SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 1 April 2013 at 10.00 a.m.

Apology:- Councillor N. Buckingham, V. Davidson, D. Moffat.
In Attendance:- Major Applications, Review and Enforcement Manager, Development Standards Manager, Senior Roads Planning Officer, Managing Solicitor – Commercial Services, Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

MINUTE
1. There had been circulated copies of the Minute of the Meeting of 4 March 2013.

DECISION
APPROVED for signature by the Chairman.

FLOOD RISK AND THE PLANNING PROCESS
2. The Chairman welcomed David Green, Flood Protection Programme Manager to the meeting to give a presentation to Members on flood risk and the planning process. Mr Green outlined the reasons for having a Flood Risk Management Service and the Council’s statutory duties under the Flood Risk Management (Scotland) Act 2009 and the Planning etc (Scotland) Act 2006 and explained the Council’s approach with respect to flood risk management and the planning process. It was explained that Scottish Borders Council was a responsible authority under the 2009 Act with general duty to reduce overall flood risk through sustainable flood risk management; Specific duty to undertake flood risk management planning and to produce a first Local Flood Risk Management Plan for publication in by June 2016 and a Specific duty to carry out watercourse clearance and repair work. The Flood Risk Management approach was Avoidance; Awareness; Alleviation and Assistance. Avoidance was through Land use planning policy, the Local Plan, Strategic Flood Risk Assessments, Planning Briefs, Pre-Planning Consultations and Planning Applications. Mr Green went on to explain the Council’s statutory duties with regard to planning. The potentially vulnerable areas to flooding within the Scottish Borders were highlighted and it was explained that there were 3,820 residential properties and 866 non residential properties within these areas. Mr Green highlighted flooding events in the Scottish Borders over the past decade, the impact these had had and the flooding measures implemented as a result.

DECISION
AGREED to:-

(a) note the presentation;

(b) circulate the presentation to all Members of the Planning and Building Standards Committee.

DRAFT SUPPLEMENTARY PLANNING GUIDANCE ON LANDSCAPE AND VISUAL GUIDANCE ON SINGLE AND SMALL SCALE GROUPS OF WIND TURBINE DEVELOPMENT IN BERWICKSHIRE.
3. There had been circulated copies of a report by the Head of Planning and Regulatory Services on the draft Supplementary Planning Guidance (SPG) entitled ‘Landscape and...
Visual Guidance on Single and Small Scale Groups of Wind Turbine Development in Berwickshire’ as a basis for public consultation over a 12 week period. The report explained that the purpose of the SPG was to inform both spatial planning and provide guidance for single and small scale groups of typically two or three wind turbine developments within Berwickshire in the Scottish Borders. The SPG provided detailed guidance for a range of users as to what scale of turbine may be appropriate within each Landscape Character Types (LCT) and where these could be located within them.

DECISION
(a) APPROVED the draft SPG as a basis for public consultation for a 12 week period, and that a report be brought back to Committee following the end of the consultation.

(b) AGREED that:-

(i) any comments arising from the consultation be reported back to the Committee; and

(ii) given the on going volume of proposals for single small scale and groups of turbines in Berwickshire and the consequent need to implement this guidance as a matter of some urgency, it is recommended that this draft SPG is used as a material consideration to any relevant planning application forthwith.

DECLARATIONS OF INTEREST
4. Councillor Smith declared a non pecuniary interest in terms of Section 5 of the Councillors Code of Conduct in respect of planning application 11/01662/FUL and left the meeting during its consideration. For that item of business the chair was taken by Councillor Brown.

5. Councillor Cranston declared an interest in respect of planning application 12/00345/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during its consideration.

6. Councillors Cranston and Davidson declared an interest in respect of planning application 13/00188/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during its consideration.

ADJOURNMENT
7. The meeting was adjourned at 1.05 p.m. for lunch and reconvened at 1.35 p.m.

APPLICATIONS
8. There had been circulated copies of reports by the Head of Planning and Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION
DEALT with the applications as detailed in the Appendix to this Minute.

APPEALS AND REVIEWS
9. There had been circulated copies of a report by the Head of Planning and Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION
NOTED that:-

(a) Appeals had been received in respect of:-

(i) the formation of two dwellinghouses with one detached garage and formation of access on Land South of Thornbank, Broughton; and
(ii) Erection of 7 No wind turbines up to 115m high to tip, transformers, access tracks, borrow pit, substation and control room, temporary construction compound, concrete batching area and other associated infrastructure on Land North West of Gilston Farm, Heriot.

(iii) Change of use of agricultural land to incorporate the siting of 6 yurt tents, shop and associated parking on land North East of Newburgh Farm Steading, Ettrick Valley;

(iii) Erection of camera which looks onto the complainer’s property but was for the purpose of recording another neighbours stable block at Eastfield Buxton, Buxton Road, Selkirk

(b) there remained 6 appeals outstanding in respect of the following:-  
- Blackburn, Granthouse, Duns  
- Penmanshiel, Granthouse  
- (Corsbie Moor) Westruther  
- Whitmuir Hall, Selkirk  
- Bassendeanhill Farm, Gordon  
- Borders General Hospital, Melrose

(c) review requests had been received in respect of :-

(i) Alterations and extension to dwellinghouse, Castlewood Farmhouse, Jedburgh 12/01155/FUL;

(ii) Alterations and extension to dwellinghouse, erection of garden shed and two detached garages and alterations to access at Cairnsmore, Bowden, Melrose 12/01228/FUL; and

(iii) Erection of three dwellinghouses (renewal of planning permission 08/01452/OUT on Plot 1, Land East of the Heritage, Whitsome 12/01455/PPP

(d) the Local Review Body had dismissed an appeal in respect of replacement windows at Goldenberry Cottage, Main Street, Swinton

*The meeting concluded at 2.50 p.m.*
## APPENDIX

### APPLICATIONS FOR PLANNING PERMISSION

<table>
<thead>
<tr>
<th>Reference</th>
<th>Name and Address</th>
<th>Nature of Development</th>
<th>Location</th>
</tr>
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<tbody>
<tr>
<td>11/01662/FUL</td>
<td>Banks Renewables (Moor Wood Wind Farm)</td>
<td>Wind Farm Development comprising of 13 turbines (10 no. @ 115m to tip, 3 no. @ 100m to tip), anemometer mast and ancillary works incorporating hardstanding, control building, access track and borrow pits.</td>
<td>Land North West of Quixwood Farmhouse, Abbey St Bathans/Grantshouse Berwickshire</td>
</tr>
</tbody>
</table>

Per Alistair Landells
Banks Group
2nd Floor, Block C
Brandon Gate
Hamilton
ML3 6AU

Decision: Approved, with delegated powers granted to officers to secure the provision of a decommissioning bond by the most appropriate method; either through a legal agreement or a fully suspense planning condition.

### MATTERS TO BE COVERED IN LEGAL AGREEMENT (SECTION 69):

1. Provision of financial contribution relating to off-site compensatory planting, to offset on-site felling of woodland areas to facilitate installation/operation of wind farm. The contribution and the planting are likely to be managed jointly by Scottish Borders Council and the Tweed Forum.

2. Provision of financial contribution relating to improvements and maintenance of the public path network (including planting and habitat management) and areas with public access, to offset landscape and visual impacts which are perceived to be significant and relevant to the Southern Upland Way and other paths on the Core Paths Plan. To include provision of interpretation/signposting identifying path routes and key landmarks affected by the development.

3. Provision of financial contribution towards the production of educational material to be utilised in understanding the nature and significance of scheduled monument sites affected indirectly and archaeological sites affected directly by the development, in terms of visual impact on their setting or subterranean disturbance/exploration. This may include the provision of outdoor structures and/or literature to be used for educational purposes, and the updating/maintenance of such material.

4. Provision of a financial bond or other financial security of an agreed amount to secure the restoration of the site.

### PLANNING CONDITIONS

#### Commencement and conformity

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, which are contained within the Environmental Statement submitted with the application, as modified by the Supplementary Environmental Information dated December 2012 (Banks Renewables) or as modified by the conditions set out in this notice or otherwise agreed in writing by the Planning Authority.
   Reason: To ensure that the development is carried out in accordance with the approved details.

#### Site layout and design

3. Prior to commencement of the development, the developer shall submit details of the proposed make and model of turbine that will be utilised. Clarification of proposed external colour, rotational...
direction, noise output and rotational speeds shall be included in the specification provided in response to this condition. No other model of turbine shall be utilised unless written approval has been obtained from the planning authority.

Reason: for the avoidance of doubt, as the precise model to be utilised has not been finalised (candidate turbines are utilised as the basis for all submitted environmental information.

4. Prior to the commencement of development, the confirmed windfarm layout, including the locations of all turbines, buildings, hardstandings and temporary and permanent access tracks, plus the location of all on-site cabling trenches shall be submitted to the planning authority for its approval. The layout shall be provided on an adequately detailed plan which includes contours. The layout drawing shall take account of any micrositing requirements (up to a maximum distance of 50m from the locations shown in the current submissions). Unless agreed otherwise in writing by the planning authority, the development shall be carried out in strict accordance with the details included in the drawings approved in response to this condition.

Reason: to enable the planning authority to understand precisely where each component of the site will be sited in relation to other elements of the site (including its boundaries), and to allow for minor changes to be made to overcome unforeseen difficulties arising in respect of archaeology, ecology, hydrology.

5. Notwithstanding the details shown in the submitted Environmental Statement, details of external materials relating to construction of the control building and any other above-ground on-site apparatus/equipment shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

Reason: this information has not yet been fully clarified in the Environmental Statement. It is important that this information is provided to enable the planning authority to fully understand the visual impact of the development proposal.

Safety:

6. All turbines and components shall be installed to meet the safety standards set by British Standard BS EN 61400-1: 2005 ‘Wind turbine generator systems: Safety requirements’ or International Electro-technical Commission IEC 16400.

Reason: in the interests of health and safety of all users of the site and its environs.

7. Prior to the development becoming operational, a strategy for mitigation in the event of occurrence of ice throw shall be submitted to, and approved in writing by the planning authority. The strategy approved in response to this planning condition shall be fully adhered to at all times.

Reason: due to the proximity of the development to the public path network, which includes the Southern Upland Way, it is important that a strategy is in place to address the potential occurrence of ice throw, which could occur in certain weather conditions and which could potentially harm users of the public path network.

Decommissioning:

8. This permission shall be for a period of 25 years from the date of final commissioning. No later than 18 months prior to the end of the period of this planning permission, or by such later date as may be agreed by the Planning Authority, unless a further planning application is submitted and approved, the applicants shall submit a method statement for the decommissioning of the windfarm and the restoration of the application site for the approval of the Planning Authority.

Decommissioning in accordance with the approved method statement shall be completed within 6 months of the end of the period of this planning permission or any alternative timescale agreed with the Planning Authority in writing and shall include the dismantling and removal from the site of all turbines, buildings and ancillary development.

Reason: To ensure an indicative scheme is submitted by the developer and approved by the Planning Authority for the decommissioning of the wind farm at the end of its 25 year proposed lifespan.
9: Within 24 months following the end of the period of the consent, all wind turbines, ancillary equipment and buildings shall be dismantled and removed from the site, and the land shall be restored and subject to aftercare, in accordance with a restoration and aftercare scheme that shall first have been submitted to, and approved in writing by the planning authority. For the purposes of this condition 'restored' means the removal of all wind turbines, initial layer of turbine foundations, tracks and hardsurfaces as may be agreed, all buildings and ancillary development’ and restoration of the site.
Reason: to ensure that a plan is in place for the restoration of the site and to provide for changes in circumstances relating to best practice towards the end of the life of the development.

Turbine Failure/Removal:

10: In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, not due to it being under repair or replacement then it will be deemed to have ceased to be required, and unless otherwise agreed in writing with the Planning Authority, wind turbine foundation to a depth of 1.2m below ground level, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored to a condition to be agreed by the Planning Authority. The restoration of the land shall be completed within 6 months of the removal of the turbine, or any such longer period agreed by the Planning Authority.

Road Safety:

11: No construction traffic shall access the site until a Traffic Management and Road Safety Plan has been submitted to, and approved in writing by the planning authority, which includes detailed information relating to the following matters:
   - management of abnormal vehicles movements and other associated construction traffic movements (including trial runs following agreed road widening works)
   - date and time schedules for delivery of all components of the development involving abnormal loads
   - road condition survey, detailed proposals of finalised road widening/surfacing/improvement and a method of ensuring that any damages to the road are repaired in an agreed manner and timescale
   - confirmation that the site access and road widening will conform to the specifications described in the SBC Roads Planning Manager Planning Consultation Response dated 19.3.12
   - all new signage identifying to road users the presence of the site, access and potential to encounter construction traffic
   - wheel washing facilities at the site access
The development shall be undertaken in strict accordance with the details approved in response to this condition.
Reason: to ensure that the development is compatible with road user amenity, road safety and traffic management objectives, and also to provide adequate restoration to offset the environmental impact of the measures proposed.

Technical Matters:

12: There shall be no lighting of the windfarm other than that which is essential for reasons of health and safety without the written consent of the planning authority.
Reason: to avoid/minimise light pollution in this rural environment.

13: At least 14 days in advance of the proposed date of commencement of each phase of construction the developer shall provide the Planning Authority and the Ministry of Defence with the following detailed information in respect of that phase of construction:
   (i) the proposed date of commencement of construction;
   (ii) the proposed date of completion of construction;
   (iii) the proposed maximum extension height of any construction equipment
and no work in respect of that phase of construction shall commence on site until the Ministry of Defence has confirmed to the Planning Authority that this information has been provided. Once this
information is provided, the developer shall give the Planning Authority and the Ministry of Defence notice as soon as reasonably practicable if the proposed date of commencement of construction is to change. The developer shall provide written confirmation to the Planning Authority and the Ministry of Defence of the actual dates on which construction is commenced and completed and of the actual maximum extension height of any construction equipment on site. Reason: in the interest of aviation safety.

14: At least 14 days in advance of the proposed date of erection of the first turbine on site the developer shall provide the Planning Authority and the Ministry of Defence with the following detailed information:
   (i) the proposed position of each turbine in latitude and longitude (in degrees, minutes and seconds);
   (ii) the proposed height above ground level of each turbine (to blade tip, in metres); and
   (iii) the proposed lighting of turbines if appropriate
and no turbine shall be erected on site until the Ministry of Defence has confirmed to the Planning Authority that this information has been provided. Reason: in the interests of aviation safety

15: As soon as reasonably practicable following completion of construction of all the turbines on the site, the developer shall provide written confirmation to the Planning Authority and the Ministry of Defence of the following:
   (i) the actual position of each turbine in latitude and longitude (in degrees, minutes and seconds);
   (ii) the actual height above ground level of each turbine (to blade tip, in metres); and
   (iii) the lighting of turbines if appropriate.
Reason: to ensure that records are fully accurate, in the interests of aviation safety.

Rights of Way/Public Path Network:

16: Prior to commencement of development, the developer shall provide and have approved in writing by the planning authority, plans and specifications detailing all intended works to, and in the vicinity of, the public rights of way BB83, BB86 and BB87. The first of these is partially within the site, whereas the latter two are adjacent to it. Details submitted in response to this condition will describe any diversions, their duration and signage proposed to ensure that all path users are aware of the alternative routes. Unless otherwise agreed in writing, all designated public paths (existing/diverted routes) shall be maintained free from obstruction during and after development. The development shall be undertaken in strict accordance with the details agreed in response to this condition. Reason: in the interests of the amenity and safety of users of the public path network.

Signage:

17: Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without the written approval of the planning authority. Reason: to ensure that the development does not unduly prejudice public amenity.

18: No signage, other than that required for health and safety and for traffic management, shall be erected within the application site without the written consent of the planning authority. Reason: to ensure that the development does not unduly prejudice public amenity.

Environmental Management:

19: At least two 2 months prior to the commencement of development (other than agreed enabling works) a full site specific environmental management plan (EMP) shall be submitted to and approved in writing by the planning authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with the details in the plan.
approved in response to this condition. The plan shall include the following components (this list is not exhaustive):

(i) a study of the site and its environs to establish precisely how local water sources and supplies relate to and/or would be affected by the implementation of the development, plus mitigation in relation to this matter;

(ii) a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources (based on SUDS principles – Sustainable Urban Drainage Systems);

(iii) a plan for the management of flood risk, in particular in relation to parts of the site close to watercourses and proposed crossings of the watercourse;

(iv) a focussed waste management strategy

(v) a strategy for management of dust arising during construction of the tracks, hardstandings and foundations;

(vi) details of measures proposed to contain all materials and fuels to be utilised during construction.

Reason: to control pollution of air, land and water.

20: (a) Prior to Commencement of Development, the developer shall prepare a Construction Method Statement (to include a Risk Assessment) for the approval of the Planning Authority, in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. The Construction Method Statement shall comprise the following details:

- all on-site construction, and construction of access tracks, including drainage, mitigation, post-construction restoration, and reinstatement work, as well as the timetables for such work;
- any temporary diversions of rights of way and associated signage;
- surface water drainage measures to comply with national guidance on pollution prevention, including surface water run off from internal access roads;
- details of waste water management during construction;
- the arrangement for the on-site storage of fuel oil and other chemicals;
- the method, frequency and duration of ecological monitoring, particularly of watercourses, over the Construction Period of the wind farm development;
- details of the phasing/timing of construction of all components of the development including dates for delivery of components
- details of water supply;
- details of measures to reduce soil erosion;
- details relating to minimisation of environmental impact of road construction;
- details of any watercourse engineering works and measures for the implementation of buffer zones around existing watercourses and features;
- details of timescale for the restoration of the site, including the site compound and crane hardstanding areas;
- details of contingency planning in the event of accidental release of materials which could cause harm to the environment.

(b) Subject to the following paragraph, no work shall begin on the Development, apart from the enabling works, until the Construction Method Statement has been approved. Once approved, the works specified in the Construction Method Statement shall be carried out as approved, unless otherwise agreed in writing with the Planning Authority.

(c) The enabling works shall not be carried out until details of them (including any necessary measures for public road improvements outwith the site, traffic management, works to be implemented at the entrance to the site to prevent dust and mud entering the public highway, or any related programme of monitoring the condition of public roads) have been submitted to and approved in writing by the Planning Authority, in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency. All of the enabling works shall be carried out in accordance with the approved details.

Reason: It is essential to ensure that all construction works are carried out in a controlled manner which minimises environmental damage; the CMS will provide a useable document
identifying guidelines and conditions for construction, but which also gives recourse to mitigating action in the event of construction deviating from the CMS. The document, with the Environmental Management Plan required by Condition 19 of this permission, shall provide the Ecological Clerk of Works (required by Cond. 21 of this permission) with information with which to monitor construction and environmental management.

21 (a) Prior to the Commencement of Development (including the enabling works), the developer shall appoint an independent Ecological Clerk of Works (ECoW) under terms which have first been submitted to and agreed in writing by the planning authority, in consultation with Scottish Natural Heritage and the Scottish Environment Protection Agency, and shall include that the appointment shall be for the period of wind farm construction, including micro-siting and the finalisation of the wind farm layout, as well as subsequent post-construction restoration.

(b) The ECoW’s terms of appointment are to impose a duty to monitor compliance with all the ecological and hydrological aspects of the Construction Method Statement, including post-construction restoration, which have been approved under the terms of condition 20 above. The ECoW’s terms of appointment are to require the ECoW to report promptly to the developer’s nominated Construction Project Manager any non-compliance with the hydrological or ecological aspects of the Construction Method Statement. The developer shall confer on (and comply instructions given in the exercise of) the ECoW the power to stop any construction or restoration activity on-site which in his or her view (acting reasonably) could lead to significant effects on the environment, and shall without delay, report the stoppage, with reasons, to the applicant’s nominated Construction Project Manager and to the Planning Authority, Scottish Natural Heritage and the Scottish Environmental Protection Agency.

Reason: the presence of an ECoW at the site is essential to enable unforeseen or unplanned occurrences relating to the environment on and in relation to the site, in particular when it relates to impact on biodiversity and/or the water environment, to be mitigated.

22: Prior to construction commencing, details of the methods of re-vegetation and reinstatement of bare ground shall be approved by SBC in consultation with Scottish Natural Heritage. This will include details about the treatment of track edges, timing of the re-instatement works in relation to construction activity to minimise any effect on the SAC and maximise the success of the re-instatement, methods for storing and treating stripped turf that is to be re-used, details of the species mix of any seed mixes proposed for use, details of where and how geotextiles might be used to aid re-vegetation of slopes etc., and details of re-vegetation of drainage ditches and swales.

Reason: To minimise the impact of the development on the landscape and biodiversity.

Ecology and Ornithology:

23 Prior to the commencement of any works or development on the site, a Habitat Management and Enhancement Plan, including measures for bats, breeding waders, farmland birds, field boundary features, woodland, grassland, wetland and riparian management and enhancements on or offsite as appropriate shall be submitted to and approved in writing by the Planning Authority. The development shall be undertaken thereafter be carried out in accordance with the approved Plan submitted in response to this condition.

Reason: this is required to offset the environmental impact of the development, and to enhance the site and its environs to benefit biodiversity.

24 Prior to the commencement of any works or development on the site, checking surveys for protected species (including otter, badger, red squirrel, breeding birds, reptiles, fish, aquatic invertebrates and, if mature trees are to be removed, bats) shall be carried out by a suitably qualified person or persons in a manner appropriate to the phasing of the development. The results of these surveys should be used to inform construction activities and any required mitigation proposals for protected species on the site, which shall be agreed with the Planning Authority and strictly adhered to in the course of development.

Reason: to ensure that species protected by law are not harmed as a result of the development taking place.
25 All felling operations undertaken to facilitate development shall be consistent with the requirements of Forestry Commission Scotland’s guidance note no. 31 ‘Forest Operations and Wildlife Protection: November 2006’ for protected species including European Protected Species, badger, red squirrel and breeding birds. 
Reason: to ensure that species protected by law are not harmed as a result of the development taking place.

26 Prior to the commencement of any works or development on the site a Species Mitigation and Management Plan shall be submitted to and approved in writing by the Planning Authority. All on-site works and development shall thereafter be carried out in accordance with the approved Plan. 
Reason: to ensure that reasonable protection is given to biodiversity on and utilising the site.

Financial Provisions (Restoration):

27 Prior to commencement of development (excepting enabling works), details of the financial provisions, including the amount of the financial provisions and the name/details of the financial provisions provider, to be put in place to cover the costs of decommissioning and site restoration shall be submitted to and approved by the planning authority. Once approved, documentary evidence that the approved financial provisions are in place (including mechanisms for periodic review (every tenth year of operation) to ensure they are adequate to cover costs) shall be submitted to the planning authority. Thereafter, the approved financial provisions must be kept in place until they are required to complete site decommissioning and restoration in accordance with the DMS. 
Reason: To secure decommissioning and reinstatement in the event of unforeseen circumstances, to ensure that environmental impacts arising from the development are acceptably reversed.

Archaeology:

28 No development (including the formation of trenches and preparation for the construction of access tracks and hardstandings on site) shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority. 
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

Landscape Planting:

29 Prior to commencement of the development, the developer shall submit to, and have approved in writing by the planning authority, a detailed plan for the implementation and maintenance of landscape planting of trees, shrubs and hedgerows on the site/land within the developers’ control. The plan shall include information relating to phasing, the timescale for completion and mitigation/maintenance measures to be undertaken post-implementation of the landscape planting. The landscape planting shall be undertaken in strict accordance with the details agreed in response to this planning condition. 
Reason: the proposals already include an area of woodland planting, intended to offset some of the visual impacts of the development. In acknowledgement that such planting is useful in
mitigating views of the wind farm where it is most prominent from sensitive receptors such as the Southern Upland Way (and potentially heritage and residential receptors) this condition is necessary to ensure that any opportunities to reduce visual impacts are realised, in the interests of visual amenity.

**Site Compound:**

30: The site compound shall be constructed in accordance with methods that shall first have been submitted to, and approved in writing by the planning authority. The compound shall be removed and the site restored to its previous state, or to a state agreed with the planning authority within 6 months of the completion of commissioning works.

Reason: In the interests of the amenity of the area, and to prevent pollution.

**Noise:**

31: Noise levels from the combined effects of the wind turbines forming this development at any noise sensitive premises (in existence at the time of permission) where the occupier of the property has no financial interest in the development shall not exceed an external free field level LA90, 10min level of the greater of 35dB(A) or 5dB(A), at any 10 metre height wind speed up to 12 m/s, above the prevailing background noise level during amenity hours, and 43dB(A) during night hours.

For properties where the occupier has a financial interest in the development, the above levels should not exceed the greater of 45dB(A) or 5dB(A), at any 10 metre height wind speed up to 12 m/s, above the prevailing background noise level at all times.

Any tonal elements in the noise spectra shall be assessed using the joint Nordic Method and the tone level shall not exceed 2dB above the ‘masking Threshold for Tones in Noise’.

Reason: to give protection to residents/occupiers of noise sensitive properties in proximity to the development, in the interests of private amenity.

32: In the event of a justified complaint being received by the planning authority following implementation of the development and the wind farm becoming operational, within 21 days of the complaint the wind farm operator shall, at its expense, undertake a professional assessment of the nature of the alleged noise disturbance. The selected consultants used in the analysis shall first have been approved by the planning authority. Thereafter, in the case of each complaint where a noise nuisance is proved to be occurring, mitigation shall be carried out of a nature and within a timeframe to be agreed in writing by the planning authority.

Reason: to give protection to residents/occupiers of noise sensitive properties in proximity to the development, in the interests of private amenity.

**INFORMATIVE NOTES:**

1. The diversion or closure of any public right of way is likely to need separate formal consent from Scottish Borders Council. Contact must be made with the Countryside and Heritage Manager.

2. If felling of woodland is to be carried out, any compensatory planting should be subject to the SG/FCS Policy on the Control of Woodland Removal [http://www.forestry.gov.uk/forestry/infd-7hyhwe](http://www.forestry.gov.uk/forestry/infd-7hyhwe) and the policies of the Scottish Borders Woodland Strategy. The scheme for compensatory planting, to be approved by the Planning Authority, should be included within the Habitat Management and Enhancement Plan or will be secured through legal agreement for any off-site measures as appropriate.

3. The developer’s attention is drawn to the related Section 69 Agreement forming part of this planning permission, which gives coverage to matters of (i) financial provisions relating to off-site compensatory planting (ii) financial provisions relating to the maintenance and improvement of the public path network (iii) financial provisions towards the production of educational material to be utilised in understanding the nature and significance of scheduled monument sites affected indirectly and archaeological sites affected directly by the development, in terms of visual impact on their setting or subterranean disturbance/exploration.
This planning permission does not purport to grant consent under any other legislation or regulations operated by other bodies including the Water Authority, Scottish Environmental Protection Agency, Scottish Natural Heritage, Scottish Ministers (and their agencies) or any other departments of Scottish Borders Council.

DECLARATION OF INTEREST
Councillor Smith declared an interest in the above application in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Brown took the Chair during consideration of this item.

VOTE
Councillor Davidson, seconded by Councillor Cranston, moved that the application be approved.

Councillor Mountford, seconded by Councillor Fullarton, moved as an amendment that the application be refused on the grounds that it was contrary to policies S1, N9, N14, I20 and I19 of the Scottish Borders Structure Plan and Policies G1 and D4 of the Local Plan.

On a show of hands Members voted as follows:-
Motion - 5 votes
Amendment - 5 votes
The being an equality of votes the chairman exercised his casting vote and voted in favour of the motion which was accordingly carried.

Decision: Refused for the following reasons:

   - The proposed turbine could not be successfully accommodated into its surroundings as the turbines would introduce a tall, vertical element into the rural landform and would have an unacceptable adverse impact on the integrity and character of the surrounding landscape and would be overly dominant in the wider landscape compared to the height of the surrounding landform and landscape features, most notably Minto Hills and Minto Craggs.
   - The proposed turbine would have a significant detrimental impact on the visual amenities of the area and would introduce an unduly prominent feature in the landscape that is visually intrusive to sensitive receptors.

2. The proposal is contrary to policy I20 of the Scottish Borders Consolidated Local Plan Adopted 2011 in that the turbines would be within the statutory safeguarded area of the Eskdalemuir Seismological Recording Station and would produce a noise level that could have an unacceptable cumulative impact on the noise sensitive operational functionality of the array.

DECLARATION OF INTEREST
Councillor Cranston declared an interest in the above application in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.
Decision Approved subject to the following conditions:

1. Approval is granted for a limited period of two years from the date of this consent and, unless application is made and consent granted for its continuation, the meteorological mast and all associated works shall be removed from the site at the expiration of the period granted. Reason: In order that the Council can monitor the effect of the proposed development, including the required bird diverters; the development is of a temporary nature.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority. Reason: to ensure that the development is carried out in accordance with the approved details.

3. Aviation warning lighting shall be fitted at the highest practicable point on the meteorological mast hereby approved. The lighting device so installed shall either be a minimum intensity 25 candela omni directional light or an infra-red light, and shall be maintained in good working order for the duration that the mast remains in situ. Reason: Appropriate aviation warning lighting requires to be fitted to the meteorological mast in the interests of aircraft safety.

4. No development shall commence until the developer has first provided the Planning Authority with documentary evidence that the Ministry of Defence has received, and confirmed its acceptance of, appropriate prior notification of the following details:
   a. Precise location of development.
   b. Date of commencement of construction.
   c. Date of completion of construction.
   d. The height above ground level of the tallest structure.
   e. The maximum extension height of any construction equipment.
   f. Details of aviation warning lighting fitted to the structure(s). Reason: To ensure that appropriate notification is given to the Ministry of Defence to address the latter's concern that accurate information about the delivery and location of the meteorological mast hereby approved, should be supplied to it, to allow the Defence Estates Safeguarding to update its records.

5. The reinstatement of the site to its former condition shall be completed within six months of the decommissioning of the meteorological mast hereby approved. Reason: To ensures the satisfactory restoration of the site.

6. Afterglow Bird Flight Diverters shall be fitted and thereafter maintained at all times in accordance with the advice of Approved Drawing GB0105-N004 Rev D for the duration of the entire time that the mast remains in situ. Unless otherwise agreed in writing and in advance of their installation by the Planning Authority, the Afterglow Bird Flight Diverters fitted, shall be the Diverters described in either of the two approved brochures. Reason: Bird Diverters require to be fitted to the guy wires of the meteorological mast hereby consented, in the interests of reducing the risk of death and injury to birds in flight, including pink-footed geese wintering at the Greenlaw Moor Special Protection Area (SPA), as a consequence of collision with the guy wires.
13/00137/FUL  Mrs M McIlvaney  Per Lindsay Duncan  33A Main Street  Symington  Biggar  ML12 6LL

Part change of use from retail Class 1 to business Class 2  2 – 4 High Street, Peebles

Decision: Approved subject to the following condition and applicant informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The premises shall be used as an estate agent's premises and for no other purpose (including any other purpose in Class 2 of the Schedule to the The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order).
   Reason: To ensure that the use is appropriate to the prominent town centre location, acknowledging the specific circumstances of the building and the use being applied for.

Informative

This Planning Consent is approval of the use of the site for Class 2 (Financial, Professional and Other Services) usage. It does not give consent for any physical works, structural or otherwise, to the exterior or interior of the building. Accordingly, it remains possible that any works required to facilitate its use and/or operation as a separate and self-contained business unit may require to be the subject of additional applications. More specifically, redecoration of the shop front may require to be the subject of a new Planning Application; any new signage may require to be the subject of an Advertisement Consent Application; any external works (including redecoration and signage) and/or any internal works (including the erection of any subdivision walls) may require to be the subject of a Listed Building Consent Application. Any such alterations, including signage, will need to respect the character and appearance of the listed building. In the event that it is anticipated that any or all of the above works would be required, the operator should contact the Planning Authority for further discussions to establish how each proposal would be appropriately progressed.

10/00189/CON  Mr J Rae  Per Ross Architectural Consultants  15 Leet Street  Coldstream  Scottish Borders  TD12 4BJ

10/00190/FUL

1. Demolition of derelict workshop
2. Residential development comprising of four flats

Land South East of 4 Bourtree Terrace, Hawick

Decision: In respect of application 10/00189/CON - Approved subject to referral to Historic Scotland and the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. The works of demolition hereby permitted shall not be begun until documentary evidence is submitted to the Planning Authority to show that contracts have been entered into by the developer to ensure that building work associated with the redevelopment of the site (for which planning permission has been granted) is commenced within a period of 6 months following commencement of demolition.
   Reason: To prevent premature demolition in the interests of the character of the Conservation Area.
3. Details of the boundary treatment of the site and measures to keep the site in a tidy and safe condition once the buildings have been demolished to be submitted to the Planning Authority for approval before the demolition commences. The measures then to be implemented once the buildings have been demolished.

Reason: To safeguard the character and appearance of the Conservation Area.

Decision: In respect of application 10/00190/FUL - Approved subject to the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-

a) A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition.

and thereafter

b) Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

c) Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).

d) Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.

e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

3. A sample of all materials to be used on all exterior surfaces of the development hereby permitted and a sample of the paviors for the parking area and access shall be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved samples.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

4. Details of the colour of the window frames, timber screens to the staircase and external doors to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
   Reason: To safeguard the character and appearance of the Conservation Area.

5. Details of the position, height, appearance and materials of any retaining walls and boundary walls or fences shall be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
   Reason: To safeguard the character and appearance of the Conservation Area.

6. The car parking within the site to be provided before the flats are occupied and retained in perpetuity.
   Reason: In the interests of road safety.

7. The footway crossing to be constructed to the following specification by a contractor on the Council’s approved list (List 13 DC-8 attached): 30mm DBM medium graded wearing course, 6mm nominal stone size, laid on 75mm DBM medium graded base course, laid on 350mm Type 1 sub-base before the flats are occupied.
   Reason: In the interests of road safety.

8. A drawing showing the position, design, materials and dimensions of the compound to house the air-source heat pumps to be submitted to and approved in writing by the Planning Authority before the development commences. The compound housing then to be completed in accordance with the approved details before the air source heat pumps become operational.
   Reason: To safeguard the character and appearance of the Conservation Area and residential amenities.

9. Details of the location and means of enclose of the refuse storage area to be submitted to and approved in writing by the Planning Authority before the development commences. The refuse storage area then to be completed in accordance with the approved details before the flats are occupied.
   Reason: To safeguard the character and appearance of the Conservation Area and residential amenities.

Informative

The applicant should give consideration to the provision of markings on the carriageway of Bourtree Terrace at the entrance to the site to prevent vehicles parking across the site entrance and to allow adequate visibility for, and of, vehicles emerging from the site entrance.

13/00251/FUL    Coastal Marine Boatbuilders Ltd
                  Per Camerons Ltd
                  Per Ben Glennon
                  1 Wilderhaugh
                  Galashiels
                  Scottish Borders
                  TD1 1QJ

Erection of boat manufacturing facility
and associated staff accommodation, boat
service yard, access and fencing.

Employment site at Hawk’s Ness,
Gunsgreenhill, Eyemouth

Decision: Agreed that delegated authority be granted to the Head of Planning and Regulatory Services and Chairman of the Committee, to approve the planning application subject to the following conditions and informatives, upon expiry of the press notice on the 12th of April, and provided no additional substantive planning issues have been raised in any representations by that time.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Levels for the completed development site are to be as shown on approved drawing 9095-1-01-A-40237-1(Site Plan), unless otherwise agreed in writing by the Planning Authority.
   Reason: To maintain effective control over the development.

3. The external surfaces of the development hereby permitted shall be completed in the materials:
   - Walls: Kingspan composite KS100 Panel, Colour: RAL 5003 (Sargasso)
   - Roof: Kingspan composite KS100 Panel, Colour: Goosewing Grey.
   - Rainwater Goods: Metal to match colour RAL 5003 (Sargasso).
   No other materials shall be used without the prior written consent of the Planning Authority.
   Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

4. Any open storage taking place within the curtilage of the site shall be in accordance with a written scheme of details (including information on the materials being stored and their location within the site) first submitted to and approved in writing by the Planning Authority.
   Reason: To safeguard the visual appearance of the area.

5. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include:
   a) Location of new trees, shrubs, hedges and any grassed areas
   b) Schedule of plants to comprise species, plant sizes and proposed numbers/density
   c) Programme for completion and subsequent maintenance.
   Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

6. All planting, seeding or turving comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaces as may be necessary for a period of two years from the date of completion of the planting, seeding or turving.
   Reason: To ensure that the proposed landscaping is carried out as approved.

7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any order revoking or re-enacting that order:
   (a) Prior to the commencement of development, revised details of the boundary fencing of the site and a schedule for implementation are to be submitted to and agreed in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.
   (b) Other than the fencing agreed under part a) of this condition, and the retaining wall subject to condition 13, no gate, wall, fence or other means of enclosure is to be erected unless subject to an approved application for planning permission made to the Planning Authority.
   Reason: To maintain effective control over the development and in the interests of visual amenity within the adjoining employment site.

8. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within any noise sensitive dwelling (windows can be open for ventilation).
   Reason: To protect the occupants of nearby housing from noise and disturbance late in the evening.

9. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.
   Reason: To protect the occupants of nearby housing from noise and disturbance

10. Prior to the commencement of development a scheme outlining the foul and surface water drainage arrangements for the proposed site, including the building, yards and car parking is to be submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed in writing with the Planning Authority, and
the drainage scheme to be implemented prior to the bringing into use of the premises hereby approved.
Reason: To ensure the provision of suitable drainage arrangements within the site.

11. Prior to installation a scheme outlining the full details of the bunded external chemical storage area is to be submitted to and approved in writing by the Planning Authority. The submission is to include details of the chemicals to be stored, details of the construction of the bund, its drainage, and of any cover or shelter to be erected. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed in writing with the Planning Authority.
Reason: To maintain effective control over the development.

12. Full details of the external finish of the Retaining Wall to the south western end of the site are to be submitted to and approved in writing by the Planning Authority. The wall is to be finished in accordance with the agreed details prior to the bringing into use of the site.
Reason: To maintain effective control over the development.

13. The areas allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences, and shall not be used other than for the parking of vehicles and for servicing and deliveries in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

14. The accesses to the boatyard, visitor parking area and staff parking and delivery areas must be constructed with the following specification:
A 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense binder course to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1.
Reason: In the interests of road safety on the Hawk's Ness Industrial Estate access road.

15. Access to the boatyard will require the existing kerbing and footway levels to be altered to allow vehicular access over this area. A scheme outlining such alterations is to be submitted to and approved in writing by the Planning Authority, and thereafter implemented on site prior to the bringing into use of the development.
Reason: In the interests of road safety on the Hawk's Ness Industrial Estate access road.

16. Access to the visitor parking area to be formed with a minimum of 3 metre radii, with a minimum road width of 5.5 metres. This will require the footway and kerbing to be altered and must allow for pedestrian crossing points. A scheme outlining such alterations is to be submitted to and approved in writing by the Planning Authority, and thereafter implemented on site prior to the bringing into use of the development.
Reason: In the interests of road safety on the Hawk's Ness Industrial Estate access road, and to ensure adequate on site vehicular parking is provided.

17. Visitor parking bays are to be of dimensions 2.5 metres by 5 metres with a clear 6 metres between the two rows of bays.
Reason: In the interests of road safety to allow vehicles to enter and exit the bays easily.

18. The staff and delivery access to be formed with a minimum of 6 metre radii, with a minimum road width of 7.3 metres.
Reason: In the interests of road safety within the site and on the Hawk's Ness Industrial Estate access road.

19. The purpose of this development is to manufacture large vessels which, when complete, will be transported along the industrial road and down to the harbour for transportation by sea. As such the following points will need to be addressed in a "Written scheme of details for the transportation of abnormal loads", submitted to and approved in writing by the Planning Authority prior to the bringing into use of the site. The written scheme is to include:
- Details of street furniture which need to be moved/altered in order to accommodate the movement of the loads to be submitted and agreed in writing, including details of re-instatement works.
- Details of the arrangements for escorting of all abnormal loads.
o The timing of the abnormal loads to be agreed in writing, following consultation with all affected parties along the route.
o Details of the overrun area required at the harbour.
o Details of a trial run to be undertaken, prior to movement of the first abnormal road, to ensure the route is fit for purpose.
o Any additional accommodation works identified must be detailed.
Thereafter, and all abnormal movements are to be conducted in accordance with the approved details within the "written scheme of details for the transportation of abnormal loads", unless otherwise agreed in writing by the Planning Authority.
Reason: In the interests of road safety on the Hawk's Ness Industrial Estate access road, Harbour access road and within the Harbour.

20. A “Post Abnormal Movement Assessment Statement” is to be submitted to the Planning Authority within 14 days of any abnormal movement, and thereafter approved in writing by the Planning Authority. The statement is to include full details and an assessment of any damage to roads or street furniture caused by the movement of the abnormal loads along the Industrial Estate Road and Harbour Access Road, and outline steps for repairs and a time scale for such works to be carried out. Thereafter any repairs are to be undertaken within the agreed timescale.
Reason: In the interests of road safety on the Hawk's Ness Industrial Estate access road, Harbour access road and within the Harbour.

21. The path shown by the broken yellow line on the attached plan, must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of this development. There should be no additional gates, steps, stiles, fences, walls or hedges on this route shown which would confer restricted public access.
Reason: To protect general rights of responsible public access.

Informatives:

1. The HSE will be the enforcement authority for the premises in terms of the Health & Safety at Work etc Act 1974. The Work at Height Regulations 2005 will apply.

2. With regards to Condition 6, the details submitted for the landscaping along the internal estate road at the frontage of the building should include provision of earth mounding.

3. With regards to condition 9, part a), it is expected that the proposed boundary fencing to all public facing elevations should be in accordance with the Scottish Borders Council standard timber screen fence detail for employment and industrial estates. The chain link fence for the remainder of the site, and its supports, should be of a type coated for rust resistance.

4. All work within the public road boundary, must be undertaken by a Council approved contractor.

5. With regards to Condition 20, the intended manoeuvring of boats to the Deepwater Harbour will likely require alterations, repositioning or temporary removal of street lighting columns and street signage and furniture along the new Harbour access road. Contact should be made with the Councils Roads and Street Lighting Services. Contact is also advised with the Harbour Trust to co-ordinate vehicle movements, particularly during the launch of boats.

6. This permission does not convey any approval for the display of any signage or advertisements.
Decision: Approved subject to the following conditions and informatives:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
   i. existing and finished ground levels in relation to a fixed datum preferably ordnance
   ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
   iii. location and design, including materials, of walls, fences and gates
   iv. soft and hard landscaping works
   v. existing and proposed services such as cables, pipelines, sub-stations
   vi. A programme for completion and subsequent maintenance.
   Reason: To ensure the satisfactory form, layout and assimilation of the development.

3. No open storage shall take place within the boundary of the site without the prior written permission of the Local Planning Authority.
   Reason: To safeguard the visual appearance of the area.

4. The site shall be used for Classes 4, 5 and 6 of The Town and Country Planning (Use Classes) (Scotland) Order 1997, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order. Reason: To ensure that the use remains compatible within the site.

5. Prior to the commencement of development, the following details are to be submitted to and agreed in writing by the planning authority:
   i) Engineering details of the proposed road(s) and footway(s) showing levels and geometry.
   ii) Drainage layout and details, including Sustainable Urban Drainage Systems (SUDS). This is to ensure that all drains within the public road(s) are prospectively public. No private drains will be allowed within the boundary of the prospective public road(s) or footway(s) other than drains crossing the road(s).
   iii) Details, including layout, of the proposed lighting.
   iv) Details, including layout, of the proposed public utility provision.
   v) Construction details for the road(s) and footway(s).
   Thereafter, the roads and footways are to be constructed by a Council approved contractor in accordance with the agreed details unless otherwise agreed in writing by the planning authority.
   Reason: In the interests of Road Safety and to ensure the construction of adoptable standard roads.

6. The path DUNS/53/1 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the curtilage of the property. No additional stiles, gates steps or barriers to access may be erected that would deter or hinder future pedestrian use, without the prior
consent of the Access Team
Reason: To protect general rights of responsible access.

7. This section of the proposed industrial estate can only be brought into use once the previous phases of the access road and drainage subject to planning consents 10/00171/FUL & 11/01659/FUL have been completed.
Reason: In the interests of Road Safety and to ensure the construction of adoptable standard roads in a managed manner.

Informatives:
Attention is drawn to the enclosed consultation reply and map from the Council Rights of Way Officer.

<table>
<thead>
<tr>
<th>Consent No.</th>
<th>Applicant</th>
<th>Description</th>
<th>Address</th>
</tr>
</thead>
<tbody>
<tr>
<td>12/00141/FUL</td>
<td>Mr And Mrs I Forsyth, Per A G Walker</td>
<td>Alterations and extension to dwellinghouse</td>
<td>Swaledale House, Auchencrow, Eyemouth, Scottish Borders TD14 5LS</td>
</tr>
<tr>
<td>13/00188/FUL</td>
<td>Borders Sport &amp; Leisure Trust, Per Stuart Davidson</td>
<td>Erection of sports hub building and viewing area</td>
<td>Tweedbank Outdoor Sports Complex, Tweedbank Industrial Estate, Tweedbank</td>
</tr>
</tbody>
</table>

Decision: Approved subject to conditions, for the following reason:

It is considered that the proposed development would not harm the visual amenities or the residential amenities of neighbouring properties within the village setting, in compliance with Policy G1, and H2 as contained within the Consolidated Local Plan 2011.

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
   Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
   Reason: To ensure that the development is carried out in accordance with the approved details.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the east or west elevations of the extensions, unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.
   Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.

4. The velux roof light on the east elevation of the rear extension shall be constructed of obscure glazing.
   Reason: To safeguard the privacy and amenity of the occupiers of adjacent properties.
1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission. 
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Notwithstanding the terms of the Town and Country Planning (Use Classes) (Scotland) Order 1997 (or any amendment or replacement of this Order) the use of the development hereby approved shall be limited to the uses specified in the approved plans and drawings and the development shall be occupied and operated in a manner which is ancillary to the principal use of the sports complex, and not used as an independent facility
Reason: To limit the potential for parking conflicts and adverse impacts on neighbouring amenity

3. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and material specifications approved by the Planning Authority under this consent with the exception of the roofing material. An alternative specification for the roofing material shall be submitted to and approved by the Planning Authority before the development commences, in addition to a sample of the approved timber cladding and of the paviours. The development shall be carried out using only the approved alternative roofing material and approved sample materials
Reason: To ensure that the development is carried out in accordance with the approved details (subject to a more sympathetic roofing material being agreed) in a manner sympathetic to the proposed setting.

4. No development shall commence until evidence has been provided to the Planning Authority which demonstrates that the approved development will be served by mains water supply and foul drainage connections 
Reason: To ensure the development can be adequately serviced in a manner appropriate to the setting

5. All exposed areas of ground around the approved development following removal of hedging and existing structures shall be grass-seeded to match the existing ground cover during the first planting season following completion of the development and maintained until the grass has become established, reseeding as necessary to cover failed grass cover 
Reason: To integrate the development sympathetically with the proposed setting

Informatives

Unless removal of hedging is carried out outwith the bird breeding season (March to August) it is recommended that no hedging is removed until the hedging is inspected for potential active bird nests. Should any be discovered, works should cease until any licensing implications have been addressed with Scottish Natural Heritage.

DECLARATION OF INTEREST
Councillors Cranston and Davidson declared an interest in the above application in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

13/00020/PPP Mrs E Brotherstone/S Oliver/G Logan Per Edwin Thompson & Co (Berwick) 44/48 Hide Hill Berwick Upon Tweed TD15 1AB

Erection of dwellinghouse (renewal of planning permission 08/01642/OUT) Plot 3 Land At Pouterlynie Park Hardens Road Duns

Decision: Approved subject to the following conditions:

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
   (a) the expiration of three years from the date of this permission, or
   (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.

Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.

Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. The means of water supply and of both surface water and foul drainage to be submitted to and approved by the Planning Authority before the development is commenced.

Reason: To ensure that the site is adequately serviced.

5. Parking and turning for two vehicles, excluding garages, must be provided within the site before the dwellinghouse is occupied and retained in perpetuity.

Reason: In the interests of road safety.

6. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Planning Authority, and shall include:
   i. indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
   ii. location of new trees, shrubs, hedges and grassed areas
   iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
   iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

7. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.