defended; other developments would have sought to expand to this area, but he said that the Council had held firm and kept developments to the upper Lammermuirs. He commented that the positioning was not only on the front of the Lammermuirs, but also with the largest turbines; thus, the impact on the countryside would be extremely damaging. He also supported the officer's recommendations on the basis of biodiversity. He was concerned that adding another junction onto the A1 for construction traffic would also be problematic. He also highlighted the disruption caused on the East Lammermuir rural road network by traffic to other developments. He commented that the country roads were not built to withstand HGVs, and noted that compacting of the grass verges by heavy vehicles could lead to flooding on rural roads. He regretted the disruption caused by developments, but felt that turbines were needed, however, he felt that this development on the front on the Lammermuir Hills was a step too far. He commented that East Lothian was playing its part in generating electricity, and felt that other such applications could follow if these proposals were not strongly objected to. He was also concerned about impact on the farming community caused by HGVs travelling on the rural roads. He further commented on the cumulative impact of the developments. He reminded Committee members about the process in objecting to the ECU, who could overrule the view put forward by the Council; he expressed that it would very unfair if the ECU granted the application when East Lothian had already delivered a great deal of energy-related developments and turbines in the countryside.

Responding to point raised by Councillor McMillan, Mr Dingwall provided more information on the process after the Council had submitted its objection to the ECU. Although the applicant would be given the opportunity to respond to the objections, as the objections were in principle, they were unlikely to be overcome by amendments. He advised that, where a Council objected and that letter was not later withdrawn, the matter would go to an inquiry. At this time, the proposals would be debated and Scottish Ministers, through the ECU, would decide on the outcome. Should the ECU determine that the development could go ahead, then he hoped that the Council would be part of the process to impose conditions.

The Convener moved to a roll call vote, and Committee members unanimously voted to approve the proposed consultation response objecting to the proposals, as outlined at Appendix 1 to the report.

## **Decision**

Planning Committee agreed:

1. That the Scottish Government Energy Consents Unit be informed that East Lothian Council objects to the granting of consent under Section 36 of the Electricity Act 1989 for the reasons set out in Appendix 1 to the report;
2. That the East Lothian Chief Planning Officer be authorised to undertake any discussions with the Scottish Government Energy Consents Unit to seek to resolve these objections and conditions to be attached to the consent if required; and
3. That if consent is granted, then it be subject to conditions to be agreed with the Council's Chief Planning Officer.

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



**3. PLANNING APPLICATION NO. 24/00672/P: ERECTION OF THREE HOUSES AND ASSOCIATED WORKS, LAND WEST OF THE STABLES, MAIN STREET, ELPHINSTONE**

A report had been submitted in relation to Planning Application No. 24/00672/P. Julie McLair, Planner, presented the report, highlighting the salient points. The report recommendation was to refuse consent.

Responding to questions from Councillor McLeod, Ms McLair advised that the site would be considered on its own merits should the applicant put it forward for consideration under the next iteration of the LDP. She also confirmed that the paddocks at the site belonged to the applicant.

Tony Thomas spoke to the application. He said that application asked for consideration of this site-specific context at the western edge of Elphinstone. He pointed out that not every approved development had been identified within the LDP. He said the proposals were not isolated, sporadic, or inappropriate. He described the applicant as a local woman who lived and worked in Elphinstone, whose business had been running for 30 years and had 30 employees. He advised that the site had belonged to the family for 40 years. He assured Committee members that the applicant would be happy to accept a legal agreement tying her family to the site for ten years. He advised that animals were kept onsite, and police had been called to break ins. He advised that the applicant found the site a burden after suffering an accident a year ago. Mr Thomas advised that the west of the site was used for a landscaping and horticulture business, and explained there would be no issues with noise. He pointed out that 200 homes had been built on the other side of the road, and was disappointed that the applicant and her family could not build on their small plot. He felt there was sufficient context for the Planning Committee to vote against the officer recommendation to grant consent.

Mr Thomas responded to questions from Committee members. He advised that the properties would be two metres back from the side of the pavement, and the Bellway houses would be set back ten metres from the road. He felt the properties would define the edge of Elphinstone. He advised that the development would provide homes for the applicant, her daughter, and her family. He described the development as a sustainable place to live, with family living next door to one another, and on a site they already owned and used to keep animals and as part of their business. He thought the development would have a positive impact on the edge of Elphinstone. He said that alternative housing was available, but there was an operational need in the business for all three houses, and to help with the animals and security of the site. He felt that the development was appropriate to the site, and the personal reasons behind the application made it even more appropriate. Regarding the entrances to the site, Mr Thomas advised that the transport team had been satisfied with the plans in terms of safety and access; the design and layout could have been reconsidered had they not been satisfied.

Councillor Menzies, local member, commented on the vast expansion of the village, and felt that the three self-build homes proposed by a family with history in the village was small when compared to the 180 Bellway homes nearby. She felt that self-builds should be encouraged for people to invest in East Lothian. In this case, the applicant sought to keep family close by, to bring their investment to the village, and Councillor Menzies felt the proposals made sense both economically and emotionally. She encouraged Committee members to give due consideration to the applicant and her family and to treat them fairly in relation to the much larger development over the road.

Councillor McLeod, local member, commented that the family was well known and respected in the area. He felt that the development would enhance the entry into Elphinstone. He would not support the officer recommendation for refusal, and felt that the local family should be supported in building homes next to their place of work, particularly when there had been some disturbances on site previously.

Councillor Forrest had been surprised that there had not been a further reason for refusal relating to the loss of prime agricultural land. He felt that approval of the application would set a precedent for development in the countryside, and felt that others considering similar countryside developments would be waiting to hear the outcome of this application.

Councillor Cassini commented that building in the countryside had already been opened up to developers. She recounted that she had voted against the Bellway application, but felt that refusal of this application could be perceived as unfair, and would go against policies promoting local growth.

The Convener reminded Committee members that the sites which had been approved for housebuilding had been within the LDP, and officers had recommended refusal because this site was not allocated for development within the LDP.

Councillor Allan compared the proposals to the huge development on the other side of the road. She felt that the proposed houses, once built, would look as if they had always been there. She thought that the request was not unreasonable, and felt that local families should be supported.

Councillor Collins commented that although the plot was considered prime agricultural land, little more could be done with this half acre than use as rough grazing. She felt that that the area would suffer from a loss of its young people and lose community vibrancy, and this proposal was from a local family with a business who wanted to stay in the local setting. Although the application went against LDP policy, she reiterated that little could be done with such a small portion of land, and felt that the development would keep the buildings and animals secure; she would support the application.

Councillor Gilbert noted that each application was taken on its own merits, and therefore approval of this application would not open floodgates. He felt that some applications came before the Committee where the family and people element outweighed narrow planning considerations.

Councillor McMillan felt the decision not to uphold Policy DC1 was a difficult one. He also felt that the future of the school and community should be considered, and he could see the benefit of the development. He was unsure whether three houses could be considered as a business need, and would have liked to have considered a different application linked to business need. He would consider his position further before voting.

Councillor McIntosh expressed that, when the site could be reallocated for development under the next iteration of the LDP, it was unnecessarily bureaucratic to ask the applicants to try again in two years' time.

Councillors McLeod and Gilbert enquired about adding a condition that the family would have to keep the properties in their possession for a minimum term of ten years. Mr Grilli and Mr Dingwall both felt that this would not be a reasonable condition to add and, if challenged, would be likely to be struck off.

The Convener commented on the importance of LDP Policy DC1 within the suite of policies available to East Lothian Council, and highlighted that every village within the county would have similar situations to those proposed here. He thought that overturning this offer decision would open floodgates, and asserted that the Planning Authority must hold firm on Policy DC1 to avoid weakening their position to stop sporadic development in the countryside. He acknowledged the suggested condition that the family would have to keep the property within their possession for a specified number of years, but highlighted that this would be easily challengeable. Although the applicant may, in the future, put in a bid to have this land allocated

for development under the next iteration of the LDP, and this bid might find support, the Convener highlighted that this would be done properly through the planning process. He strongly encouraged the Planning Committee not to overturn the officer decision and to follow the DC1 policy.

In response to the Convener's comments, Councillor McIntosh indicated that she had found his argument persuasive and would vote to uphold the officer's recommendation.

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

Support:	5	(Councillors Hampshire, Forrest, McIntosh, McMillan, and Yorkston)
Against:	5	(Councillors Allan, Cassini, Collins, Gilbert, and McLeod)
Abstain:	0	

The vote was tied, so the Convener had a casting vote. The Convener confirmed his casting vote to support the officer recommendation to refuse consent.

**Sederunt:** *Councillor Gilbert left the meeting.*

Councillor Forrest then formally proposed an additional reason for refusal relating to loss of prime agricultural land, and this was seconded by the Convener.

The Convener then moved to a roll call vote on this proposal. Votes were cast as follows:

Support:	4	(Councillors Hampshire, Forrest, McMillan, and Yorkston)
Against:	5	(Councillors Allan, Cassini, Collins, McIntosh, and McLeod)
Abstain	0	

## Decision

Planning Committee supported the officer recommendation to refuse consent for the following reasons:

- 1 The erection of three houses 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, is not brownfield land where a return to a natural state will not happen without intervention, 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.
- 2 The erection of three houses 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 17 of NPF4 and Policy DC5 of the adopted East Lothian Local Development Plan 2018.

Signed .....

Councillor Norman Hampshire  
Convener of the Planning Committee