

# Public Document Pack



## PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 29TH JUNE, 2015

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 29TH JUNE, 2015 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

22 June 2015

<b>BUSINESS</b>	
1.	<b>Apologies for Absence.</b>
2.	<b>Order of Business.</b>
3.	<b>Declarations of Interest.</b>
4.	<b>Minute.</b> (Pages 1 - 8)  Minute of Meeting of 1 June 2015 to be approved and signed by the Chairman. (Copy attached.)
5.	<b>Draft Supplementary Guidance: Waste Management.</b> (Pages 9 - 38)  Consider report by Service Director of Regulatory Services. (Copy report attached.)
6.	<b>Applications.</b> Consider the following application for planning permission:-
	(a) <b>13/00789/FUL - Windy Edge Wind Farm</b> (Pages 39 - 82) Wind farm development comprising of 9 wind turbines and associated infrastructure/buildings/access (further revised scheme - tip heights of Turbines 1, 2 and 4 reduced to 110m - all others to remain at 125m) on Land North East and North West of Farmhouse Braidlie, near Hermitage, Hawick – Windy Edge Wind Farm – 13/00789/FUL
	(b) <b>14/00786/FUL - Skatepark</b> (Pages 83 - 108) Formation of Skatepark on Land South East of Tourist information Centre, Abbey Place, Jedburgh – 14/00786/FUL
	(c) <b>15/00317/FUL - Erection of dwellinghouse with attached garage</b> (Pages 109 - 122) Erection of dwellinghouse with attached garage on Land South East of St

	Leonards, Polwarth – 15/00317/FUL
(d)	<b>15/00458/FUL - Variation of condition 15 of Planning consent 13/00247/FUL</b> (Pages 123 - 130) Variation to condition 15 of planning consent 13/00247/FUL to allow additional working hours to completion of development (Monday to Friday 5 p.m. – 8 p.m. ) at Eccles Substation, Eccles – 15/00458/FUL
(e)	<b>15/00432/FUL - Change of use and alterations</b> (Pages 131 - 140) Change of use and alterations to form additional dwellinghouse and erection of detached garage at Ballantyne House, Waverley Road, Innerleithen – 15/00432/FUL. (Copies attached.)
7.	<b>Planning Performance Framework 2014/15.</b> (Pages 141 - 146) Consider report by Service Director Regulatory Services. (Copy attached.)
8.	<b>Appeals and Reviews.</b> (Pages 147 - 150) Consider report by Service Director Regulatory Services. (Copy attached.)
9.	<b>Any Other Items Previously Circulated.</b>
10.	<b>Any Other Items which the Chairman Decides are Urgent.</b>
11.	<b>Items Likely To Be Taken In Private.</b>  Before proceeding with the private business, the following motion should be approved:-  “That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the relevant paragraphs of Part 1 of Schedule 7A to the aforementioned Act.”
12.	<b>Roof Repairs at Bank House, St Boswells.</b> Consider report by Service Director Regulatory Services. (Copy report attached.) (Pages 151 - 154)
13.	<b>Dry Rot at 65, 72, 74 and 75 Halliburton Place, Galashiels</b> (Pages 155 - 160) Consider report by Service Director Regulatory Services. (Copy report attached.)

## **NOTE**

**Members are reminded that, if they have a pecuniary or non-pecuniary interest in any item of business coming before the meeting, that interest should be declared prior to commencement of discussion on that item. Such declaration will be recorded in the Minute of the meeting.**

**Members are reminded that any decisions taken by the Planning and Building Standards Committee are quasi judicial in nature. Legislation , case law and the Councillors Code of Conduct require that Members :**

- **Need to ensure a fair proper hearing**
- **Must avoid any impression of bias in relation to the statutory decision making process**
- **Must take no account of irrelevant matters**
- **Must not prejudge an application,**
- **Must not formulate a final view on an application until all available information is to hand and has been duly considered at the relevant meeting**
- **Must avoid any occasion for suspicion and any appearance of improper conduct**
- **Must not come with a pre prepared statement which already has a conclusion**

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**Membership of Committee:-** Councillors R Smith (Chairman), J Brown (Vice-Chairman), M Ballantyne, D Moffat, I Gillespie, J Campbell, J A Fullarton, S Mountford and B White.

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Please direct any enquiries to Fiona Henderson 01835 826502  
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**SCOTTISH BORDERS COUNCIL**  
**PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Scottish Borders Council, Council Headquarters, Newtown St Boswells TD6 0SA on Monday, 1st June, 2015 at 10.00 am

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- Present:- Councillors R Smith (Chairman), J Brown (Vice-Chairman), M Ballantyne, D Moffat, J Campbell, J A Fullarton, S Mountford and B White.
- Apologies:- Councillors I Gillespie.
- In Attendance:- Development Standards Manager, Major Applications, Review and Enforcement Manager, Senior Roads Planning Officer (A Scott), Chief Legal Officer, Democratic Services Team Leader, Democratic Services Officer (F Henderson).

**MINUTE**

1. There had been circulated copies of the Minute of the Meeting held on 27 April 2015.

**DECISION**

**APPROVED for signature by the Chairman.**

**DECLARATION OF INTEREST**

2. Councillor Smith declared an interest in application 15/00452/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Brown chaired the meeting for that item.

**APPLICATIONS**

3. There had been circulated copies of reports by the Service Director 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**

4. There had been circulated copies of a report by the Service Director Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:-**

- (a) **an appeal request had been received in respect of the construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound on Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge – 14/00738/FUL;**

- (b) a decision to dismiss the appeal had been received in respect of the Installation of anaerobic digestion sustainable energy plant at Ravelaw Farm, Whitsome, Duns - 14/00763/FUL;
- (c) there remained an appeal outstanding in respect of Land West of Kingledores Farm, (Glenkerie) Broughton, Biggar ;
- (d) review requests had been received in respect of the following:-
  - (i) Siting of residential caravan (retrospective) on Land West of Tibbieshiels Inn, St Marys Loch, Selkirk – 14/00835/FUL;
  - (ii) Erection of veterinary practice building on Land South East of Paul Burton Warehouse, (Plot 8), Pinnaclehill Industrial Estate, Kelso – 14/01342/FUL;
  - (iii) Erection of boundary fence and garden shed (retrospective) at 1 Old Mill Cottages, West Linton – 15/00111/FUL; and
  - (iv) Part Change of use to form dental surgery suite at 3 Cherry Court, Cavalry Park, Peebles – 15/00275/FUL
- (e) the Local Review Body had upheld the Appointed Officers decision to refuse, replacement windows at 27-29 Eastgate, Peebles – 14/01400/FUL

**PRIVATE BUSINESS**  
**DECISION**

- 6. **AGREED** under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix to this Minute on the grounds that they involved the likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

**SUMMARY OF PRIVATE BUSINESS**

**Minute**

- 1. The Committee considered the private section of the Minute of 27 April 2015.

*The meeting concluded at 12.55 pm*

## APPENDIX

### APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
15/00220/AMC	Erection of dwellinghouse (approval of matters for all conditions pursuant to planning permission 10/00154/PPP)	Land East of Northwood House, Whitefield, Coldingham

Decision: Approved subject to the following conditions and informative:

1. 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.
2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.  
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.
4. The windows indicated as being obscure glazed on the approved drawings (serving the stairwell and the first floor bedroom) shall remain obscure glazed in perpetuity.  
Reason: To remove any potential for overlooking of adjoining residential properties.
5. The passing place shown on drawing number TMKT/11 (May 2015) must be constructed to the specification provided prior to the dwelling being occupied. This work must be carried out by a Council approved contractor.  
Reason: To ensure that the required passing space is provided when required, in the interests of road safety.
6. The visibility splays indicated on drawing number TMKT/5A must be provided prior to the occupation of the dwelling and be retained thereafter in perpetuity.  
Reason: To ensure that the adequate visibility is provided for vehicles emerging from the application site and for users of the public road, in the interests of road safety.
7. A service lay-by must be constructed prior to the occupation of the dwelling in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority. This work must be carried out by a Council approved contractor.  
Reason: To ensure that the adequate provision is made for service vehicles clear of the public road upon occupation of the proposed house, in the interests of road safety.
8. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided within the curtilage of the property prior to the dwelling being occupied and retained thereafter in perpetuity.

Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

9. The entrance gates must be hung so as to open into the property and not out over the public road.  
Reason: To ensure that the proposed gates do not cause an obstruction to users of the public road.
10. Details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before work on the site is commenced. Thereafter, the means of enclosure shall be provided at a time that shall first have been agreed in writing by the Planning Authority.  
Reason: To enable the proper effective assimilation of the development into its wider surroundings and to ensure appropriate boundary treatment is provided between the site and other properties.

### **Informative**

It is recommended that a treatment system is installed to ensure that the water supply meets the required quality standard.

### NOTE

Mr John Slater spoke on behalf of Residents in Whitfield against the application.  
Mr Timothy Mansfield, Applicant spoke in support of the application.

<b>15/00452/FUL</b>	<b>Erection of commemorative stone Monument plaque</b>	<b>Hornshole  Hornshole Bridge HAWICK</b>
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Decision: Approved subject to the following conditions and informative:

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1. 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.
2. The precise location of the plaque to be pegged out on-site and agreed in writing by the Planning Authority before the development commences. The plaque then to be installed as per the agreed siting.  
Reason: To safeguard the setting of the existing memorial.
3. The foundations of the plaque to be no deeper than 200mm below ground level.  
Reason: To preserve in situ any archaeological evidence that may exist below top-soil depth. There remains a possibility that archaeology exists within and immediately below the top-soil.
4. The proposed paved area shall be completed in accordance with a scheme of details and materials that shall first have been submitted to and approved in writing by the Planning Authority.  
Reason: To ensure that the proposals are appropriate to the setting.

Informative:

In respect of condition 3, any discoveries of buried artefacts or features found during the development of this site to be reported immediately to the Council's Archaeology Officer for further discussion.



## VOTE

*Councillor Fullarton, seconded by Councillor Mountford, moved refusal of the application in terms of Policy G21 on the grounds that the proposal did not respect the character of the site and harmed the visual amenity of the area.*

*Councillor Ballantyne, Seconded by Councillor White, moved as an amendment that the application be approved.*

*On a show of hands Members voted as follows:-*

*Motion - 2 votes*

*Amendment - 4 votes*

*The Amendment was accordingly carried.*

## NOTE

Mr Gordon Muir spoke on behalf of Objectors against the application.

**15/00024/LBCNN                      Internal extension alteration to                      Hall 2 – 6 Old  
Manse Lane, Hawick  
form dwellinghouse and change  
of use from former meeting hall and  
alteration to form dwellinghouse**

Decision: In respect of application 15/00024/LBCNN, 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 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 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. Prior to commencement of development the applicant will create a digital photographic record of all internal and external elevations. Following the soft strip of the interior, the applicant will take further digital photographs of exposed walls and original features. All existing elevation drawings, photographs and plans annotated with photograph locations, will be submitted to the Planning Authority and Archaeology Officer in a high resolution (above 200dpi) pdf format for approval in the form of a Historic Building Survey Report.  
Reason: To preserve by record a building of historical interest.
4. The colour of all external decoration and joinery, including window frames and doors, to be submitted to and approved in writing before the development commences. The development then to be completed in accordance with the approved colours.  
Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.
5. All existing windows to be retained and repaired where necessary, unless otherwise agreed in writing by the Planning Authority, with the exception of the proposed ground floor window in the front elevation shown on Drawing Number: 15-491-2002 Rev A. Details of the material, colour, thickness of the frame and astragals and method of opening of this window to be submitted to and approved

in writing by the Planning Authority before the development commences. The window then to be replaced in accordance with the approved details.

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

6. The alterations to the existing opening and formation of a balcony proposed for the side (south east) elevation of the property are specifically excluded from this permission. No works forming part of these elements shall be undertaken.

Reason: The balcony would increase the vulnerability of the property to flooding.

Informative: In respect of condition 3, any discoveries of buried artefacts or features found during the development of this site to be reported immediately to the Council's Archaeology Officer for further discussion.

Decision: In respect of application 15/00025/FUL, approved subject to the approval of the Scottish Ministers and the following conditions and informative:

1. 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.
2. Prior to commencement of development the applicant will create a digital photographic record of all internal and external elevations. Following the soft strip of the interior, the applicant will take further digital photographs of exposed walls and original features. All existing elevation drawings, photographs and plans annotated with photograph locations, will be submitted to the Planning Authority and Archaeology Officer in a high resolution (above 200dpi) pdf format for approval in the form of a Historic Building Survey Report.  
Reason: To preserve by record a building of historical interest.
3. Measures to ensure that materials and debris are not stored or dumped in areas that may impact on the River Tweed Special Area of Conservation (Slitrig Water) to be submitted to and approved in writing by the Planning Authority before the development commences. These approved measures to be implemented during the development. The bankside should be avoided and best practice measures adopted, in accordance with SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses) and PPG 6 (construction and demolition) as appropriate  
Reason: To protect the water body (Slitrig Water, River Tweed Special Area of Conservation) adjacent to the development area.
4. The colour of all external decoration and joinery, including window frames and doors, to be submitted to and approved in writing before the development commences. The development then to be completed in accordance with the approved colours.  
Reason: To safeguard the character and appearance of the Listed Building and Conservation Area.
5. All existing windows to be retained and repaired where necessary, unless otherwise agreed in writing by the Planning Authority, with the exception of the proposed ground floor window in the front elevation shown on Drawing Number: 15-491-2002 Rev A. Details of the material, colour, thickness of the frame and astragals and method of opening of this window to be submitted to and approved in writing by the Planning Authority before the development commences. The window then to be replaced in accordance with the approved details.

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

6. Mitigation measures to lessen the impact of the potential flooding of the building to be submitted to and approved in writing by the Planning Authority before the development commences. The approved measures then to be implemented as part of the development and following occupation of the dwellinghouse.  
Reason: To lessen the impact of potential flooding at the site.

7. The alterations to the existing opening and formation of a balcony proposed for the side (south east) elevation of the property are specifically excluded from this permission. No works forming part of these elements shall be undertaken.  
Reason: The balcony would increase the vulnerability of the property to flooding.

Informative:

If bats are discovered following the commencement of works, works should stop immediately and the developer must contact Scottish Natural Heritage (tel: 01896-756652) for further guidance. Works can only recommence by following any guidance given by Scottish Natural Heritage. The developer and all contractors to be made aware of accepted standard procedures of working with bats at [www.bats.org.uk](http://www.bats.org.uk). Further information and articles are available at:

15/00456/FUL Supermarkets Plc,	Variation of planning condition  No 6 of planning consent R025/92 relating to delivery hours	Morrison  Mart Street Hawick
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Decision: Approved subject to the following condition:

1. Deliveries to the supermarket to be between the hours of 05:00 to 23:00 Monday to Friday. Any deliveries made on Saturday and Sunday to be between the hours of 07:00 and 22:00. Deliveries to be carried out in accordance with the approved Quite Delivery Scheme.  
Reason: To safeguard the amenities of neighbouring residents.

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## **DRAFT SUPPLEMENTARY GUIDANCE: WASTE MANAGEMENT**

**Report by Service Director Regulatory Services**

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### **PLANNING AND BUILDING STANDARDS COMMITTEE**

**29 June 2015**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report proposes the approval of Draft Supplementary Guidance on Waste Management. Once approved, the Guidance will become a material consideration in the determination of planning applications.**
- 1.2 The aim of this new Supplementary Guidance is to support the effective implementation of the Proposed Local Development Plan Policies PMD1–Sustainability, PMD2–Quality Standards and IS10–Waste Management Facilities.
- 1.3 It is proposed that the Draft Supplementary Guidance is subject to public consultation for a period of 12 weeks. Following consultation, it is intended that if substantive comments are received a report will be brought back to the Planning and Building Standards Committee to seek final agreement.
- 1.4 A new Local Development Plan is in the process of being approved. The document is currently at Examination and the decision of the Reporter is imminent. Once this Supplementary Guidance has been approved by the Council, it is anticipated it will be referred to the Scottish Government in order that it can achieve elevated status and would formally become part of the Adopted Local Development Plan.

#### **2 RECOMMENDATIONS**

- 2.1 I recommend that the Planning and Building Standards Committee agrees to:**
- a) Approve the use of the document as a Draft Supplementary Guidance on Waste Management to be used as a basis for public consultation.**
  - b) Delegate the approval of the document to the Service Director of Regulatory Services as Supplementary Guidance if there are no substantive comments arising from the public consultation.**

### **3 BACKGROUND**

- 3.1 The Scottish Government's Zero Waste Plan (ZWP) for Scotland sets out the Government's vision for a zero waste society where all types of waste are dealt with, regardless of their type and source, and contains a range of targets. To help meet these targets, it is essential for Scottish Borders Council and its partners to engage with developers as early as possible in the planning application process to encourage the reduction, reuse and recycling of as much waste as possible.
- 3.2 The aim of this Supplementary Guidance is to support the effective implementation of the Scottish Borders Council Consolidated Local Plan 2011 Principle 1—Sustainability and Policies G1—Quality Standards for New Development and Inf7—Waste Management Facilities. It is primarily intended for use by developers, consultants and applicants seeking advice on the incorporation of waste management facilities into new developments.
- 3.3 The guidance will apply to all new developments where additional residential and commercial waste management is required. It sets out the requirements that must be taken into consideration at the planning application stage for waste management in all new development. This guidance forms part of a suite of policies and supplementary guidance which must be taken into consideration during the planning application process, and in particular, must be read in conjunction with other Local Plan Policies and guidance that encourage good placemaking and design.
- 3.4 The Draft Supplementary Guidance was discussed at a meeting of the Development Plan Group on 1 April 2015.

### **4 IMPLICATIONS**

#### **4.1 Financial**

There are no substantive cost implications arising for the Council. There is budget to cover the necessary consultation elements.

#### **4.2 Risk and Mitigations**

##### Risk of not producing guidance

- a) The lack of guidance would cause uncertainty to developers and the public and be a barrier to effective decision making by the Council. This could result in ad hoc and inconsistent decision making with waste management requirements not being taken fully into account.
- b) Failure to produce the Supplementary Guidance would reflect badly on the Council's commitment to improve the incorporation of waste management facilities within new developments.
- c) There may also be resource impacts within the Development Management section potentially resulting in delay in the processing of planning applications due to waste management requirements not being correctly addressed and submitted at an early stage.

##### Risk of producing guidance

- a) There are no perceived risks related to the adoption of the guidance by the Council.

### 4.3 Equalities

An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

### 4.4 Acting Sustainably

In accordance with the Environmental Assessment (Scotland) Act 2005 a screening assessment of the Supplementary Guidance has been undertaken in order to identify whether there will be potentially significant environmental effects. The screening exercise was undertaken using the criteria specified in Schedule 2 of the Act and no significant environmental issues were found.

### 4.5 Carbon Management

- a) The extraction, processing, use and disposal of all materials produces environmental impacts, and contributes directly to climate change through the energy used. Waste disposal also has major climate impacts, particularly the emission of the greenhouse gas methane from landfill sites.
- b) The Local Plan has a role in making sure that new development provides for the collection of waste and in enabling the provision of facilities for the sustainable recovery and treatment of waste.
- c) The Scottish Government's Zero Waste Plan sets out targets for a zero waste society. To help meet these targets it is essential for Scottish Borders Council to engage with developers as early as possible in the planning application process in order to encourage the reduction, reuse and recycling of as much waste as possible. Achieving zero waste will make a positive contribution to climate change and renewable energy targets as more waste is prevented, less waste is sent to landfill and more resources are reused, recycled and recovered.

### 4.6 Rural Proofing

It is anticipated there will be a neutral impact on the rural environment from the Supplementary Guidance.

### 4.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

## 5 CONSULTATION

- 5.1 Consultation on this report has been undertaken with the Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR and the Clerk to the Council. Any comments received have been incorporated into the final report.

**Approved by**

**Service Director Regulatory Services**

**Signature .....**

**Author**

Name	Designation and Contact Number
Karen Ruthven	Planning Officer (Planning Policy and Access)

**Background Papers:** None

**Previous Minute Reference:** None

**Note** – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email [eitranslationrequest@scotborders.gov.uk](mailto:eitranslationrequest@scotborders.gov.uk)



# Scottish Borders Local Development Plan

Draft Supplementary Guidance

## Waste Management

June 2015





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## 1. INTRODUCTION

1.1 The Scottish Government's Zero Waste Plan (ZWP) for Scotland sets out the Government's vision for a zero waste society where all types of waste are dealt with, regardless of their type and source, and contains a range of targets. It lays out proposals to introduce a regulatory framework to help drive changes required to meet these targets. These are summarised in Table 1.

Table 1 - Zero Waste Plan Targets

Target/Cap	Year	Derivation
The preparing for re-use and the recycling of 50% by weight of waste materials such as paper, metal, plastic and glass from household waste and similar	2020	EU Waste Framework Directive
60% recycling/composting and preparing for re-use of waste from households	2020	Scottish Government Target
No more than 1.26 million tonnes of biodegradable municipal waste to be sent to landfill	2020	EU Landfill Directive
70% recycling and preparing for re-use of construction and demolition waste	2020	EU Waste Framework Directive
No more than 5% of all waste to go to landfill	2025	Scottish Government Target
70% of recycling/composting and preparing for re-use of all waste by 2025	2025	Scottish Government Target

1.2 To help meet these targets it is essential for SBC and its partners to engage with developers as early as possible in the planning application process to encourage the reduction, reuse and recycling of as much waste as possible. Achieving zero waste will make a positive contribution to climate change and renewable energy targets as more waste is prevented, less waste is sent to landfill, and more resources are reused, recycled and recovered.

1.3 When adopted this Supplementary Guidance (SG) will be a material consideration in the determination of planning applications where waste management is required.

1.4 The Council approved an [Integrated Waste Management Strategy](#) (IWMS) in December 2013 proposing a number of changes to waste management services. The IWMS provides clear strategic direction for waste management in the Borders through to 2025 however it will be subject to an upcoming review. It will be used to inform decision-making and assist in delivering a waste service that is 'fit for purpose' and both financially and environmentally sustainable in the long term. The IWMS will allow the Council to achieve the requirements of the European Union Directive, ZWP and the Waste (Scotland) Regulations 2012.

## 2. PURPOSE OF GUIDANCE

- 2.1 The aim of this SG is to support the effective implementation of SBC's Proposed Local Development Plan Policies PMD1–Sustainability, PMD2-Quality Standards and IS10-Waste Management Facilities. It is primarily intended for use by developers, consultants and applicants seeking advice on the incorporation of waste management facilities into new developments.
- 2.2 The guidance will apply to all new developments where additional residential and commercial waste management is required. It sets out the requirements that must be taken into consideration at the planning application stage for waste management in all new development. This guidance forms part of a suite of policies and SG which must be taken into consideration during the planning application process, and in particular, must be read in conjunction with other Local Plan Policies and guidance that encourage good placemaking and design.
- 2.3 The requirement for waste management in new developments cannot be applied in every case and site specific negotiation at the development management stage may be required. This will ensure that any new development is appropriate to its context and waste management requirements are accounted for as early as possible in the development process.

### 3. POLICY CONTEXT

#### National Policy

##### 3.1 Scottish Planning Policy 2014

- 3.1.1 [Scottish Planning Policy](#) (SPP) seeks to promote Scotland's zero waste policy and sees planning as playing a vital role in supporting the provision of waste management facilities and infrastructure, recognising waste as a resource and an opportunity, rather than a burden.
- 3.1.2 SPP encourages Planning Authorities to take into account the aims of the ZWP and the waste hierarchy through development plans and development management. It sets out the key policy principles that the planning system should follow in order to meet zero waste targets and help deliver infrastructure at appropriate locations, prioritising developments in line with the waste hierarchy (see section 4.0).

#### Regional Policy

##### 3.2 SESPlan Policy 14—Waste Management and Disposal

- 3.2.1 The Strategic Development Plan (SDP), produced by the South East Scotland Development Planning Authority (SESplan), covers Edinburgh and the South East of Scotland. This provides high level strategic guidance. Across the SESplan area, there are a number of recovery and recycling facilities, including Easter Langlee in Galashiels, which contribute towards Scotland's ZWP.
- 3.2.2 The [Strategic Development Plan](#) (June 2013) identifies Easter Langlee as one of four strategic sites throughout the SESplan area for safeguarding as a waste treatment facility and encourages Local Development Plans to ensure that the function of these operational waste sites is not compromised.

### 3. POLICY CONTEXT

#### Local Policy—Scottish Borders Council Proposed Local Development Plan

##### 3.3 Policy PMD1 - Sustainability

- 3.3.1 In determining planning applications and preparing development briefs, the Council will have regard to a number of sustainability principles which underpin all the Plan's policies.
- 3.3.2 The Local Development Plan is founded on the premise of supporting and encouraging sustainable development in accordance with the Council's Environmental Strategy and the need for action on climate change. Developers will be expected to incorporate these sustainability principles into their developments.

##### 3.4 Policy PMD2 – Quality Standards

- 3.4.1 The aim of this policy is to ensure that all new development, not just housing, is of a high quality and respects the environment in which it is contained.
- 3.4.2 In terms of this SG, Part (e) of the policy is particularly relevant, requiring developers to provide for appropriate internal and external provision for waste storage, separate provision for waste and recycling, and depending on location, separate provision for composting facilities.

##### 3.5 Policy IS10 – Waste Management Facilities

- 3.5.1 The Council will support the provision of waste facilities set out within a hierarchy contained within this policy. Proposals that would prejudice the operation of these waste facilities will not normally be supported.

3.5.2 Applications for waste facilities that deliver the Council's Waste Plan will be approved, provided that any impacts on local communities and the environment have been properly addressed and are within acceptable limits as demonstrated by appropriate supporting information, taking cognisance of a range of identified matters.

3.5.3 Policy IS10 has been developed in association with Scotland's ZWP and the Government's vision for a zero waste society.

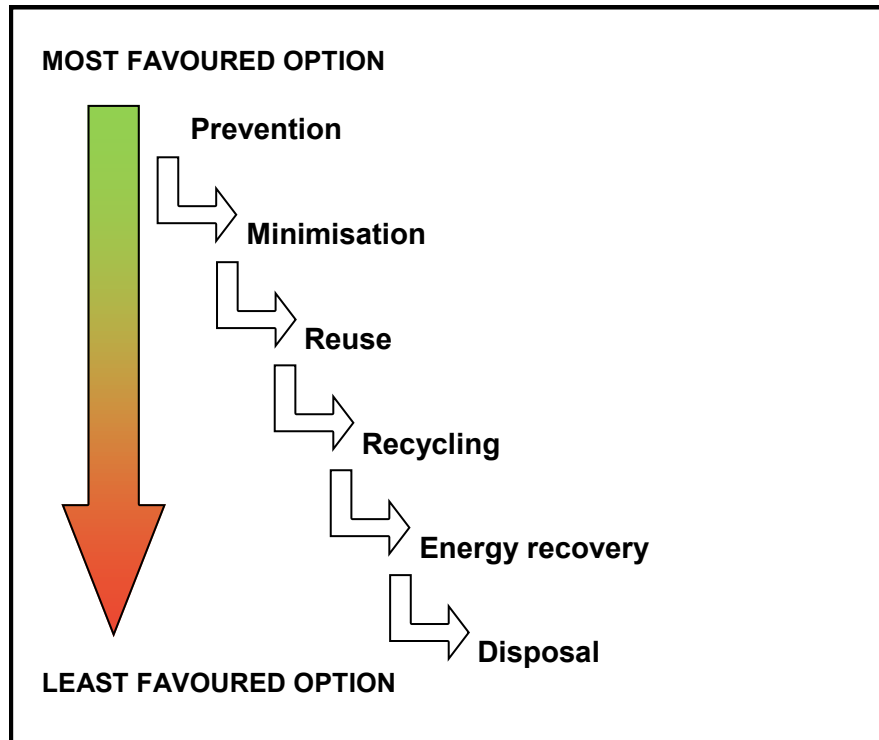
3.5.4 The IWMS envisages the main site for waste treatment in the Borders to be Easter Langlee Landfill Site near Galashiels, which will be safeguarded for this purpose. Other waste facilities include waste transfer stations and recycling facilities at various locations throughout the Borders. These sites have been placed in a hierarchy which breaks down the strategic significance of the Council's waste facilities for sustainable waste management. Easter Langlee Landfill Site heads this hierarchy and is given high strategic significance.

## 4. THE WASTE HIERARCHY

4.1 The waste hierarchy (see Figure 1) is a model used to rank waste management options in order of sustainability or environmental benefit. It identifies the prevention of waste as the highest priority with the disposal of waste as the least desirable option. The hierarchy is central to the Scottish Government's ZWP, recognising waste as a resource, and influencing our approach to managing waste in new developments.

4.2 The most important aspect of the waste hierarchy is the reduction in the amount of waste that we produce. If we can do this in the first instance then waste becomes less of an issue as we move through the hierarchy. SBC has made significant progress in recent years to reduce the reliance on landfill however this must continue and further measures must be put into place to continue this trend. These measures include kerbside collections for general household waste and recycling to the majority of households in the Borders as well as a network of recycling centres and recycling points in the main settlements.

Figure 1 - Waste Hierarchy



4.3 The ZWP highlights that energy from waste has an important role to play within the waste hierarchy and that it could contribute to 31% of Scotland's renewable heat target and 4.3% of Scotland's renewable electricity target.



## 5. PRE-APPLICATION ADVICE

### Pre-Application Advice

- 5.1 Provision for waste storage and collection should be considered **as early as possible in the design process**. Developers and applicants are advised to contact the Council's Development Management team for pre-application discussions about waste management requirements within development layouts prior to submitting any application. This process will be assisted by liaison between the relevant Development Management case officer, Building Standards, Roads and Waste Services officers. Contact details for SBC can be found in Appendix 1.
- 5.2 Developers should be aware that provision for waste management and recycling should be clearly detailed in planning applications for new developments where waste generation is involved. Planning conditions may be attached to any grant of planning consent requiring further details of waste and/or recycling storage and/or collection to be submitted for the approval of the Planning Authority.

- 5.3 **Where appropriate, the following sections identify key considerations developers and applicants should address at particular stages of the development process in respect of residential developments, entitled KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS. Taking cognisance of the points should help prevent the need to redesign schemes at later stages. Each section gives general guidance followed by specific reference to Development Management considerations and then other considerations, where appropriate.**

## 6. RESIDENTIAL DEVELOPMENTS

6.1 Currently, SBC operates a segregated kerbside household waste collection service comprising of:

- General waste – wheeled bin collection
- Recycling – wheeled bin collection
- Food waste – caddy or communal bin collection (to be provided in Hawick, Jedburgh, Selkirk, Peebles and Galashiels (including Tweedbank) on a phased basis, commenced Spring 2015).

6.2 Collections currently operate on a fortnightly basis with general waste and recyclables being collected on alternate weeks. Food waste is collected weekly. Individual kerbside properties are provided with three individual bins/caddies, whereas flatted properties are provided with a combination of communal and individual bins depending on location and requirements. Rural properties are serviced by the same fortnightly collection.

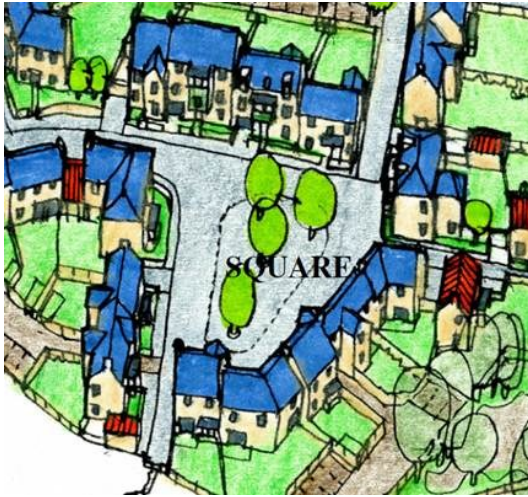
### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

6.3 SBC, through Development Plan policy and Supplementary Planning Guidance (SPG), highlights the importance of well designed places in the Borders that reflect national policy. At national level there is an increasing awareness of the importance of successful placemaking and design to the social and economic wellbeing of our communities and the environment at large. Proposals for new residential developments in the Borders provide an excellent opportunity to incorporate improved bin storage and collection into street design at an early stage in the planning process.

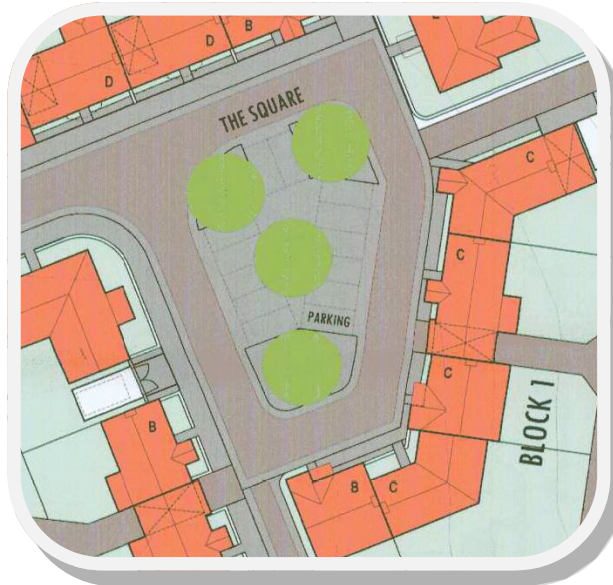
6.4 When designing residential layouts, developers must take account of the Council's requirements for refuse and recycling collection vehicles where appropriate. Layouts should be conducive to refuse vehicles in terms of road widths and junction geometry and where vehicular access pends/archways are proposed, consideration should be made for the Council's waste and recycling collection vehicles. These standards must not compromise the aforesaid importance of creating attractive places and would also be applied to redevelopment sites, where appropriate. The images overleaf illustrate an attractive square, with a sense of place, which meets the requirements for bin collection vehicles.

6.5 Collection vehicles should be able to navigate around the development in a forward gear only where possible, minimising the need for reversing manoeuvres. Turning facilities should be large enough to accommodate the refuse collection vehicles where it is not possible to provide the collection service in a continuous circular route. The size of bin collection vehicles can be obtained from Waste Services. Developments should offer good levels of connectivity between new and existing residential areas as promoted by Scottish Planning Policy Designing Streets as well as the Council's SPG on Placemaking and Design.

## 6. RESIDENTIAL DEVELOPMENTS



These images illustrate an attractive residential square, with a sense of place, which meets the requirements of the bin collection vehicles.



- 6.6 SBC currently operates a fleet of different types and sizes of collection vehicles but developments should be designed in such a way that all junctions and bends in the road cater for the largest vehicles anticipated. Measures should be taken by the developer in consultation with SBC Roads Planning Service to prevent parking which interferes with the collection of bins at designated collection points.
- 6.7 It should be noted that SBC waste and recycling vehicles will not travel on roads that do not meet the standards for adoption by the Local Authority. Consideration must therefore be given as to how dwellings in phased developments are occupied prior to adoption and how these dwellings are serviced in terms of refuse and recycling collection. This may require temporary turning areas and temporary communal collection areas to be formed. This should be agreed in consultation with Roads Planning and Waste Services officers.

### OTHER CONSIDERATIONS

- 6.8 Developers should also be aware of specific advice, guidance and requirements of the Council's Roads Planning Service, Environmental Health and Waste Services when preparing development proposals. Developers are advised to contact relevant Council staff through pre-application discussions.

## 7. KERBSIDE COLLECTIONS

- 7.1 As with most Scottish Local Authorities, waste collection in the Scottish Borders is offered to the householder at the kerbside. This places the onus on the householder to engage fully in the segregation and recycling processes to ensure that the collections operate as they are intended. Householders are responsible for moving the wheeled bins from the storage area to the collection point, which in most cases will be the kerbside, however, a dedicated area of hard standing may be formed as appropriate for communal collection.
- 7.2 In existing situations where bins are being left on the pavement/street, which can be unsightly and can cause obstruction, contact should be made with SBC Waste Services in order that appropriate action can be taken to address the situation.
- 7.3 Residents who have difficulty in presenting their waste for collection, for example the elderly or disabled, should contact SBC Waste Services who will visit householders in order to undertake an assessment and make possible alternative collection methods.

### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 7.4 For detached, semi-detached and terraced properties, wheeled bins should be located on an area of hard standing within the curtilage of the dwellinghouse with access to the collection point. Distances between storage areas and collection points should be kept to an absolute minimum and be convenient for both the user and the collection employee without presenting a risk to health and safety. This includes dropped kerbs where necessary so that wheeled bins can be presented for collection and collected safely. It is essential that developers make adequate provision within their development for waste segregation, storage and collection, and that the route between the storage area and collection point is free from steps and other obstructions.

### OTHER CONSIDERATIONS

- 7.5 The Council's Waste Services Team are responsible for designating the waste collection points therefore developers are advised to contact Waste Services for advice prior to submitting their application for planning consent. This can be discussed during pre-application meetings.

## 8. COMMUNAL BIN STORAGE AND FLATTED DEVELOPMENTS

- 8.1 It is normal practice for residents of flats to store their waste externally either in individual or communal bins which are then transferred to the agreed collection point.

### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 8.2 For all flatted properties developers shall provide bin storage areas sufficient enough to accommodate the number and size of wheeled bins required. This may vary depending on the number of flats in the development and the collection service provided by the Council.
- 8.3 Adequate provision should be made for communal waste storage areas in close proximity to the property and with easy access for refuse vehicles and operatives. As with kerbside collections, communal waste storage areas should include dropped kerbs where necessary so that wheeled bins can be presented for collection and collected safely.
- 8.4 The design of each bin storage area must be in keeping with the style, scale and character of the development. Innovative design and alternative sustainable materials will be considered and developers are encouraged to consult SBC SPG on Placemaking and Design.

### OTHER CONSIDERATIONS

- 8.5 Developers should be aware that requirements for waste storage and collection will vary across different types of property but it is essential that in all cases, development proposals satisfy Building Standards regulations for flatted properties and maisonettes (see Appendix 2). These regulations do not apply to individual houses.

## 8. COMMUNAL BIN STORAGE AND FLATTED DEVELOPMENTS

8.6 The design of bin storage areas must meet the operational requirements of Waste Services:

1. Bin storage areas should allow sufficient space for filling and emptying bins;
2. Covered bin storage areas should be at least 2 metres high with sufficient space to allow bin lids to open;
3. The floor of the bin storage area must be hard, smooth and level;
4. Bin storage rooms should have adequate lighting, either natural or artificial;
5. Bin storage rooms should also be well ventilated if completely enclosed;
6. Entrances/door ways must be sufficient to enable safe movement of bins for emptying;
7. Bin storage areas should, ideally, be located to the rear or side of the flatted development and screened from public view. Exceptions may be considered for town centre locations and conversions; and
8. Communal bin storage areas should be located outwith visibility splays of junctions or bends in the road.

8.7 Contact should be made with Waste Services as additional information on the types of bins, size and location of storage areas is available.



Example of sufficiently sized communal bin storage area



Example of bin storage area which is too small, not allowing sufficient space for filling and emptying bins

## 9. FOOD WASTE

- 9.1 In May 2012 the Scottish Government passed the Waste (Scotland) Regulations which, in addition to the ZWP, aim to increase recycling and reduce waste sent to landfill. The regulations require the introduction of food waste collections to households and businesses in certain areas by January 2016. The towns of Hawick, Jedburgh, Selkirk, Peebles and Galashiels (including Tweedbank) will all receive a food waste collection service which was introduced on a phased basis from the Spring of 2015.
- 9.2 Households will be supplied with a small caddy to keep indoors and a larger external caddy will also be provided. As with current household waste and recycling, the food waste collection will require the larger caddy to be presented at the kerbside for weekly collection.



Food Waste Caddy

### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 9.3 In the same way as general household waste and recycling is handled, it is essential that developers make adequate provision within their development for the storage and collection of food waste receptacles. For detached, semi-detached and terraced properties, food waste caddies should be located on an area of hard standing within the curtilage of the dwellinghouse with access to the collection point. The route between the storage area and collection point should also be free from steps and other obstructions.
- 9.4 Where communal bin storage is provided as part of a flatted development adequate provision should be made within the communal enclosure for the storage and collection of food waste caddies/communal bins. Contact should be made with Waste Services as additional information on the types of bins, size and location of storage areas is available.

## 10. BIN STORAGE IN RURAL AREAS

- 10.1 In rural areas of the Scottish Borders, some residential development may be a considerable distance from the nearest public road. SBC Waste Services collection vehicles will only collect waste and recycling from the nearest public road therefore provision should be made for a properly designed collection point at the junction with the public road. In these circumstances developers should seek advice from SBC Waste Services and the Roads Planning Service and consider opportunities for communal provision of waste storage and collection.
- 10.2 **Developers should be aware that waste collection vehicles no longer travel on private roads for waste collection unless this is unavoidable.** Where this is unavoidable, the private road must be maintained in a suitable condition to accommodate vehicles with a laden weight of not less than 26 tonnes. Provision must also be in place for turning these large vehicles.



## 11. COMMUNITY RECYCLING CENTRES

- 11.1 SBC provides a network of seven community recycling centres (Duns, Eshiels, Eyemouth, Galashiels, Hawick, Kelso and Selkirk) where household and recycling material can be deposited. The sites are positioned in strategic locations throughout the Borders and enable members of the public to deposit bulky wastes that are generally not collected as part of the normal household waste and recycling kerbside collections.
- 11.4 SBC also operates a [network of recycling points](#) throughout the Scottish Borders where glass and textiles can be recycled.

### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 11.2 Developers should take into account the impact of their proposals on existing community recycling centres and whether the facility closest to the development requires upgrading to accommodate it. Developers should contact the relevant Development Management Officer and Development Negotiator in the early stages of the application process to establish whether or not the Council will pursue development contributions towards upgrading existing community recycling centres (see Section 16). This will continue to be monitored and reviewed.

### OTHER CONSIDERATIONS

- 11.3 The IWMS recommends the formation of an additional community recycling centre in Kelso and proposals for new opening hours and access policies to existing centres. The new community recycling centre in Pinnaclehill Industrial Estate, Kelso has recently opened. This will ensure that all major settlements in the Borders have access to a community recycling centre and the total number of households within 10 miles of a recycling centre will be increased from 85% to 95%. This will ensure a fair distribution of and access to facilities across the area for Borders households.

## 12. COMPOSTING

- 12.1 Following the withdrawal of non-mandatory kerbside garden waste collections in urban areas on 31 March 2014, SBC offers any household which lost its garden waste collection service a free home composter. Home composters can be requested by calling tel. 0300 100 1800. Householders should be aware that a number of local businesses have been set up across the Borders offering a chargeable kerbside garden waste collection service and SBC would support this opportunity as much as possible.
- 12.2 Composting is an option for the treatment and recycling of garden and other organic waste at source or at communal facilities. Home composting areas should be carefully designed into all new housing developments, whether that is part of individual composters per dwelling or communal composting areas serving the wider community. This will clearly be dependent on the type, style and layout of the proposed development, however, these composting areas should be carefully designed as part of the garden/communal space and be properly integrated into the development. Where composting areas are proposed by developers they should seek advice from Development Management and Waste Services on the best location for these areas.

## 13. WASTE MANAGEMENT PLANS

- 13.1 Reducing the amount of waste we produce on site and the associated cost of waste disposal can have significant economic savings for developers as well as reduce the environmental impacts of construction projects. Site Waste Management Plans (SWMPs) are an increasingly useful tool for improving environmental performance and reducing the amount of construction waste that is produced.

### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 13.2 A SWMP may not be appropriate for all types and sizes of developments but developers should submit one with all planning applications for major developments as defined by the [Hierarchy of Developments](#). General waste management will be encouraged for Local Developments but will not be required as part of an application for planning permission.
- 13.3 SWMPs should include the following information:
- Waste expected to be produced and how it will be recovered (recycled or reclaimed);
  - Steps taken to minimise waste and maximise the use of recovered materials;
  - Procedures for the management of waste on site and waste leaving the site;
  - Information about waste carriers, waste transfer and any sites that receive the waste.

### GENERAL CONSIDERATIONS

- 13.4 Developers should be aware that consent may be required from the Scottish Environment Protection Agency (SEPA) for some waste management activities on site. Further advice on this can be obtained directly from SEPA at [www.sepa.org.uk](http://www.sepa.org.uk)

## 14. GENERAL GUIDANCE FOR COMMERCIAL DEVELOPMENTS

- 14.1 Business, commercial and industrial developments vary greatly, and consequently, the volumes and types of waste produced will also differ. It is therefore essential that consideration is given to the waste produced by differing commercial developments in order to establish the most appropriate levels of storage and collection of commercial waste within that development. Developers should take into account bin provision and storage requirements as early as possible in the development process to ensure the provision of safe and convenient waste collection in accordance with current SBC waste collection services.
- 14.2 SBC currently offers a general commercial waste collection and recycling collection for paper, card, plastics and metal, similar to that currently provided to households. A food waste collection service for commercial development is proposed for implementation by 1 January 2016.

- 14.3 Since 1st January 2014 the Waste (Scotland) Regulations have required that all businesses and organisations recycle their metal, plastic, glass, paper and card or risk a fine. The key points outlined in the Waste (Scotland) Regulations are as follows:

### *From 1 January 2014*

- All businesses and organisations to present key recyclable material (metal, plastic, glass, paper and card) for separate collection
- Food waste businesses (except rural areas) producing 50kg or more of food waste per week to present this for separate collection
- A ban on material collected for recycling going to landfill or incineration

### *From 1 January 2016*

- Food waste businesses (except in rural areas) producing 5kg or more of food waste per week to present this for separate collection
- A ban on the discharge of food waste into the public sewer in non-rural areas

### *From 1 January 2021*

- A ban on municipal biodegradable waste going to landfill

Developers should make themselves aware of these requirements so that they can be factored into new commercial development proposals.

## 14. GENERAL GUIDANCE FOR COMMERCIAL DEVELOPMENTS

### KEY DEVELOPMENT MANAGEMENT CONSIDERATIONS

- 14.4 As with residential developments, it is essential that adequate provision is made for waste segregation, storage and collection within all new commercial developments to encourage participation in effective waste management. All new proposals for commercial developments should incorporate improved bin storage and collection into street design at an early stage in the planning application process.
- 14.5 Areas of hard standing at storage and collection points are required and dropped kerbs along routes where waste will be moved in wheeled containers should form part of the layout of the development. Developers must take account of the Council's requirements for refuse and recycling collection vehicles where appropriate. Layouts should be conducive to refuse vehicles in terms of road widths and junction geometry and the layout should allow for access and egress of refuse vehicles without having to reverse.
- 14.6 Refuse bin storage areas should be outwith areas accessed by the general public and customers and communal bin storage areas shall be located outwith visibility splays and junction bends.
- 14.7 Storage areas must meet appropriate Building Standards and health and safety requirements for access, lighting and ventilation and must be secure to avoid fly tipping.

## 15. WASTE MANAGEMENT SITES

- 15.1 Local Development Plan Policy IS10 – Waste Management Facilities promotes the provision of waste management facilities within the Council’s hierarchy of waste management and recycling centres. Existing and new waste management facilities, including waste transfer stations and recycling centres, shall be safeguarded for waste management use, and any development on or adjacent to these sites will not normally be supported where they would prejudice the operation of these sites. The Hierarchy of Waste Sites provides a breakdown of the strategic significance of the Council’s waste facilities as sites for sustainable waste management. Local Development Plan Policy ED1—Protection of Business and Industrial Land seeks to ensure adequate supplies of business and industrial land but acknowledges that certain uses can co-exist on an industrial estate including waste management facilities.
- 15.2 The Council must protect those properties which may be located adjacent to existing waste management facilities to ensure that there is no conflict between existing and proposed neighbouring uses. It is proposed that developers consider buffer zones between dwellings and other sensitive receptors to give an appropriate level of protection from these waste management facilities in terms of protecting residential amenity. As a guide, appropriate buffer zones should be based on those identified in Paragraph 191 of Scottish Planning Policy (June 2014). Buffer distances may be:
- 100m between sensitive receptors and recycling facilities, small-scale thermal treatment or leachate treatment plant;
  - 250m between sensitive receptors and operations such as outdoor composting, anaerobic digestion, mixed waste processing, thermal treatment or landfill gas plant; and
  - Greater between sensitive receptors and landfill sites.
- 15.3 As with all development proposals, pre-application discussions with Council planning officials and other specialists are encouraged as early as possible in the development process. The scale and type of development will dictate the nature of these discussions and may raise issues in relation to air quality, noise, odour, contaminated land, archaeology, ecology, landscape, natural heritage, flooding and water supplies.

## 16. DEVELOPER CONTRIBUTIONS

- 16.1 Local Development Plan Policy IS2 – Developer Contributions provides developers with guidance on how the Council intends to comply with the provisions of Circular 3/2012 on the use of planning obligations.
- 16.2 Where a site is otherwise acceptable in terms of planning policy, but cannot proceed due to deficiencies in infrastructure or services, the Council will require developers to make a full or partial contribution towards the cost of addressing such deficiencies. Contributions may be required to address one or more deficiencies as detailed within Policy IS2. This would include the provision of facilities and equipment such as the storage, collection and recycling of household waste, including communal facilities, to ensure the satisfactory completion of the development.
- 16.3 Developer contributions will be sought towards on-site and off-site facilities although on-site provision as part of the normal development costs of the site will be the Council's preferred option. Where development contributions are required these will be secured through appropriately worded planning obligations such as Section 69 and Section 75 Legal Agreements.
- 16.4 Developers should engage with the relevant Development Management case officer and the Council's Development Negotiator as early as possible in the development process to discuss whether or not contributions will be required and to agree appropriate heads of terms to avoid delay in the planning process.

## APPENDIX 1—CONTACT DETAILS

Please contact Forward Planning, Waste Services, the Roads Planning Service, Building Standards and/or the Development Negotiator using the following contact details:

**Scottish Borders Council  
Council Headquarters  
Newtown St Boswells  
Melrose  
TD6 0SA**

**Tel: 0300 100 1800  
Email: [enquiries@scotborders.gov.uk](mailto:enquiries@scotborders.gov.uk)**



### 3.25.1 *Solid waste storage point*

Every flat and maisonette should be provided with a solid, washable hard-standing large enough to accommodate a waste container (or containers) such as a wheeled bin or some other container as specified by the waste collection authority. The hard-standing and access to the contents of the container should be readily accessible to allow removal.

### 3.25.2 *Enclosed storage*

Where enclosures, compounds or storage rooms are provided they should allow space for filling and emptying and provide a clear space of at least 150mm between and around the containers. Communal enclosures with a roof that are also accessible to people should be at least 2m high while individual enclosures of wheeled bins only need to be high enough to allow the lid to open.

### 3.25.3 *Solid waste collection point*

The hard-standing may be a collection point designated by the waste collection authority where the container can be removed or emptied. If the hard-standing is not the collection point then there should be an accessible route along which the container can be transported to the collection point. Over a short distance in an urban area it would be reasonable to use the access to the flat or maisonette. Over longer distances in the country, the container could be dropped off at the collection point using a vehicle as is normal for farms.

### 3.25.4 *Provision for washing down*

Where communal solid waste storage is located within a building, such as where a refuse chute is utilised, the storage area should have provision for washing down and draining the floor into a wastewater drainage system. Gullies should incorporate a trap that maintains a seal even during periods of disuse. Walls and floors should be of an impervious surface that can be washed down easily and hygienically. The enclosures should be permanent ventilated at the top and bottom of the wall.

### 3.25.5 *Security against vermin*

Any enclosure for the storage of waste should be so designed as to prevent access by vermin unless the waste is to be stored in secure containers with close fitting lids, such as wheeled bins. The enclosure should not permit a sphere of 15mm diameter to pass through at any point.

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Forward Planning, Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA.

Telephone: 0300 100 1800.

E-mail: [ped@scotborders.gov.uk](mailto:ped@scotborders.gov.uk)

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29<sup>th</sup> JUNE 2015**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 13/00789/FUL

**OFFICER:** John Hiscox  
**WARD:** Hawick and Hermitage  
**PROPOSAL:** Wind farm development comprising of 9 wind turbines and associated infrastructure/buildings/access (further revised scheme - tip heights of Turbines 1, 2 and 4 reduced to 110m - all others to remain at 125m)

**SITE:** Land North East and North West of Farmhouse Braidlie, nr Hermitage, Hawick – Windy Edge Wind Farm

**APPLICANT:** Infinis UK  
**AGENT:** Jones Lang Lasalle

**SITE DESCRIPTION:**

The site is situated on grazed upland grassland just north of Hermitage Castle in Liddesdale. It is situated adjacent to Braidlie Burn, a small watercourse which runs southwards from Starcleuch Edge and Greatmoor Hill to the Hermitage Water. The core of the development would be north-west of Hermitage Hill, which itself forms the northerly backdrop to Hermitage Castle, a well-known heritage site owned and managed by Historic Scotland.

The village of Hermitage, including its castle is situated a little over 2km to the south-east of the nearest turbine. Newcastleton lies just under 10km to the south, whereas the outskirts of Hawick are around 13km to the north of the nearest turbine.

The site lies west of (and would be accessed from) the B6399 road that connects Newcastleton to Hawick; to the south is situated the valley road of the Hermitage Water, which connects Hermitage village to the A7 south of Mosspaul and which passes Hermitage Castle. The access is proposed from near Whitrope, a little north of the Whitrope Heritage Centre.

Broadly to the north, north-east and east forestry plantations occupy a large area of the landscape. To the west and south are more open moorland/fells akin to the site itself.

The authority boundary with Dumfries and Galloway is situated around 5km west of the nearest turbines, whereas the national boundary with England and the counties of Northumberland and Cumbria are within 11km and 13km respectively, to the south-east.

Landscape Character:

The site is situated in an upland Landscape Character Type (LCT) known as 'Southern Uplands with Scattered Forest', in between hills such as Greatmoor Hill, Hermitage Hill and Swire Knowe. More prominent and slightly further afield are

Maiden Paps and Cauldcleugh Head. These are situated within the Cauldcleugh Head Landscape Character Unit (LCU). The LCT is described within the 1998 Scottish Borders Landscape Character Assessment as “An upland landscape characterised by large-scale, rolling, heather and grassland covered hills.” Its key characteristics are described on Page 61 as:

- Large-scale rolling landform with higher dome or cone-shaped summits
- Significant areas of peatland and heather moorland
- Mosaic of grassland, bracken and rushes on lower ground
- Locally-prominent scattered large coniferous plantations

On Page 62 under the title ‘Landscape Experience’, the following commentary relating to the overall LCT is provided:

“This is a dramatic large scale landscape, open and exposed on the hills and often strongly enclosed within valleys. Views from high ground are distant and panoramic, often including adjoining landscape types. The highest summits have a grand and remote character which is rare elsewhere on the Border Hills. The typical seasonal grassland and moorland colours are augmented by patches of orange-brown bracken through the winter. The coniferous forests are predominantly dark green and coarse in texture, contrasting with the grassland and moorland vegetation. In some areas larch and broadleaf woodland are prominent, their bright green summer foliage often contrasting with a backdrop of darker spruce or pine forest. In autumn and winter these provide further colour diversity.”

On Page 62 the following attributes of this LCT are described:

*“Positive Attributes:*

- distinctive smooth rolling landform creates strong identity;
- assemblages of glacially-sculpted landforms in high attitude areas give additional local distinctiveness;
- degree of remoteness, 'wildland' quality, and grandeur of scale unique within region;
- presence of valley reservoirs and lochs increase visual appeal;
- significant areas of semi-natural vegetation communities;
- high scenic and environmental quality recognised by multiple designations;
- drystone dykes and sheep stells.

*Negative Attributes:*

- relative absence of visual screening features;
- high visual sensitivity;
- relatively low diversity of landscape elements and features;
- semi-natural land cover types vulnerable to pressure from grazing, forest expansion, and visitor pressure;
- heather moorland dependent on economic stability of grouse moor management;
- localised visual intrusion e .g . forest edges, pylons.”

The River Valley LCT (Upland Valley with Pastoral Floor) relating to Hermitage and Liddesdale Waters is situated to the south and includes Hermitage Castle. It has a strong relationship with the adjacent upland areas. In terms of its landscape experience, the description on Page 150 is as follows:

“The character of this landscape type is dominated by the surrounding uplands. The valley floor typically has an intimate enclosed quality with views confined to a narrow corridor, and occasional glimpses of tributary valleys. Long views may be gained along straighter, more open sections. Elsewhere visual horizons are formed by steep interlocking spurs, woodland blocks and tree lines. The sense of enclosure and intimacy may be accentuated in places by conifer plantations on the valley sides, and wooded river bluffs. A distinctive feature of this landscape type is the contrast between the regular pattern of smooth green improved pastures on the valley floor and the coarse textured mosaic of unimproved grassland and heather on the valley sides and surrounding uplands. Buildings in this landscape generally fit well into the landform, often adding texture and variety to the landscape.”

#### Landscape Designations:

The site is not subject to any formal landscape designations. The nearest designated landscape is the Langholm Hills Regional Scenic Area, within Dumfries and Galloway, approximately 5km west and south-west of the turbine group.

Within Borders the nearest landscape designation is the Teviot Valleys Special Landscape Area, which is situated approximately 15km north-east of the nearest turbine.

#### **PROPOSED DEVELOPMENT:**

##### Current Scheme:

A wind farm comprising 9 turbines and associated infrastructure is proposed for an initial period of 25 years. The development would have a maximum generating capacity of 22.5MW. 6 of the turbines would have a maximum blade tip height of 125m and a hub height of 80m (blade length = 45m), whereas the remainder T1, T2 and T4 would have a maximum tip height of 110m and a hub height of 65m. In addition to the turbines and their foundations, the following would be implemented:

- hardstanding area for crane (crane pads) per turbine
- electrical transformer and related switchgear per turbine
- trenches for electricity cables to be undergrounded
- control building and compound
- substation and compound
- a lattice tower wind speed measuring mast
- a temporary construction compound
- 2 borrow pits for the excavation of hardcore material to be used in track/pad construction
- 2 laydown areas for depositing of components during construction
- an on-site batching plant for preparation of material excavated from borrow pits
- a total of 8 watercourse crossings
- upgraded access off the B6399 and an estimated 10.446km of site access track, the majority of which is new track

The locations of those above ground items are shown on the submitted Revised Site Layout plan ref. A2.1 within the 2014 FEI to the ES.

A micro-siting allowance of 50m for all development components is requested to enable minor changes to be made to layout in response to ground constraints encountered during construction.

A lifespan of 25 years is proposed for the wind farm, at the end of which it would be decommissioned and the land restored to an agreed condition, unless further consent to extend the wind farm's life or to re-develop it ('re-powering') is obtained.

Infrastructure relating to grid connection (overhead/underground cable connection to an appropriate electricity station) would be the subject of a separate application to Scottish Government via Section 37 of the Electricity Act of 1989.

The proposed haulage route to the site approaches from Port of Grangemouth via the A720 and A68, then following the A698 from the junction a little south of Ancrum until it meets the A6088 north-east of Hawick. The route would follow the A6088 in a south-easterly direction to the junction with an unclassified road just north-west of Bonchester Bridge. The route would follow the unclassified road until it meets with the B6399 a little north of South Berryfell Farm, turning south onto the B6399 until it reaches the Whitrope Heritage Centre junction.

The ES includes within Volume 3 (10.1) an Abnormal Load Route Assessment, which identifies all the modifications to the route required to facilitate transportation of the large turbine components.

#### Original Scheme:

The scheme was first revised in 2014 and then again in April 2015, with the revisions portrayed in Further Environmental Information. The changes were intended primarily to address objections and concerns relating to landscape and visual impact, including heritage impacts associated with Hermitage Castle. They were also made to respond to the observations of SEPA in respect of impact on the ground and water environment.

Originally the scheme included two arrays of turbines and associated infrastructure, totalling 17 turbines of varying height between 111.5m and 121.5m. The applicant summarises the changes made to the scheme on Page 1-3 of the FEI Volume 1 (Main Text) as follows:

- Removal of the nine turbines that formed the eastern array of the wind farm (turbine numbers T9 to T17);
- Revision of the turbine layout for the western array;
- Addition of one further turbine into the western array;
- Increase of the height of the turbines to 125m blade tip (80m hub height and 90m rotor diameter), from the previously proposed tip heights of 111.5m and 121.5m;
- Relocation of the anemometry mast in the western array;
- Relocation of Borrow Pit A (in the west of the site) to a position slightly south of the previous location; and
- Alterations to the infrastructure

#### Development Visibility:

The ZTV material submitted as part of the ES (see, for example, Figure 6.7b 'Blade Tip ZTV and Viewpoints' forming part of the FEI) shows that the turbines are strongly

visible within the 2-2.5km radius. Beyond this range visibility is very limited to the north and east. It has a concentration out to around 7.5km in the southern quadrant on higher ground above Dinley and Hartsgarth Burns.

To the east between 2km and 6km is a substantial area of potential visibility east of the B6399, mainly within or adjacent to forestry plantations. To the south-east in the Newcastleton & Newcastleton Forest area is a strong area with potential for visibility; this includes ground lying east above Newcastleton Village and further south into Liddesdale.

The range of viewpoints utilised in the ES and FEI are considered to provide a good representation of the likely landscape and visual effects that would be encountered. These may also be seen on the aforementioned Figure 6.7b.

The ZTV demonstrates that theoretical visibility of the scheme is relatively limited in terms of the broader landscape, and that concentration of visibility relates to closer locations within 5km. Beyond 5km, much of the potential visibility would occur from substantial forestry sites or from smaller zones of land east of the valley floor.

## **NEIGHBOURING SITES/SCHEMES RELEVANT TO CONSIDERATION OF CURRENT PROPOSAL:**

### Operational:

The nearest operational scheme is **Craik**, approximately 20km to the south-west, on hills west of Langholm. This comprises 4 very large turbines (over 100m). Within Borders, there are no operational schemes within 35km.

### Under Construction:

The nearest wind farm under construction of relevance here is the **Langhope Rig Wind Farm**, a scheme of 10 turbines up to 121m tip height approximately 5km west of Ashkirk (near Roberton) and around 21km north north-west of the Windy Edge scheme. The turbines are all built but as yet the site is not operational.

### Application Stage:

Two relevant schemes are the subject of current applications in Borders. The first of these is **Birneyknowe**, a Section 36 scheme currently comprising 15 turbines of up to 132m tip height. The applicants are in the process of reviewing the scheme, with an eye to submission of a new application of under 50MW; therefore it would be a major application rather than a Section 36. Birneyknowe is sited within 12km north north-east of the Windy Edge scheme, south of Hawick. It is not presently known when this application will be presented to Committee, although it has been indicated to the applicants that no earlier committee is available than October 2015.

The second is **Cummings Hill**, a proposal for 7 turbines with a tip height of 125m on land approximately 20km north-east of Windy Edge, and near to the village of Chesters. This is a major application (up to 21MW) for which it is anticipated that revisions will be presented via Further Environmental Information in the next few months. It is presently intended that the application will be presented at the September 2015 Committee. It should be noted that the applicant for Cummings Hill is also **Infinis**.

### Scoping & Pre-Application schemes:

A Scoping Response has been issued by the Energy Consents and Deployment Unit (ECDU) in respect of a proposal to build a wind farm consisting of up to 37 turbines with a tip height of up to 150m on a site called **Highlee Hill**, near Chesters. This proposed site is situated approximately 14km to the north-east of the Windy Edge turbines, and is just to the east of the B6399 in the north of Wauchope Forest. SBC made its contribution to the scoping process further to consultation with specialist internal consultees.

Since the official Scoping Response was issued by ECDU in March 2014, the potential applicants have not progressed the project any further. Although there has been no significant dialogue since the Scoping, the potential developers have advised that it is still a potential live scheme, so it must be acknowledged as such.

SBC is also aware of a scheme in early stages of development that presently includes a potential 90 turbines spread over 3 sites and which, if progressed, would be set out in 3 groups; one in Newcastleton Forest, one in the north-east of Wauchope Forest and one in the north-west of Wauchope Forest.

The applicant for Windy Edge has acknowledged the potential of each of these sites to be relevant considerations within the ES, although with Newcastleton & Wauchope at an early (and to some extent confidential) stage of development, their inclusion within the ES does not fully reflect the potential layouts. There has been no formal Scoping Opinion request to date on this grouping of sites.

#### Other Schemes worthy of mention:

All within Dumfries and Galloway, the following schemes are further to the south-west of the aforementioned Craik Wind Farm but are mentioned as they effectively form a group with Craik (a broad cluster):

**Minsca** – 16 turbines (operational)  
**Ewe Hill** – 22 turbines (consented)  
**Solwaybank** – 15 turbines (consented)

#### **PLANNING HISTORY:**

There are no planning applications for any related development on the site. This is the first application for any turbines on the site.

#### **REPRESENTATION SUMMARY:**

At the time of checking this section of the report (17 June 2015) an approximate total of 368 letters of objection have been received. Around 262 of these were received in response to the original scheme, 73 of these were received following submission of the first revision in 2014, and around 23 were received in response to the April 2015 revision. It must be noted that the total of 368 would include more than one letter from a number of households and/or interest groups and that it also includes one petition with multiple signatures.

At the same time of writing, a total of 103 letters of support have also been received, and it should again be noted that multiples may originate from same households. Around 16 of these were received in response to the original scheme, 8 in response to the first revision and around 89 in response to the current proposal.



It should be noted that all original submissions still stand, whether or not the contributors added multiple submissions. Unless representations are specifically withdrawn, each stands and is relevant at the time of recommendation.

A summary of the matters of relevance raised in the letters of objection would be as follows:

- overriding adverse visual impact on the setting/surroundings of Hermitage Castle, including on access routes to the Castle
- adverse impacts on other cultural sites including the White Dyke adjacent to Hermitage Castle, Hermitage Chapel, the Nine Stane Rig Stone Circle and the Queen's Mire/right of way
- overriding environmental impacts on the landscape of the area more generally, which includes characteristics of wildland and is a historic landscape
- adverse visual impacts when turbines are viewed from Northumberland National Park, plus at night due to turbine red-lighting
- adverse visual impacts on residential amenity of a number of properties including those at Whitrope and Gorrenberry (2014 revision increases visual impacts on 3 no. houses at Gorrenberry and Upper Dinley Cottage)
- adverse landscape and visual impacts relating to the path network and accessible areas including hilltops, through which Hermitage Castle is a walkers/cyclists' destination; The Scottish Watershed specifically mentioned
- in terms of landscape and visual impacts, the site does not compare favourably to other wind farm sites
- potential for this site to act as precedent for other developments, whereas presently there is no wind farm development and the area remains wind-farm-free, unlike other stated areas of the Borders (Lammermuirs)
- requirement for proposals to be considered as to whether the sites are suitable in perpetuity (as per 2014 Scottish Planning Policy) therefore affects case made by applicants that development is temporary and reversible
- requirement for further wind energy developments not as relevant as it was when the original application was made – Scottish Government data reflects this
- ES underplays magnitude of landscape and visual impacts of the turbines and therefore does not present accurate analysis
- increase in turbine heights and changes to layout (2014) worsen landscape and visual effects and increase visibility from roads – changes not overcoming overall concerns (concerns not allayed by 2015 further revisions)
- felling of forestry areas during lifetime of windfarm would increase visibility through loss of screening
- requirement to connect to electricity grid substantial due to remoteness of site
- cumulative landscape impacts of Windy Edge with Cummings Hill, significantly on the Teviot Valleys Special Landscape Area
- cumulative landscape and visual impacts of wind farms in Borders more broadly
- adverse impacts on wilderness, tranquillity, beauty and remoteness found locally in the area caused by presence of development
- development not in accord with SBC spatial strategy
- potential to harm water supplies to dwellings and water supplies more generally in the area
- disruption to local road network during construction due to commercial vehicle movements

- likelihood that vehicle movements incompatible with road network capacity – will the transportation routes be capable of taking the abnormal loads? Plus concerns about physical impacts on traditional bridges and hedgerows that would need to be altered – concerns remain despite revised route within 2014 FEI
- noise pollution during construction/concern relating to construction working hours
- noise impacts on residential amenity during operation of wind farm from turbines
- concern that noise assessment is inaccurate and therefore conclusions are incorrect
- light pollution during operational period of wind farm
- concern that batching plant is on a flood plain, adjacent to private dwellings and has no access to any mains services; construction compound inappropriately located near to residences – issue not addressed via revised scheme
- disturbance to recreational users and tourists during construction/associated traffic movement
- development would cause adverse effects on tourism (economy) during operational period, primarily due to presence of turbines in relation to local assets and settings (NB – relationship with tourist accommodation repeatedly cited)
- high level of peat loss due to track and turbine placement, contrary to Scottish Government carbon and greenhouse gas emissions targets;
- adverse impacts on water resource resulting from peat displacement/potential for increased risk of flooding
- potential adverse impacts on private water supplies – uncertainty about how the development would impact
- potential adverse impact on wildlife and habitat (including protected species) including hen harrier (note impacts relating to Langholm Hills Special Protection Area), other species of birds, bats, fish, insects, hare, red squirrel, deer, fox, badger, butterflies, trees, blanket bog and wet heathland
- concern that hen harrier studies presented within the 2014 FEI are based on out of date data – increase in hen harrier numbers during 2014 after conclusion of studies
- aviation issues identified in objections by MoD and NATS preclude support of the proposal due to absence of mitigation
- concern relating to what happens at the end of the turbines' lifespan – uncertainty regarding decommissioning and long-lasting effects of remaining infrastructure
- inefficiency of onshore wind due to inability store energy produced

A summary of the matters of relevance raised in the letters of support would be:

- development would make valuable contribution to Scottish Government renewable energy targets and help combat climate change
- wind turbines preferred to alternative of forestry, in terms of landscape impacts
- no overriding adverse landscape effects (landscape not designated and are not as sensitive as described in some objections)
- simple landscape ideal setting for wind farm due to lack of potential for visual confusion, scale comparisons – scale of landscape would dominate turbine scale, not the other way around

- development well designed and fits in with the local landscape – good topographical containment (within bowl that is Braidlie and Sundhope)
- turbines would be well contained by landscape (hidden and remote location, well away from residences)
- visual impacts caused by the turbines would be minimal, including those relating to the setting of Hermitage Castle and approaches to the Castle
- adequate separation distance from dwellings
- noise impact would be minimal
- would provide employment opportunities in the area, support local businesses and enable local farms to diversify
- site would provide an excellent wind resource
- wind farms developments are reversible and can be removed at the end of their life leaving little evidence of their existence
- wind farms provide much needed alternative supply of electricity – essential for future sustainability
- belief that wind farms are not a deterrent to potential tourists; landscape able to accommodate without turbines being incongruous
- disruption during construction/transportation short-term inconvenience prior to long-term benefit
- development has potential to enhance environment and wildlife

Members are asked also to note that matters of ‘grants’ to the community, otherwise known as community funding or community benefits, are not considered as part of the planning process and are not material planning considerations. Although reference is made to this in a number of letters of representation, it is not a matter for planning and therefore not influential to the recommendation.

#### **APPLICANTS’ SUPPORTING INFORMATION:**

The application is supported by a full Environmental Statement, which comprises the following components (all received on 4 July 2013):

Volume 1: Main Text  
 Volume 2: Figures  
 Volume 3: Technical Appendices  
 Pre-Application Consultation Report  
 Design and Access Statement  
 Planning Support Statement  
 Non-Technical Summary  
 Confidential Appendices (biodiversity)

It is also accompanied by Further Environmental Information (Addendum) all received on 24 October 2014 relating to the first revision to the scheme, which comprises the following items:

Planning Supporting Statement Update  
 Volume 1: Main Text  
 Volume 2: Figures  
 Volume 3: Annexes

It is now also supported by a further comprehensive document, dated April 2015 and giving coverage to the 2<sup>nd</sup> revision (height reduction of T1, T2 and T4, and entitled ‘Further Environmental Information Report’.

## CONSULTATION RESPONSES:

### Scottish Borders Council Consultees:

#### Flood Risk Officer:

**No objection**, subject to conditions relating to watercourse crossing design details, management of surface and waste water and installation of silt traps.

#### Outdoor Access Officer:

**25.7.13:** In relation to the original 2013 scheme, this consultee **did not support the application** due to the proximity of Turbine 10 to Public Right of Way BR102. It appeared that T10 would be on the line of BR102. Conditions were recommended which would have required realignment of the public path if planning permission were granted, and which would have required minimum separation distances between turbines and paths.

**18.11.14:** In the light of removal of the eastern array and the removal of the impact on right of way BR102, **the objection was withdrawn** via this response.

In addition to proposed conditions mentioned in 2013, the consultee requires in this response that developer contributions be provided to maintain and improve the public path network.

**30.4.15:** No further comment to make.

#### Environmental Health Officer:

**31.7.13:** Lack of certainty relating to assessment of residential properties, and requiring full noise assessment to be undertaken due to proximity of development to identified residence within 1.5km. At the time, in the absence of full and clear information, **the response was neither stated as an objection or no objection**.

**27.11.14:** Despite submission of an updated noise chapter within the 2014 Addendum, and despite no longer requiring full noise assessment, the consultee identifies a range of matters (technical information) that require to be addressed prior to determination of the application. It was still not indicated whether the application could be supported.

**15.5.15:** Acknowledges submission of further noise information in the April 2015 FEI and in a document referred to as Additional Noise Information dated 8<sup>th</sup> January 2015, and **now confirms agreement with the application in principle**, subject to conditions. These conditions and associated tables are included in the response, and give coverage to:

- 1 limitation of wind turbine noise at identified noise sensitive properties
- 2 response to/management of noise complaints received by the council
- 3 mitigation/action where turbine sound pressure level exceeds those levels referred to in the table forming part of the 1<sup>st</sup> of these three conditions

#### Roads Planning Service:

**9.9.13:** Identified **no objection in principle**, but concerns regarding certain parts of the submission – this was a holding response.

**18.12.13:** Provided detailed response which identified **no objection** in principle, but listed a range of issues requiring further attention. These were:

- use of bridge at south end of Bonchester Bridge for abnormal loads and question of what works might be required to facilitate usage of this route
- absence of appropriate adequate information in relation to same
- potential for works at Chesters to facilitate abnormal loads to cause significant disruption to lighting in that area
- uncertainty relating to potential cumulative usage of this route (i.e. with other wind farm developments)
- lack of clarity relating to proposed vehicle movements (and inability to confirm whether number of movements is acceptable)

Response requires submission of further information to address these queries.

**15.12.14:** Indicates, in relation to the revised proposal, that although it would **not result in an objection in principle**, there are concerns relating to:

- uncertainty relating to abnormal load delivery (impacts on route due to physical effects)
- uncertainty relating to ability of road network to facilitate movement of rotor blades – swept-path analysis required
- potential effects on road network of multiple schemes
- potential for mitigation works on land outwith public road boundary

Requires further information prior to a formal recommendation being made.

**26.5.15:** Generally the position not to object in principle is maintained in this latest response, although it is specifically mentioned that concerns remain about *“the junction of the A6088 and the minor road between it and the B6399. This junction is not suitable for large vehicles and careful consideration will have to be given as to how any large vehicles are to navigate this junction should approval be forthcoming.”*

Archaeology Officer:

**6.9.13: Recommends that the application should be refused** in line with the recommendation of Historic Scotland, in respect of the original scheme. The recommendation related principally to the indirect effects on settings of heritage assets, i.e. Hermitage Castle.

Further potential indirect impacts on the castle are examined including those more related to the experience encountered and the relationship of the castle with the surrounding landscape.

Potential for thorough investigation of direct impacts also described, but potentially mitigatable via conditions requiring detailed archaeological evaluation.

Further potential for mitigation to be required in respect of the Nine Stanes Circle, a separate scheduled monument; and in relation to cultural landscape (neither promoting overriding reason to refuse but nonetheless significant enough to warrant offset mitigation).

**7.5.15:** Revises position and **no longer recommends refusal** on the basis that the revisions have mitigated impacts on the setting of Hermitage Castle so that they are now acceptable, by substantially reducing indirect impacts on this asset. Otherwise, does not adopt a different position in respect of issues listed in the original response.

NB – this consultation response was provided prior to that of Historic Scotland and makes reference to the significance of HS' position at the time. It is suggested that if HS were still to object to the latest scheme it would remain potentially in conflict with planning policy.

Ecology Officer:

**4.10.13:** Indicated that at that stage, and in relation to the original scheme, the planning application could not be determined as there was insufficient information to conclude an Appropriate Assessment. Advised in respect of a range of matters as follows:

- substandard quality of survey material presented
- impacts/mitigation relating to protected species – assessment of ES and advice on pertinent matters
- conditions required relating to species and habitats (plus forestry and engagement of an ECoW)
- serious concerns relating to placement of turbines and infrastructure in respect of ecosystems and habitats.

**7.4.15:** In respect of the December 2014 FEI, the Ecology Officer advises as follows:

- serious concerns relating to impacts on blanket bog habitat remain
- requires micro-siting of 4 turbines and alternative routes for 3 sections of track to avoid blanket bog
- Habitat Management Plan should include areas within site further from the turbines and potentially off-site to benefit Hen Harrier
- despite range of consultee responses from other specialists satisfied in relation to Hen Harrier impacts, the Langholm Moor Demonstration Project should be approached by SBC for additional material, for the avoidance of doubt.

**15.6.15:** In respect of the current scheme, and further to the undertaking of an Appropriate Assessment required due to the qualifying interest of the Special Protection Area (being breeding Hen Harrier):

- confirms positions of all other specialist consultees giving advice relating to protected species
- discusses steps taken to access detailed data (partially unsuccessful) via Langholm Moor Demonstration Project/Natural England/SNH
- confirms that Appropriate Assessment can be concluded on the basis of information and advice received to date
- concludes that the proposal would not adversely affect the integrity of the SPA site
- discusses significance of hen harrier in relation to legislation and given the very small number of known roosts in Scottish Borders
- suggests condition required if permission is granted to enhance habitats for hen harrier

- provides detailed Habitat Regulations Appraisal to accompany the consultation response

Landscape Architect:

**18.12.13:** This consultee indicated in respect of the original scheme that it **should be refused** on landscape and visual impact grounds. A useful summary is provided to conclude the response, which reads:

“The application satisfies some policy criteria but has visually intrusive effects on parts of the Liddel Water valley particularly to the south and east of the site. In particular these effects would severely impair the distinctive setting of The Hermitage, one of the Borders most iconic landscape features. It is therefore concluded that the application would be damaging to the enjoyment of the landscape resource and should be refused.”

The consultation reply clearly indicates that the development was primarily assessed against Policy D4 of the 2011 Consolidated Local Plan (criteria by criteria).

**18.12.14:** The revised development is again assessed against D4 criteria, and this time concludes that, given the changes of effects which are now significantly less and therefore less harmful to the setting of Hermitage Castle, **no objection** is raised.

This is caveated in that it is proposed that T1 be deleted from the scheme, as it stands out from the rest of the layout in a number of viewpoints. It should be noted that although the landscape architect has indicated that the proposals meet, or partially meet most of the criteria within Policy D4, it is not in accord with Criterion 5 relating to visual impacts on land having remote qualities. The landscape character of the site and environs is said to include a significant degree of wildness.

**Statutory Consultees**

Scottish Environmental Protection Agency (SEPA):

**2.8.13:** The consultee stated an **objection** to the original scheme unless modifications described could be accommodated. Potential conditions were also described for use in the event of permission being granted. A summary of those matters causing the objection would be:

- certain turbines, a batching plant and borrow pits identified as occupying land areas with groundwater dependent terrestrial ecosystems (GWDTEs) – would need to mitigate, preferably by relocation onto less sensitive habitats, but identified this as being difficult in many circumstances due to sensitivities of surrounding ground
- lack of information on the re-use and disposal of excavated peat
- requirement for clarification on whether tracks through forested area are existing or to be created

**2.10.14:** This updated response does **not constitute an objection**. Further advice is given about potential conditions (repeating original advice in that regard). The material submitted as part of the addendum has enabled SEPA to remove its objection.

**12.5.15:** Makes no further comment.

## Scottish Natural Heritage (SNH):

**6.9.13:** This response to the original scheme, in respect of natural heritage issues of national interest, was stated as an **objection**. The objection related to the potential impacts of development on Hen Harrier, in the context of the Langholm-Newcastleton Special Protection Area. The need for an Appropriate Assessment by SBC was identified, in view of the site's conservation objectives for its qualifying interest (Hen Harrier). It was identified that further information in this respect would be necessary.

In terms of landscape and visual impacts, SNH identified key landscape and visual issues arising, particularly in terms of the inter-related impacts the proposal might have on:

- the composition of the wide open views that can be experienced locally;
- the overall and relative sense of remoteness/wildness in the immediate area of the site; and
- the wider landscape setting of Hermitage Castle

Detailed advice was submitted in an Appendix to the main response, relating to these landscape and visual effects. The advice identified that the eastern cluster of turbines ('Sundhope array') was causing greater and more significant effects due to placement in relation to topography, and that removal of the eastern array combined with height reduction on the remaining western array could substantially reduce landscape and visual effects.

It should also be noted that the wind-farm free nature of the wider locality was identified, and that the emerging patterns of wind farm placement throughout southern Scotland potentially renders wind-farm free areas as strategically important, as they have managed to buck the trend elsewhere that sees wind farms becoming 'a unifying characteristic of the landscape in multiple areas'.

Further advice was given about potential adverse impacts arising from placement of borrow pits, and a requirement to relocate to avoid blanket bog habitat. Intentions for habitat management for Black Grouse were supported in principle.

**26.3.15:** This second response, relating to the revised scheme from December 2014, provides detailed advice relating to biodiversity but does not give an update on landscape and visual impacts. This is because the consultee anticipated further revisions (which have now been received) and wished to wait for the final version before providing its landscape and visual impact analysis.

In respect of biodiversity, SNH within this response **withdrew its objection**. This was based on consideration of material submitted with the 2014 FEI.

**4.6.15:** This response gives coverage to the landscape and visual impacts relating to the current scheme. In effect, it completes the second response received on 26.3.15, which referred only to non-landscape matters and cross-refers to the original response.

The response acknowledges that the revisions from the original 17-turbine scheme have reduced the level of landscape and visual impacts and have addressed important aspects of their previous concerns. It goes on as follows, however: "*We do...highlight for further consideration the adverse nature of the impacts that remain,*



*particularly the potential erosion of the sense of relative wildness in the area but also with regards some residual impacts in relation to the effects of the proposal on the overall composition of open views and to a some extent in relation to the appreciation of the wider setting of Hermitage Castle”.*

It goes on to discuss these effects in an appendix. In terms of the effects of the proposal on the composition of open views, it is recognised that due to the nature of the revised scheme these have been reduced in terms of landscape and visual impact. It is also recognised that the revisions have made a substantial difference to the level of effects experienced from the B6399 (main approach routes to Hermitage from north and south).

In respect of the effects of the proposal on the overall and relative sense of remoteness/wildness in the immediate area of the site, the response states: *“Acknowledging that the revised proposal has in overall terms reduced the scale and magnitude of landscape and visual effects, we consider it will nonetheless have adverse effects on the sense of remoteness and the appreciation of relative wildness in the immediate area of the site.”*

It continues to explain this approach in detail, describing the notion of ‘relative wildness’ in the context of this landscape (despite not being within a formally recognised Area of Wild Land it displays relative wildland qualities). The appraisal contains within it reference not only to turbines, but also to associated infrastructure.

Detailed explanation is also given in relation to the user/visitor experience in relation to Hermitage Castle, in terms of its position in the relatively wild landscape setting. Although the changes to the scheme have reduced the potential impacts, significant adverse effects remain.

Lastly the response focuses on potential effects on the landscape setting of Hermitage Castle. While acknowledging that the direct visual interplay between receptors and the castle setting are reduced and potentially not overriding, and similarly in relation to visual impacts on approach roads, it clearly indicates that the impacts on receptors experiencing the castle’s environs (including recreational access areas/paths) remain substantially adverse, although it is acknowledged that these effects are likely to be experienced by a relatively low level of public users.

#### Ministry of Defence:

**26.9.13:** The MoD submitted an **objection** to the original proposals on the basis that the turbines would:

- adversely affect the operations of the ATC radar at RAF Spadeadam (Deadwater Fell)
- interfere with low-flying training areas
- cause an unacceptable level of interference via noise vibrations to the operations of Eskdalemuir Seismological Recording Station
- potentially interfere with RAF threat radar operation

A condition relating to turbine lighting was proposed to be used if planning permission were granted.

**9.12.13:** In a supplementary response the MoD explained that it had reconsidered its position in the light of further information provided. Whilst this did not lead to

withdrawal of the entire objection, the updated response no longer included reference to low-flying areas or threat radar interference.

**11.6.14:** The MoD advised that its **objection relating to the noise vibration** interference with Eskdalemuir was **withdrawn** further to findings of the Eskdalemuir Working Group.

It was confirmed that the **objection on the grounds of radar interference** (Deadwater Fell) was **not withdrawn and still stands**.

Historic Scotland:

**2.9.13: Objects** to the original proposal on the following grounds:

- proposals give rise to issues of national significance, in terms of the adverse landscape and visual impacts associated with Hermitage Castle and Chapel

A detailed analysis of the potential effects is provided. The analysis discusses the cultural and historic significance of the Castle and its environs, and the value of it as a highly cherished and well-known scheduled monument, which is also an important visitor attraction.

It may be noted that in this response, the consultee identified potential for mitigation to address issues of national importance identified. It identified that changes would be required involving location and height of turbines.

**18.12.14: Maintains its objection** due to adverse visual impacts on setting of Hermitage Castle, despite acknowledging that revisions have been significant and are welcomed. Indicates that deletion of T1 may assist in mitigating the effect of the windfarm on the Castle to a meaningful degree for its interests.

**14.5.15: Removes its objection** on the basis that the adverse effects now occurring, following the changes to the scheme, are not overriding in terms of their impact on the setting of Hermitage Castle, a national asset and the primary focus of the consultation at this stage. A detailed assessment is provided in an annex to the response. Highlights from this would be as follows:

*“Hermitage Castle has an extremely important setting which is very susceptible to change and is a key factor contributing towards the monument’s high cultural significance. The castle is of national importance due to its spectacular location, well preserved remains and key relationships with the other surviving medieval elements in the landscape. Therefore it is particularly important that it remains possible to appreciate the dominant nature of the monument and its key relationships.*

*Specifically, we are concerned that the proposed development may impact on two important aspects of the setting of the site: the dominance of the turbines against the relationship of the castle and the wider medieval remains on Hermitage Hill; and the prominence of turbines in the key eastern approach to the castle.”*

*“The Eastern Approach*

*The eastern approach provides the best opportunity to view Hermitage and appreciate the setting of the monument. It is from this approach that we can begin to understand the monument and its role in the landscape. From here it is possible to appreciate why the castle was located in this valley, close to the head of Liddesdale, to emphasise this power. The landscape setting of the castle is among its most*

*significant qualities and it forms an important part of our appreciation of the site and its significance.*

*From the information provided, the present layout with a reduced height of wind turbines appears not to be visible from the eastern approach. We, therefore, consider that there will not be a significant impact on the setting of the asset in these views.*

#### *Tofts Knowe*

*This is one of the best locations to understand and appreciate the setting of Hermitage and its relationships with the other medieval elements in the landscape is from the south along the ridgeline of Tofts Knowe.*

*The original fifteen turbine scheme introduced turbines in the Sundhope Rig area which would have projected above the skyline and would have appeared at the central point of the key vistas from the south of the castle. The revised layout on which we were consulted in November 2014 had been reduced to a single cluster of turbines, some of which remained visible. Whilst that modification went some way to mitigating the impact upon Hermitage Castle it was not sufficient for us to remove our objection.*

*However, the current layout with reduced height of wind turbines will be no longer visible from Tofts Knowe viewpoint (viewpoint 26). We note that turbines are prominent in viewpoint 28, along the public right of way at Dinley. At this viewpoint, however, we consider that the development has a sufficient degree of separation in the landscape from the key relationship of the castle and the medieval remains on Hermitage Hill. Consequently, we consider there will not be a significant impact on the setting of the monument.”*

The updated response goes on to describe potential for improvements to be made by re-evaluating the impacts of certain turbines to see if it possible to mitigate visual effects on wider views.

#### Scottish Wildlife Trust:

**16.9.13:** The consultation response **constitutes an objection**, describing concerns relating to two subjects – Hen Harrier and Blanket Bog impacts, but objects only in relation to the former “*until clarifying, additional data is submitted by the applicant*”. In the case of the former, it was advised that further clarifying data would be required to enable a full assessment. In relation to the latter, the Trust advises that turbines and infrastructure would be better located off blanket bog/deep peat.

**16.12.14:** In this second response, SWT indicates it wishes to **uphold its objection** (note that original does not constitute an objection). Grounds are as follows:

- turbines and infrastructure remain on Blanket Bog – priority habitat to be avoided (one turbine on deep peat)
- concerns remain in respect of impacts on Hen Harrier, in particular with large increase in fledging numbers at Langholm Moor nearby

#### Dumfries and Galloway Council:

**25.9.13:** This consultee confirmed that it raised **no objection** to the original proposals. The scheme had been presented to the authority’s planning applications committee with a formal planning report prior to this response. The response by the

authority's committee aligned with that of the planning case officer for Dumfries and Galloway's planning department.

Focus was given primarily to landscape and visual impacts in the planning report, although potential impacts on the Langholm-Newcastleton Special Protection Area was also discussed (impacts on Hen Harrier).

**24.12.14:** The position was maintained.

Northumberland National Park Authority:

**No objection** to the original scheme or to the revised scheme.

Minto Hills Preservation Group:

**19.7.13:** This consultee **objected** to the original 2013 scheme for the following reasons:

- proposed development fails to maintain landscape character
- would give rise to unacceptable adverse impacts on heritage sites i.e. Hermitage Castle & Nine Stanes Circle – benefits of scheme do not outweigh adverse heritage impacts
- mitigation of effects on heritage assets not possible in terms of archaeological evaluation
- proposed development would harm tourism due to adverse impacts on visitor attractions i.e. Hermitage Castle, Whitrope Heritage Centre
- unacceptable lack of certainty relating to proposed haul route for heavy/abnormal loads
- adverse visual amenity impacts on public path network/users
- inappropriateness of community benefit approach
- concern about nature of impacts on amenity of residents within 2.5km of turbines
- objections of specialist consultees relating to Eskdalemuir and Radar relevant and endorsed
- concern relating to absence of photomontage from Rubers Law
- concern relating to the impact of development on Hen Harriers

**26.7.13:** This consultee submitted a supplementary item addressing the change in policy from Structure Plan to SESplan.

Hobkirk Community Council:

**28.7.13:** This consultation reply to the original scheme is **not stated as an objection** and may be considered to describe concerns, primarily relating to potential impacts on the local economy and tourism, arising from implementation of the wind farm and impact on the road network. Detailed concerns relating to potential road safety and amenity impacts are described. These discuss potential adverse impacts on the village of Southdean, Bonchester Bridge (in particular effects on bridge itself) and Hawthornside (in particular impacts on mature trees)

The consultee advises that the minimum separation distance from all residential properties should be 2km.

Concern relating to the potential cumulative impacts are also described (with Cummings Hill and Birneyknowe Wind Farms, for example).

**1.12.14:** Again, the response is **not stated as an objection**, although it is indicated on several occasions that **certain items give rise to opposition**. The following concerns are described in relation to the revised scheme:

- potential cumulative effects on landscape for local residents, including through traffic impacts
- likelihood that national targets for renewable energy will be met therefore merits of further development questioned
- need to consider potential permanency of development in light of national policy update
- reduction in turbine number welcomed, but caveated by increase in turbine height which could exacerbate landscape effects
- indicates opposition to the scale of development, in relation to effects on landscape and residential amenity (visual)
- revised traffic route an improvement but still problematic, in particular with tree felling required – mitigation relating to tree felling unclear and therefore leading the CC to oppose the development on these grounds
- uncertainty about potential impacts on Hen Harrier on Langholm Moor – further surveys/analysis required
- potential impacts on tourism locally due to disruption (traffic) and visual impact of turbines
- language used within the ES, which appears to be an argument for the development

**29.4.15:** The response acknowledges the lessening of effects on the landscape and on Hermitage Castle, but lists concerns raised previously as still remaining in relation to:

- the cumulative effect of wind farms proposed for this area
- the unsuitability of the proposed transport route
- the felling of trees on the proposed route
- the likelihood of two windfarms using the same route at the same time
- the effect of multiple turbine movements on the village of Denholm
- the lack of updated ornithological surveys; hen harriers are a particular concern
- effect on tourism
- effect on residential amenity for properties which are not financial beneficiaries

Southdean Community Council:

**30.7.13:** This consultee **objected** to the original scheme for the following reasons:

- lack of certainty relating to potential traffic and access impacts (in particular, refers to Chesters crossroads, Bonchester Bridge corner and Hawthornside)
- cumulative traffic impacts with potentially 6 wind farms requiring traffic movement over similar period (Cummings Hill, Birneyknowe, Highlee Hill, Barrel Law & Whitton)
- concern about potential reduction in turbine power capacity resulting from limitations imposed by noise limitation and inability to bring largest components to the site (what happened at Langhope Rig is cited)

- landscape and visual impacts (including cultural heritage), having particular regard to effects relating to Hermitage Castle

**13.11.14:** This CC **continued to object** to the proposals as revised. Issues raised in this second response are a little different and are summarised as follows:

- potential cumulative landscape, visual and traffic impacts relating to Windy Edge plus other schemes at Cummings Hill, Birneyknowe, Highlee Hill, Newcastleton Forest and Wauchope Forest
- having regard to SPP paragraph 170, in terms of cumulative impacts the site is not suitable for use as a wind farm in perpetuity
- potential adverse impacts on tourism locally due to effects of this development and cumulatively with others
- notes changes to abnormal load and HGV routes – welcomed given the unsuitability of previous route; however
- concerns relating to physical impacts of the new route on trees, walls, verges
- uncertainty relating to ability to secure required changes along traffic routes due to third party landowner involvement
- overstatement of benefits in terms of contribution to economy
- energy required through renewables has reached target – diminishes apparent value of further contributions
- concerns about accuracy of certain sections of ES (for example, ornithology and ecology)

Upper Teviotdale and Borthwick Water Community Council:

**4.9.13:** This response to the original scheme was **not stated as on objection**, but identified concerns relating to the following matters:

- impact on local heritage, in particular in terms of visitor experience of Hermitage Castle and its approaches
- potential for greater effects on ecology than stated – Greylag Geese specifically mentioned
- concern about potential impacts upon/disruption to road network

**31.12.14:** This response relating to the revised scheme **is an objection**. A summary of the grounds would be:

- potential to set precedent for other developments to come forward on the back of Windy Edge
- potential difficulties in terms of the revised transportation route – uncertain that turbines will get through Denholm
- development would give rise to significant disruption to local residents in terms of traffic impact during construction
- value of scheme in terms of energy production/national targets questioned due to Barrel Law appeal decision
- question significance of contribution to local employment
- increase in numbers of Hen Harrier cannot be ignored by developer

**25.5.15:** The consultee **maintains its objection** for the reasons set out in greater detail in earlier objections.

Newcastleton and District Community Council:

**5.9.13:** In its response to the original scheme, this CC did **not state the response as an objection**, but did identify areas of concern and observations, as follows:

- impact on the road network with more heavy traffic on roads not purpose built and with physical constraints – requires recompense through developer to offset road damage
- impact on tourism unclear – requires independent tourism impact assessment of more local focus
- impact on water environment & requirement for developer to offset any environmental damage caused

**17.11.13:** In a supplementary response, this CC augmented its comments via a letter written on behalf of a group of residents within the CC area. This additional material identified further significant concerns relating to:

- potential impacts on residential amenity due to turbine noise, disruption from compound and development traffic
- potential impacts on water environment notwithstanding what may be offered in mitigation/compensation
- potential for adverse effects on local tourism
- adverse landscape and visual impacts, in particular in relation to Hermitage Castle
- adverse impact upon the natural heritage and the Langholm Moor Hen Harrier initiative

Upper Liddesdale and Hermitage Community Council:

**2.2.15:** Note that this CC did not exist at the time of the original consultation; these are the first comments of the CC.

The consultee has submitted a detailed response which is **neither in objection or support** – it collates individual views of participants from the CC area; and while the following is a basic summary of the issues raised, it does not reflect every aspect of the response, which must be read in full to appreciate its full intentions:

- questionable whether development is necessary, taking into consideration the level of energy it would produce and potential for national renewable energy targets to already have been reached
- if approved, would set precedent for addition of further turbines and potentially for other developments that would have cumulative impacts with it
- site must be suited to development in perpetuity, as per paragraph 170 of SPP
- impacts on amenity and safety due to transportation issues and noise during construction
- adverse impacts on landscape
- adverse impacts on residential amenity at named dwelling due to visual impacts
- visual harm and impacts on residential amenity caused by MoD requirements for red-lighting of turbines at night
- impact on locality due to turbine noise during operation
- negative impact on tourism due to presence of wind farm in relation to nearby walking trails and the path network more generally (which contains many viewpoints), visitor attractions (Hermitage Castle in particular), holiday

accommodation properties, local landscape beauty and connectivity of attractions with others and with the new Borders railway

- potential disruption to water supplies
- potential negative visual impact arising from grid connection
- loss of peat, impact on wildlife
- adverse impact on setting of Hermitage Castle and related environs from cultural heritage point of view

Note: concerns relating to the nature of community benefits via funding are not material planning concerns, therefore are not relayed under this heading.

RSPB:

**5.9.13:** This response to the original scheme, and based on the material that supported, promoted an **objection** by RSPB. This was, to a great extent, a holding objection based on perceived lack of accurate information on Hen Harriers, and proximity to the Langholm and Newcastleton Hills Special Protection Area.

**19.12.14:** This response, in respect of the revised scheme, confirmed **withdrawal of the objection**. This was on the basis that the impact on Hen Harrier would not warrant an objection on the basis of disturbance, displacement or collision risk.

Further advice is given in respect of Black Grouse and other species, but there are no substantial concerns in their regards.

Advice is also given in relation to peat as habitat, and a requirement to ensure that if consent is granted, impacts on deep peat are minimised.

**14.5.15:** Describes a potential increased risk to birds flying at a height that was previously underneath the rotor sweep (with the height of 3 turbines being reduced). However, confirms that the revisions are unlikely to materially affect the risk to birds of conservation concern and therefore maintains its previous position of **no objection**.

Transport Scotland:

No objection.

Edinburgh Airport:

No objection.

Scotways (Scottish Rights of Way and Access Society):

**30.8.13:** In respect of the original scheme, this consultee stated an **objection**, for the following reasons:

- the proposed diversion of Right of Way BR102 which enables construction damage to its historic line is unacceptable
- the proposed adverse impacts on amenity of path users, in particular in respect of BR99 (Thieves Road) which is well-known as the way Mary Queen of Scots visited Bothwell at Hermitage Castle



**19.3.14:** A supplementary response was submitted further to receipt of a letter submitted on the applicants' behalf. The applicants' letter had sought to give clarification on its proposals in relation to public paths.

The supplementary response itself provided greater detail about how the consultee assessed whether a proposed diversion would be acceptable. It further justified its views on the impacts of the development on the public path network. Advice is given on potential action/mitigation in the event of planning permission being granted.

However, the overall position is maintained as one of **objection**.

**10.2.15:** This response related to the 2014 re-consultation on the revised scheme, and supplements the original comment rather than replacing it. In essence, this response gives coverage to the following matters:

- significant changes are acknowledged and remove majority of physical effects on BR102
- other concerns relating to adverse visual impacts on the paths network remain.

**The objection is maintained.**

**14.5.15:** April 2015 revisions do not alter the consultee's position – **the objection is maintained.**

Forestry Commission Scotland:

**21.4.15** – Note that this is the first time in the process that FCS has responded, on this occasion in respect of the 3<sup>rd</sup> consultation on the scheme. The consultee required that clarification is provided in respect of impacts of the access track where it passes through Forestry.

The request was forwarded to the developer, who indicated that such clarification will be provided. Clarifying material was provided in this regard on 10 June 2015, to which the following response by Forestry Commission Scotland was given on 12<sup>th</sup> June:

*“Having now seen this clarification I am content that the extent of woodland impacts has been identified and am also content that the scale of woodland creation activity being proposed in the HMP will more than offset these losses.”*

Joint Radio Council:

No objection.

National Air Traffic Services (NERL):

**8.7.13:** Raises safeguarding **objection** in relation to management of en route air traffic. Detailed appraisal provided.

**11.11.14:** Position maintained – the revisions did not overcome the reason for objection.

Association for the Protection of Rural Scotland:

**18.12.14:** This consultee **objects** on the grounds that the proposed development:

- Would be located in an area identified as having moderate constraints in Scottish Borders Council's Wind Energy Supplementary Planning Guidance Spatial Strategy map;
- Would generate significant adverse impacts on the landscape setting of and approach to Hermitage Castle, a Scheduled Ancient Monument and A-listed building;
- Would damage the valued qualities of wildness widely present in the area, in particular due to the sheer size of the proposed turbines and access roads;
- Risks damaging the integrity of the internationally significant Langholm Special Protection Area and in particular its important hen harrier population;
- Would generate damaging levels of heavy traffic on a local road network largely unsuited to this purpose, including narrow, single-track roads and hump-backed bridges;
- Would generate unknown additional levels of environmental impact arising from the inevitable electricity transmission grid connection, details of which have not been provided.

Note that the APRS did not respond to the planning consultation on the original scheme in 2013.

Scottish Water:

No objection.

Scottish Badgers:

**6.5.15:** No objection.

Other responses:

No consultation responses have been received from the SBC Principal Conservation Officer.

## **DEVELOPMENT PLAN POLICIES:**

### **SES Plan Strategic Development Plan 2013:**

Policy 10 – Sustainable Energy Technologies

### **Consolidated Scottish Borders Local Plan 2011:**

Policy G1 – Quality Standards for New Development

Policy G4 – Flooding

Policy G5 – Developer Contributions

Policy BE1 – Listed Buildings

Policy BE2 – Archaeological Sites and Ancient Monuments

Policy BE3 – Gardens and Designed Landscapes

Policy NE1 – International Nature Conservation Sites

Policy NE3 – Local Biodiversity

Policy NE4 – Trees, Woodlands and Hedgerows  
Policy NE5 – Development Affecting the Water Environment  
Policy H2 – Protection of Residential Amenity  
Policy Inf2 – Protection of Access Routes  
Policy Inf6 – Sustainable Drainage  
Policy D4 – Renewable Energy Development

### **Emerging Scottish Borders Local Development Plan:**

Members are advised that the LDP should not be material to the consideration of the proposal, if those policies proposed are to be the subject of Examination by Scottish Ministers. Until the LDP has been the subject of an Inquiry and the result of the Inquiry is published, its overall status will not change. The primary local policy document relevant to the application remains the adopted 2011 Local Plan.

However, it may be noted that the following Policies within the LDP that are not the subject of objection and therefore not requiring to be examined are as follows:

Policy BE2 – Archaeological Sites and Ancient Monuments  
Policy Inf2 – Protection of Access Routes  
Policy EP1 – International Nature Conservation Sites and Protected Species

### **OTHER PLANNING CONSIDERATIONS:**

#### Adopted SBC Supplementary Planning Guidance (SPG) and other documents:

- Renewable Energy (2007)
- Wind Energy (2011)
- Biodiversity (2005)
- Local Landscape Designations (2012)

#### Scottish Government Policy and Guidance:

Scottish Planning Policy (SPP) (June 2014)  
National Planning Framework for Scotland (3) (June 2014)

#### Scottish Government On-line Renewables Advice:

Circular 3/2011 Environmental Impact Assessment (S) Regulations 2011  
PAN 60 Planning for Natural Heritage 2008  
PAN 51 Planning, Environmental Protection and Regulation  
PAN 1/2011 Planning and Noise  
PAN 2/2011 Planning and Archaeology  
PAN 1/2013 Environmental Impact Assessment

#### Historic Scotland Publications:

Scottish Historic Environment Policy (2011)

#### SNH Publications:

Siting and designing windfarms in the landscape (2014)  
Assessing the cumulative impact of onshore wind energy developments

## **KEY PLANNING ISSUES:**

- land use planning policy principle
- economic benefits attributable to the scheme
- benefits arising in terms of renewable energy provision
- landscape and visual impacts including residential amenity visual impacts, arising from turbines and infrastructure
- cumulative landscape and visual impacts with other wind energy developments
- physical and setting impacts on cultural heritage assets
- noise impacts
- ecological, ornithological and habitat effects (including impacts on peat and groundwater resource)
- impact on road safety and the road network
- developer contributions

## **ASSESSMENT OF APPLICATION:**

### Land Use Planning Policy Principle:

It remains clear that national, regional and local planning policy promote, favourably and positively, the delivery of renewable energy development via implementation of on-shore wind farms. Unless there are overriding environmental effects, support should be given for well located and designed wind farms, in particular if mitigation measures are in place to address environmental effects.

Consideration must be given to the suitability of a site in perpetuity rather than temporarily; the new SPP published in 2014 confirms this. This will acknowledge the potential to re-power sites as they reach the end of their intended operational life.

This site is on upland farmland/moorland, is not within a National Scenic Area and has no other designations that would prevent the principle being considered. It is not designated as a Special Landscape Area within the SBC Supplementary Guidance on Local Landscape Designations.

### Economic Benefits:

The renewable energy industry is important nationally, leads to employment and investment during construction and during the lifespan of the development.

It is likely that the level of employment activity in particular during implementation would be significant. This would have the potential to promote use of local facilities and services including accommodation, shopping and recreation. Following implementation of development, it would be likely that a relatively low level of employee activity would occur on a day-to-day basis; whereas at decommissioning stage there would again be a high level of activity.

It may therefore be concluded that in terms of economic benefits, there would be some mentionable gain, but not so much as to be a major determining factor.

### Impacts on Tourism:

Whether the implementation of wind farms promotes disbenefits to local economies (or, indeed national economies) in terms of potential to harm tourism and visitation is

a matter still under scrutiny by many. The Scottish Borders is visited because of its attractiveness and for the recreational opportunities it offers. Whether the implementation of wind farms is harming, or has harmed Borders' tourism economy is not proven. It would be true to state, however, that their implementation divides opinion – the presence of wind farms causes some to be deterred, some to be ambivalent and some to respond positively. At the present time, there is no authoritative position regarding potential tourism effects that would be material to the consideration of an application of this type.

The principal visitor attraction affected by the proposed development is undoubtedly Hermitage Castle. Potential effects on this receptor are discussed in detail later in the report.

The proposed site access shares the access to the Whiterope Heritage Centre, a visitor attraction relating to the history of the area in terms of the railways, and how they served the area. During development there would clearly be disturbance to the operations of the centre. This attraction is arguably of lesser status as a visitor attraction than Hermitage Castle, although a valuable visitor and educational resource.

If the principle of the development is to be accepted on the basis that it would have this shared access, to a great extent disruption to the centre would have to be accepted.

#### Benefits arising in terms of renewable energy provision:

The proposed wind farm would provide an output of up to 22.5MW on the basis that each turbine would have the potential to generate 2.5MW.

This proposed additional generating capacity might be described as a modest contribution to national targets.

There is significant debate about whether current targets for renewable energy provision identified by Government have been reached, or if not reached then near to fulfilment due to the number of extant planning permissions and undetermined applications within the planning system. Many of these relate to wind energy development projects.

The Scottish Government has not indicated that additional generation through wind farms is unnecessary. It is clear from the SPP that the principle of acquiring more on-shore wind energy is still viewed positively and is encouraged in the right places.

However, and this is reflected in the decision on Barrel Law wind farm (DPEA ref. PPA-140-2046 and in terms of size and output very similar to Windy Edge), wherein the Reporter advises as follows in his deliberations prior to dismissing the appeal:

“37. Barrel Law would have an installed capacity of up to 24 megawatts. The Scottish Government target for renewable electricity generation is for renewables to generate the equivalent of 100 per cent of gross annual consumption by 2020, with an interim target of 50 per cent by 2015. The latest statistics published in June 2014 indicate that in 2013, around 46.6 per cent of Scotland's electricity needs came from renewables. The 100 per cent target roughly equates to 16 gigawatts of installed capacity (all technologies, onshore and marine), of which the Barrel Law turbines could contribute 0.15%. This would be a small but useful contribution.

38. However, the recent statistics indicate that 6.8 gigawatts of capacity was operational in March 2014, with a further 6.5 gigawatts under construction or consented, giving a total of 13.3 gigawatts and leaving only an additional 2.7 gigawatts required by 2020 to meet the target. Against that, proposals for 7.2 gigawatts were in planning, more than two and a half times the amount needed to close the gap. I accept that some of these proposals will be at an early stage and might not be capable of completion by 2020, and that some will fail to win approval. However, others have been approved since March. I also accept that the target is not a cap, and that any additional capacity will help to reduce the UK's carbon emissions. However, the rate of progress and the availability of alternatives suggest that the weight that should be given to Barrel Law's contribution is not as great as it would have been with a larger shortfall against the target, or a lack of other schemes."

It is therefore appropriate to consider the balance of impacts against usefulness in terms of energy provision i.e. is it worth accepting the environmental impacts (with mitigation) for the sake of a development which ultimately would only make a modest contribution to energy production?

#### Landscape and visual impacts

The ES is supported by a range of graphical material intended to portray the potential landscape and visual impacts of the development from a range of areas and/or receptors, represented by photomontaged information taken from 29 viewpoints, in total.

Consideration should be given to the following observations, which relate to viewpoints which identify significant matters:

#### **Viewpoint 1: Queen's Mire Right of Way:**

The viewpoint is situated approximately 1km to the north-west of the nearest turbine, on public right of way BR99, a fairly long path that runs north-south and ends up meeting the public road near Braidlie. The viewpoint is at the edge of woodland near the summit of Swire Knowe. The path has connections with history, it being supposedly the route Mary Queen of Scots took when visiting Hermitage Castle on royal business. This is explained in the 2013 consultation reply of the SBC Archaeology Officer, who suggests that the Queen's Mire forms part of the setting to Hermitage Castle.

This viewpoint has always related principally to the western array of turbines, which feature prominently in the scene, and which would do so for path users over a distance of nearly 2km; those travelling south would be affected substantially as the development would be prominent as soon as the path exits the woodland near the viewpoint, and then for the next 2km to a great degree.

Path users would experience a sense of tranquillity and remoteness, plus a panoramic view across upland landscapes presently free from turbines and electrical infrastructure. The latter is a characteristic of the Liddesdale landscape. The sense of remoteness combines with a level of barrenness due to the absence of settlement and infrastructure. Users of this path would, on clear days, benefit from an attractive outlook.

Introduction of the turbine array changes the scene substantially, with turbines and infrastructure at ground level adding a strong new visual dynamic to an otherwise

simplistic view. Turbines 4, 6, 8 and 9 breach the skyline (with hubs in the case of T8 and T9).

From here the revisions to the scheme are significant. The original western array was formed by two simple lines of 4 turbines. The introduction of what is now T1 plus the relocation of what is now T2 has disrupted the original flow within the array, so that T1 appears as something of an outlier to the remainder of the group and T2 sits between the two rows. The outlying of T1 is the most noticeable characteristic of this view and begins to identify that turbine as being inconsistent with the overall design.

In this picture, changes to heights from original to second to third version are evident, but are not a major consideration. Height increases and reductions do not make any noteworthy changes to potential landscape and visual impacts.

### **Viewpoint 2: Sundhope Right of Way:**

This viewpoint is located a little over 1km from the nearest turbine on public right of way BR102, which ends at Whitropefoot to the south and then which passes through the site northwards and north-westwards through the area that was occupied by the eastern array (but is now occupied only by ground level infrastructure).

Greatmoor Hill is central to the view. Indeed, Greatmoor Hill features prominently in quite a few of the views because it is between the western and eastern array areas.

It is not necessary to discuss the appearance of the original wind farm from this location in detail, although all 9 turbines within the former eastern array featured prominently and were not well served by topography.

The current proposal for 9 turbines in the western area gives rise to visibility of at least part of all of them, with the hubs of 4 turbines projecting above the horizon at a distance of a little under 2km. Recent changes to the scheme have led to the tip of T1 all but disappearing from the view, whereas other changes have not been major.

Taking Greatmoor Hill as a scale reference enables it to be seen that the turbines would not dominate this view. Although they would breach the skyline, they would allow Greatmoor to continue as the primary feature in the landscape. In this type of view and from this receptor (the RoW), the potential landscape and visual impacts are not in themselves overbearing or harmful to landscape character. The array has a degree of rhythm and balance and does not jar with its visual environs.

### **Viewpoint 5: Toft's Knowe:**

Potential visual effects relating to this viewpoint have stimulated interest and debate about the significance of the viewpoint and its relationship with the Hermitage. Some explanation to its appropriateness and relevance as a viewpoint is included in the consultation reply of the Archaeology Officer:

“The viewpoint is immediately adjacent to the site of a known late medieval and post-medieval farmstead...The Toft's Knowe farmstead adds to the contextual understanding of Hermitage Castle as the dominant structure within a settled late and post medieval landscape. From this perspective, and contrary to the ES, the viewpoint is culturally significant and an appropriate location for a viewpoint from which the setting of Hermitage Castle can be appreciated.”

Whatever the case, it was useful to see the castle in its setting and the backdrop of turbines behind Hermitage Hill in the original scheme. Most agreed that this effect was unacceptable and avoidable.

The current scheme shows no visibility from the viewpoint. Removal of the eastern array has removed all visibility. A new viewpoint has been added further along and within an associated area with potential visibility (VP26) which will be discussed later in this section.

#### **Viewpoint 7: B6399 South of Whiteropefoot:**

This viewpoint is located approximately 1km north of Hermitage village (junction) and is relevant as it depicts visibility for travellers heading north towards Hawick. Revisions to the scheme have removed visibility of the entire scheme from public view in this stretch of road. It is therefore no longer required to consider landscape and visual effects in relation to this locale.

#### **Viewpoint 9: B6399 South of Toftholm:**

This viewpoint is further back southwards along the B6399 than VP7, approximately 2km south of Hermitage village. As a result of revisions the development is no longer visible. Prior to reduction in height of T1, T2 and T4 the tips of those three turbines would have been visible sweeping over the skyline of Hermitage Hill. This revision is welcomed and is significant, given the association of Hermitage Hill to the castle.

#### **Viewpoint 11: Nine Stones Circle:**

This viewpoint is located a little over 3km to the south-east of the proposed development. It occupies the site of a scheduled monument and gives very good visibility towards the development area since the forestry surrounding it has been felled. Greatmoor Hill again appears as the dominant landscape feature of the picture. Originally the turbine arrays were to the left and right of the hill – the eastern array appeared quite prominently in the picture by comparison to the western array.

The revisions have rendered the scheme more in-keeping with the overall picture. While the turbines protrude above their first skyline, the substantial hill beyond (probably Skelfhill) provides a backcloth and provides the scheme with most of the topographical containment it requires to offset skylining effects. The scale of that backcloth hill and its comparison with Greatmoor Hill enable the scale of the turbines to be understood. In this picture, the landscape and visual impacts are reasonable and not overbearing.

#### **Viewpoint 12: Right of Way near Saughtree:**

This time from a little over 6km away, the effects mentioned in relation to VP11 are repeated, although lessened as the elevation allows Skelfhill to provide a better and more containing backcloth to the remaining array. The turbines appear to sit within a bowl.

#### **Viewpoint 13: Hartsgarth Fell:**

At around 5.5km south-west of the nearest turbine, this viewpoint is in an elevated position at a summit relatively well-known by recreational users (walkers) on an established pathway. It gives excellent visibility of the site, its local topography and the panorama beyond.



There is a real sense of barrenness from up here. The landscape and landform are simple with smooth hills and valleys evident coloured by browns and purples of vegetation.

On one hand, the turbine cluster appears to be well contained by topography and situated within a shallow bowl with Greatmoor Hill as the backcloth that offsets visual impact. On the other hand, the cluster looks highly out of place in relation to its surrounding environs. Placement of development of an industrial nature (with moving rotors) on an otherwise smooth and plain panorama conflicts with the sense of isolation and remoteness otherwise portrayed in the picture. In other words, why would there be a wind farm out here? It does not appear to belong in the picture.

#### **Viewpoint 14: Steele Road Bench:**

Despite having lost its main reason for inclusion, with the deletion of the eastern array and therefore greatly reduced impacts, this is still a useful viewpoint. At approximately 6km south-east of the nearest turbine, it shows a positive view of the landscape – an attractive range of hills including Hermitage Hill and Greatmoor Hill. The top of Hermitage Castle is just visible at the foot of Hermitage Hill (although difficult to pick up if not scrutinising the picture).

What remains of the visibility of turbines is limited to 6 tips and blades. These would be visible over Hermitage Hill. A tight cluster formed by T4, T6, T8 and T9 would be visible and to the left T2 and T1 as individuals. Despite the revisions, visibility of these turbines is still significant and a persisting issue. Visibility has increased with the layout revision – T1 and T2 spread the visual effects along the hill whereas in the original scheme the aforementioned cluster was very narrowly defined.

At this distance, the moving blades would be noticeable and in certain conditions would have the potential to be eye-catching. The visual association with Hermitage Castle and Hill is worthy of mention although is not a standout concern from this distance, direction and elevation. However, bearing in mind the relative absence of any above ground industrial infrastructure in the locality, the moving blades would introduce a noticeable new component in the landscape.

#### **Viewpoint 17: Newcastleton – minor road to east:**

At 10km to the south and giving a clear view along the valley, this viewpoint is useful to gauge longer distance effects where the turbines can be seen.

In this instance, they can be seen clearly but with a strong backdrop provided by Greatmoor Hill. The broad picture and scale of topography combine to demonstrate that from this distance, although easily viewed the wind farm would not be a dominant new component of the view. The landscape absorbs the development well and is not significantly harmed by its presence.

#### **Viewpoint 24: Near Dinley:**

This viewpoint was introduced in the December 2014 FEI to show new effects arising due to revisions to the scheme. It is located on the minor road that runs west from Hermitage to the A7, approximately 2.4km from the nearest turbine (looking almost directly north).

Generally users of this route in this section would be facing east or west on the road, and would need to turn to look through the line of trees to observe the single rotor blade remaining following revisions in April 2015. T1 is visible above the fringes of Hermitage Hill, albeit only the sweeping blade of the turbine with the hub height having been dropped below the horizon.

It is unfortunate that one of the rotors would be visible from this route, in particular as it is out of context, being the only turbine visible and with almost the entire blade being visible. However, although it would be better not to see any of the wind farm from this route, the presence of one sweeping blade is not overbearing and not a dominant new component in the picture.

#### **Viewpoint 25: Gorrenberry:**

This is another new viewpoint, situated near to a sharp bend in the A7-Hermitage road and giving an impression of the potential effects experienced by residents at Gorrenberry as well as road users. It is 1.8km from the nearest turbine, which is T1. Only T1, T2 and T4 are visible from this VP.

For road users, the effects would be very short-lived in passing west-east and potentially not apparent travelling east-west. The effects are significant, in respect of T1 and T2 in particular because the entire sweeping blade of T2 and the hub and blades of T1 would be visible above the skyline, and are close enough to the VP (and uphill from it) to cause the turbines to mildly encroach the locality. However, the foreground is occupied by fairly substantial vegetation which does help to offset the presence of the turbines to some extent. It is unlikely that the visual impacts occurring in relation to Gorrenberry would be overbearing or unacceptable.

#### **Viewpoint 26: Near Tofts Knowe (relocated):**

This viewpoint was revisited following removal of visibility from VP5. In the December 2014 FEI one blade tip showed in the picture; it has now been removed via height reduction.

The viewpoint is useful to enable a truer assessment of the potential effects on the setting of Hermitage Castle – the picture shows a highly attractive view of the Castle in its setting with Hermitage Hill, and although it has been somewhat contrived to enable minor effects to be shown (this is not a natural location for users of the landscape – not an identifiable ‘receptor location’ as such) the picture is undoubtedly representative of how the Castle is perceived in terms of its relationship with its landscape.

Hermitage Hill acts in this picture as a separating piece of topography, giving containment to the wind farm behind. In certain circumstances this containment is valid and successful where the overall context does not show the hill to be part of the Castle setting. However, in others it appears more precariously as a separating feature because it can be seen in context with both the wind farm and the Castle (see comments on VP28 and VP29 below).

#### **Viewpoint 27: B6399 near Whiteropefoot:**

This is another new viewpoint necessary because the revisions in December 2014 gave rise to new visibility (height increases, layout changes).

The VP is situated approximately 2.5km from the nearest turbine, and looks east toward the development over the fringes of Hermitage Hill.

Adverse effects were identified in relation to the December 2014 FEI as being potentially mitigatable and undesirable. Reduction in height of T1, T2 and T4 has led to a row of three turbines being visible above the skyline, these being T2, T4 and T6. It appears from the photowire montage in the April 2015 FEI that a little less than half of each blade would be seen sweeping above the skyline.

Given how little visibility there is remaining from local roads, to have the 3 turbines protrude in this way is distracting and disappointing. In usual circumstances it might not be worthy of mention but here, with so much care having been taken to minimise visibility from approach routes to Hermitage Castle, the effects of the remaining glimpse of the 3 blades are accentuated to some extent.

#### **Viewpoint 28: Dinley Right of Way:**

This viewpoint is situated approximately 3km south of the nearest turbine on a designated public right of way. Although this is not a popular or well waymarked RoW it nonetheless provides a very useful view of the site and its interplay with Hermitage Hill (as containment landform and as setting of Hermitage Castle). The view across the valley includes Greatmoor Hill behind Hermitage Hill and the Castle off to the right of the picture.

To some extent, Hermitage Hill visually separates the Castle from the turbines; they are visibly in a bowl on the other side of the summit. With Greatmoor Hill as a backcloth, the cluster is well served by topographical containment in a broader sense from here. However, the open flank of Hermitage Hill, running down to the Castle is strongly associated with the Castle and forms part of its setting. The Castle was sited in this valley because of the good containment the landscape offered. It is not logical to disassociate the Castle from the Hill, and therefore in any circumstance such as this, the potential for adverse visual impacts are heightened by visual sensitivities of the Castle setting, making judgement of effects more complex.

What is striking about this picture is that although the turbine cluster is situated behind Hermitage Hill, it is prominent and open on this side to visibility (all 9 turbines). They would be the most eye-catching component of the view.

#### **Viewpoint 29: Steele Right of Way:**

This last viewpoint is very close to VP14, but is on higher ground and is on a public right of way. Although the RoW is not likely to be particularly well-used and is not well signposted, it begins to represent an area from where recreational users will be able to have views which include the development and Hermitage Castle together.

Again, there is visual interplay between the Castle, Hermitage Hill and the turbines. Due to the sensitivity of the Castle's setting, any visual interplay gives rise to potential concerns.

The distance to the nearest turbine from here is just under 6km. The Castle is easily viewed although only its upper sections. 3 hubs in a narrow cluster and two blades appear along the brow of Hermitage Hill. They all breach the skyline, including hubs for T4, T8, T6 and T9.

The setting of the Castle is so sensitive that even this low level of visibility is considered to be adverse and undesirable. The Castle's character is in part derived by its location in amongst the hills and its enclosure by topography including Hermitage Hill. To have any turbines competing with the Castle and its setting is unfortunate. However, perhaps from this distance and location (not a popular or sensitive identifiable receptor) the effects may be tolerable.

**Conclusion in respect of Landscape and Visual Impacts (not including residential amenity and cultural heritage):**

Further to the revisions made in October 2014 and April 2015, the development is not considered to be highly visible in the broader sense. Its visibility range is fairly limited to some of the areas represented by the viewpoints considered above.

In terms of landscape character impact, from viewpoints such as Queen's Mire and Hartsgarth Fell the development exhibits landscape character impacts by becoming the new and prominent component of an otherwise simple landscape.

The landscape is not designated as a Special Landscape Area but is nonetheless recognisably of some quality. It displays characteristics of wilderness and barrenness and is not fettered by electrical infrastructure. The proposed wind farm looks so out of place from the aforementioned viewpoints that it might be described as anachronistic. There are no other wind farms in the locality with which Windy Edge could be referenced. Cumulatively, there are no coincident landscape and visual effects, therefore the resultant effects relate only to the presence of this project.

Although instinctively it seems as if the presence of a wind farm and its infrastructure is not logical in this remote and fairly isolated location, in other respects (notwithstanding issues relating to Hermitage Castle, which shall be addressed later) it is well served by topography, with the landscape being of sufficient scale to accommodate the array with only moderate landscape and visual impacts occurring. The range of visualisations represents potential landscape and visual impacts well, and confirms that overall the scheme would not be overtly prominent or dominant.

However, areas free from the influence of wind-farms are becoming harder to find in Borders and throughout Scotland. Despite not being designated for landscape qualities, quality does exist and the experience of Liddesdale is that one may find a level of tranquillity and peacefulness 'off the beaten track'. The landscape has remoteness and wilderness qualities and one would not expect to find a wind farm in the locality.

For these reasons, it is important to consider whether the area can accommodate a windfarm or whether the areas intrinsic characteristics should be preserved and thereby the principle of Windy Edge Wind Farm be questioned, especially as Windy Edge would only promote a modest level of energy provision. Is it worth allowing a development with a significant level of impact on the landscape in an area that is presently free from windfarm development, when the benefits arising are at best modest?

This question must be considered in the light of the presence of Hermitage Castle (a more focussed appraisal will follow in the Cultural Heritage section). Impact on landscape cannot be fully separated out from impact on the Castle's setting, as the two are intertwined.

Consideration must also be given to the potential landscape and visual impacts arising from construction of the access track, which (following deletion of the eastern array) is around 6km of track winding convolutedly to reach the remaining array. It attempts to follow contours and therefore would relate fairly well to topography, but inevitably the track would be visible from some elevated vantage points.

Visualisations show infrastructure and none have shown new tracks to be prominent in the pictures, but they may not contain all the detail and because the focus of the montages is on the turbines it is possible that tracks would be visible from places not represented by viewpoints. It is not possible to fully assess the visual impacts of the tracks from all locations.

#### Visual Impacts Relating to Residential Amenity:

The 2014 FEI contains a Residential Visual Amenity Survey, which is found in Volume 3 and numbered Annex 4.1. The survey reflects matters relating to the 9-turbine scheme where all turbines are still at 125m tip height.

The survey identifies 2 no. properties with theoretical visibility of the development within 1.5km of the nearest turbine, a further 2 no. between 1.5km and 2km and a further 3 no. within 3km.

The survey identifies significant and adverse visual impacts in relation to two properties, both at Old Braidlie and both within 1.5km of the nearest turbine. It confirms that this is likely to occur due to 'elevation and lack of vegetation'. However, both the properties are confirmed as being 'financially involved' with the development, presumably because the land upon which the wind farm is proposed is within the control of Old Braidlie. While it is still significant and undesirable to introduce what it likely to be a strong new component to the environs of Old Braidlie, as both are financially involved it is unlikely that an objection would be sustainable on visual impact grounds.

In relation to all other residential properties, due to the way they are positioned in relation to the development and the contribution made by vegetation and landform, and due to separation distances, the turbines and infrastructure in and around the remaining array would not result in such a high level of harm to residential amenity that it would be unacceptable. The site is sufficiently separated from houses and settlements, by distance, topography and landform, for this not to be an overriding issue.

It should be noted that although the survey identifies there as being no theoretical visibility at Gorrenberry, where there are 3 no. properties within 2km of the nearest turbines. However, main Viewpoint 25 is located close to Gorrenberry properties and shows that there would be visibility of three particular turbines (T1, T2 and T4) with the hub of T1 still situated above the skyline and a substantial blade section of T2 still with a sweep above the skyline. Although this viewpoint is situated within the broader environs of Gorrenberry and should not be referred to as 'curtilage', it provides an understanding of the likely effects that would be experienced as residents or users move around those environs. However, although the effects are undesirable (and would be substantially mitigated if T1 were not present), the adverse effects are not considered to be overriding. In the overall balance, they would not promote a reason to refuse the application.

Effects of traffic associated with implementation of the wind farm are discussed later in the report.

### Visual Impacts Relating to Cultural Heritage:

The issue of visual impact on heritage settings is discussed in detail within the consultation responses of Historic Scotland and the SBC Archaeology Officer.

The project would be sited in a cultural landscape that contains a range of heritage assets. Visual impacts on settings of monuments and the landscape are identified as being acceptable, other than in relation to Hermitage Castle. This type of impact features heavily in representations submitted by the public and is the main focus of responses by Historic Scotland and the SBC Archaeology Officer.

Hermitage Castle is one of Borders' most well-known and cherished heritage assets. It is a popular visitor attraction and is in the care of Historic Scotland. It is located remotely from settlements and main roads and is approached along twisting roads through sparsely populated landscapes. Part of the Hermitage Castle experience is the journey to the setting, whereupon the Castle reveals itself at the last moment in its valley-bottom location.

The Castle is distinctive and recognisable due to its stark architecture and open localised setting without physical boundaries close-by. It is often photographed in its setting, with Hermitage Hill forming the protecting backdrop to the building. The landscape that surrounds has strong associative links with the Castle. The wind farm, or in some cases several of the turbines, feature in views of the Castle. The immediate associated landscape (principally, Hermitage Hill) provides some containment to, and is adjacent to the array. Despite all efforts to remove visibility from the Castle itself and from most of the vantage points that include the Castle, there still remains a significant interplay between the Castle, its setting and the development. The broader landscape interlinked with the Castle is visually impacted by the turbines. This is particularly noticeable in visualisations for Viewpoints 28 and 29, and also potentially from Arnton Fell, a summit with trig point providing clear views of the Castle, its environs plus the turbines. (Note: Arnton Fell is not a viewpoint adopted within the ES, but it is referred to in the consultation reply of at least one Community Council, along with a montage prepared on behalf of that CC). Figure A7.3 within the December 2014 FEI shows areas where the Castle and development would theoretically be visible together. Examples of other locations from where combined visibility may be achievable are Din Fell, Dinley Fell and Dod Hill, all within 3.5km of the Castle and turbines.

It might be argued that this type of visibility is limited to places away from main vantage points associated with the Castle and its setting, and that relatively few users of recreational areas/paths would experience significant effects. The nature of the environs surrounding the Castle, however, is such that it will be possible to be able to appreciate the setting from a range of elevated locations. From some of these, the Castle is not seen in isolation. Rather it is seen in context with other human interventions such as settlement and plantations.

A purist view would be to consider that there should be absolutely no visual interplay between Hermitage Castle, its setting and the development. The reason for this might be that the current position is that the Castle is the single most defining feature within the landscape and that, despite its inconspicuous position in a broader landscape sense, it is the primary element of that landscape and therefore its precarious dominance should remain unchallenged. Such is the beauty and status of the Castle that this view is valid.

But in planning terms it would not be reasonable to take this view. The project is designed and sited so that the interplay between the Hermitage setting and the turbines is appreciable only if an effort is made to seek it. Those areas from which the Castle is most often appreciated are hardly disturbed, visually. Visitors to the Castle approaching on the road from the north, south or west would not be subjected to a high, or even moderate level of visibility of the turbines.

This does not mean that the visual impacts on the setting of Hermitage Castle are insignificant. Because the Castle is of such importance as a heritage asset (and receptor) any visual impacts are undesirable and therefore should be avoided or minimised. It is believed that a good level of mitigation has been achieved through revision to the scheme, with the exception of T1 (although concerns about that turbine relate mainly to landscape effects/development appearance).

#### Physical Impacts on Cultural Heritage:

The consultation response of the SBC Archaeology Officer confirms that the site is archaeologically sensitive and therefore requires that a range of conditions be imposed to ensure proper recording and/or evaluation if the development goes ahead. There are no overriding concerns relating to physical impacts upon standing or subterranean archaeology.

#### Impacts on Residential Amenity Arising from Noise:

In this respect the planning department takes its specialist advice from the Environmental Health Officer. Until recently, there have outstanding matters which the consultee advised should be addressed prior to determination. With the most recent submissions having provided the clarification sought by the EHO, there is no longer uncertainty relating to noise and there is no objection as it has been demonstrated that noise is mitigatable in accordance with ETSU R-97 guidelines.

#### Aviation Matters:

##### **Public Safety/Ministry of Defence:**

The Ministry of Defence is a statutory consultee and has raised an objection to the development on the grounds that it would compromise the ability of one of its installations to operate properly, this being the Deadwater Fell Air Traffic Control Radar (ATC) serving RAF Spadeadam.

The MoD has made its position clear on matters relating to public safety interests. Matters of safety are so significant that the MoD will not risk addressing matters through suspensive conditions. In effect, therefore, any attempts by planning authorities to transgress this mode of operation would give rise to conditions that simply cannot be discharged.

For these reasons, in relation to the MoD objection and in the interests of public safety at a national level, the application cannot currently be supported in that specific context.

##### **NATS/NERL En Route Air Traffic Remit:**

It is rare to receive an objection from this body, but on this occasion, despite revisions made to the scheme the consultee giving specialist advice on non-military aviation matters has identified and maintained an objection. In essence, the objection

relates to a conflict with safeguarding criteria. This conflict is based upon an identified technical impact on operation of the Air Traffic Control Radar at Great Dun Fell, relating to Prestwick Centre Air Traffic Control.

Similarly to consideration of MoD aviation concerns by the planning authority, the Council does not have a specialist available internally to assess separately the type of impacts deemed to be objectionable by NATS.

For similar reasons to those pertaining to MoD concerns, in the interests of public safety at a national level, the application cannot currently be supported.

Ecological, Ornithological and Habitat Effects (Including on peat and groundwater resource):

There are significant and important matters arising in relation to natural heritage and the peat/groundwater resource. These have been appraised carefully by specialist consultees, those being:

- SBC Ecology Officer
- Scottish Natural Heritage
- Scottish Environmental Protection Agency
- Scottish Wildlife Trust
- RSPB Scotland

Although many of the issues relating to the ground environment, biodiversity and habitat have either been addressed or are mitigatable potentially through conditions/legal obligations, there are matters outstanding.

**Impact on Hen Harrier – Langholm Moor Demonstration Project/Newcastleton-Langholm Special Protection Area:**

Hen Harrier is a protected and vulnerable species under monitoring and management along with its habitat, to ensure a healthy population is successfully sustained. The aforementioned Special Protection Area (SPA) is home to a number of breeding pairs and specific project work is being undertaken regularly to monitor and protect the birds.

Although the development site is not within the SPA, it has a relationship with the SPA and the birds are known to use the application site in their hunting and flying activities. The development could, therefore, have a significant effect on the species if impacts on habitat or safety of the birds are harmfully adverse.

The developers have submitted adequate material to enable a reasonable assessment to be made up to a certain level of detail, which has caused both SNH and RSPB to remove their objections, but not Scottish Wildlife Trust. The updated position of RSPB and SNH indicates that although there could be an adverse impact on habitat and the birds themselves, any such impact is acceptable and not overridingly prejudicial. The position of SWT is that there is still doubt and concern about potential impacts.

The position currently adopted by the SBC Ecology Officer is that although it will be possible to conclude all assessments on the potential impacts on Hen Harrier on the basis of information already available, it would have been helpful to have access to the data and interpretation used by the Langholm Moor Demonstration Project. A



request for this information has not been fruitful – the information requested is so sensitive (i.e. its release could prejudice Hen Harrier) that at this time the data has not been released.

Taking into consideration the position adopted by both SNH and RSPB, impacts on Hen Harrier will be acceptable. This is confirmed in the most recent submission by the SBC Ecology Officer which confirms (by undertaking an Appropriate Assessment) that there are no overriding concerns relating to species impacts. It would therefore be appropriate to address any outstanding matters (such as assistance with ongoing project work) via conditions or legal obligations, if planning permission is granted.

#### **Impact on Habitat – Blanket Bog/Peat:**

Blanket bog is a peat-related habitat and is considered to be sensitive to change and damage. On this particular site, it is a component of the hydrological make-up of the ground. The consultation responses of SNH, RSPB, SEPA and the Ecology Officer all identify concerns that turbines and infrastructure are sited on the bog habitat, which is also important to the water resource. The Ecology Officer recommends that changes to the layout are made to locate all turbines outwith any intact blanket bog habitat, and also that alternative routes for access tracks are considered in 3/4 locations. Turbine 6 is identified as being in an area of deep peat, which is undesirable and does not accord with the Government's acknowledgement of the importance of peat (i.e. SPP Table 1, 2014).

At present, there is no evidence to suggest that the developer is considering redesign to take account of advice contained within these specialist consultation responses. In terms of the turbines, from the advice received it would appear that micro-siting would enable them to be shifted off blanket bog onto less sensitive habitat. This would be a logical and achievable action and would accord with any planning permission obtained. In terms of the tracks, the developer may not have the same ability to micro-site, although is likely to have the opportunity to mitigate by alternative modes of track construction. This might include floating tracks supported by piles which could minimise damage to habitat. In any event, although it is far from ideal to have uncertainty relating to impacts on bog habitat, if suitable conditions are applied it would be appropriate to deal with outstanding concerns in this way. There are no overriding concerns in this regard that would promote a reason for refusal.

#### Impact on Road Safety and the Road Network:

In the October 2014 revision to the scheme, the developer identified a new route for delivery of abnormal loads to site. The route might be described as convoluted, as a result of the remote location of the site which is only reachable via long sections of minor roads, certainly from Hawthornside on the A6088 to the site via the unclassified road and then the B6399, and to some extent on the A6088 itself between Hawick and Bonchester Bridge.

The principal consultees advising on whether routes are appropriate in terms of their ability to accommodate the loads have both indicated no objection to the route in principle (Transport Scotland and the SBC Roads Planning Manager). The latter has not formally advised on the proposed route due to a requirement for further information, which the developer has opted not to provide within the April 2014 FEI. This leaves uncertainty relating to the proposed route, and taking into consideration the nature of the route along roads that do not obviously lend themselves to taking

abnormal loads, this is an outstanding concern that may influence the planning recommendation.

#### Development Contributions:

Having regard to the nature of the development and its predominantly occurring effects, i.e. those which are most significant to the recommendation of the application, it is considered that it would be appropriate to seek development contributions in respect of the following matters, in the event of consent being granted:

- financial contribution towards the upkeep and maintenance of the public path network and areas of public access in particular where those paths/areas relate to important walking destinations and are most impacted by the development
- financial contribution towards the archaeological analysis of the historic landscape at and adjacent to the Windy Edge site, potentially through LiDAR aerial surveying

#### **CONCLUSION:**

In relation to national, regional and local planning policy, applications for onshore wind development are to be supported unless there are overriding reasons to refuse. There is no cap to the amount of energy that may be produced by wind generation in mainland Scotland, therefore if this scheme does not give rise to overwhelmingly harmful environmental impacts it can be supported despite it being a relatively low energy producer. 22.5MW is relatively little compared to the potential output of many of the wind farms operational or approved in Borders, but it would be commensurate with outputs from the like of the operational Drone Hill and Glenkerie schemes. It is acknowledged that implementation, operation and decommissioning of the development would give rise to significant employment and investment.

The scheme itself would be built in a location which does not lend itself naturally to accommodating a wind farm. It is sensitive due to:

- the sensitivity of the landscape from a heritage point of view, in particular because of the presence of Hermitage Castle, with which the landscape has strong associations – there is a real sense of place associated with the castle
- the simplicity of the receiving landscape, which has visual quality, barren, remote and wild qualities and which is currently free from wind turbines and electrical infrastructure
- opportunities to appreciate these qualities exist from public paths and accessible areas including summits promoted as recreational destinations

It is clear from SPP that development must be appropriate to its receiving environs – ‘the right development in the right place’ and suited to a development in perpetuity. Even if this were a marginal scheme it would be important to take this into consideration. Scotland’s landscapes are an important asset therefore great care must be taken to ensure only the highest quality and most suitable wind energy developments are accepted.

Placement of a commercial wind farm at this location would relate reasonably well to the presence and scale of surrounding landform, insofar as there are backcloths and

screening available which show the development not to protrude excessively over skylines and not to be dominant in relation to the broader landscape scale. However, where the wind farm is largely visible from accessible areas and paths it appears totally out of keeping with the simplistic form of the land and makes visual reference to no other landscape components – including other turbines.

Areas free from windfarms are becoming increasingly scarce, with arguably all the best sites already developed and being considered for augmentation to accord with a 'cluster and space' approach which takes advantage of the consented wind farm baseline and allows existing spaces between to be maintained. The location chosen for Windy Edge is situated within one of these remaining unaffected areas and would therefore to some extent become an anachronism because it would not relate to any other industrial man-made large-scale items in the landscape – not even pylons.

This, combined with the heightened sensitivity of the local landscape due to its associations with the much cherished Hermitage Castle, bring a high level of doubt about the ability of the locality to absorb landscape impacts without causing overriding visual harm, and overriding harm to landscape character. Fundamental characteristics of the landscape include its relative emptiness and tranquillity. Other than the Castle, there is not much by way of strong man-made components in the locality of this part of the Liddesdale Valley impacting on the apparent timelessness of the place.

In terms of impact on the actual, tangible and experienced setting of the Castle as a historic asset, it would not be reasonable to argue that impacts specifically relating to the setting are justified as overridingly adverse, for reasons mentioned earlier. However, that experience of the Castle's environs lends status to the landscape and heightens its sensitivity.

A very important consideration is whether the Windy Edge site is suitable in perpetuity. It would become a wind production site of a commercial nature, bearing no relation to the nature and character of its environs. If there was an association with other comparable or related components of the landscape, or any other sense that the site could be utilised for a wind farm, it would have to be on the basis that it would return to its previous condition after a temporary period. Its isolation, sensitivity and separation from other infrastructure development in a very out-of-the-way location do not logically promote the site as suited to industry in perpetuity.

Furthermore, aviation objections are critical to the recommendation, as both relate to public safety that would be prejudiced by the inability of specialist bodies to manage air traffic with all risks minimised. The situation as it relates to the ATC Radar at Spadeadam is highly similar to that at Barrel Law, which was dismissed in the absence of any acceptable form of mitigation being produced. In making his decision on Barrel Law, the Reporter made it clear that unless he could be absolutely convinced that all aviation safety matters had been addressed, he would not find it reasonable to overturn the planning recommendation in that regard.

When the objection relating to all other en-route air traffic is added to the equation, it becomes clear that these outstanding matters are overriding and would promote a reason for refusal.

For these reasons, the application is recommended for refusal.

**RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

I recommend the application is refused for the following reasons:

1. The proposed development would be contrary to Policies G1 and D4 of the Scottish Borders 2011 Local Plan, in that the development would unacceptably harm the Borders landscape due to:

- (i) overwhelmingly adverse impacts on landscape character arising from placement of turbines and infrastructure on a sensitive and distinct landscape with grandeur, historical, remoteness and wilderness qualities, which can be observed and experienced from a range of public paths and recreational access areas;
- (ii) the introduction of an array of large commercial turbines into a locality which is significantly remote from main settlements and road networks and where no logical reference can be made to any other similar man-made interventions (including noticeable electrical infrastructure) or settlement, which is characterised by simplistic landforms with which the development does not harmonise; thereby the development would appear as an incongruous and anachronistic new item; and
- (iii) the introduction of a medium-sized commercial wind farm in an area which is presently free from wind farm development and which provides a spatial separation between areas occupied by wind farms in Borders.

2. The development conflicts with Policy D4 of the Consolidated Scottish Borders 2011 Local Plan, in that by virtue of its adverse impact on:

- (i) the Ministry of Defence operations at Deadwater Fell ATC Radar at RAF Spadeadam, and
- (ii) the ability of National Air Traffic Services to safely manage en route non-military air traffic due to impacts on the Great Dun Fell radar serving Prestwick Airport;  
it would be incompatible with Ministry of Defence and other national objectives relating to protection of public safety at a UK level and the obligations set out in international treaties.

#### INFORMATIVE:

There remains uncertainty in respect of two matters that are not referenced in the reasons for refusal, as the Council considers that they may be mitigatable if further information is provided. Therefore, in connection with this refusal of planning permission, the applicant is advised that further material will be needed in any re-submission to enable the Council and its consultees to fully appreciate the implications of the development in terms of:

- ability of the local road network to accommodate the abnormal loads along the proposed haulage route (as per planning consultation responses of the SBC Roads Planning Manager)
- potential impacts on the peat resource and strategy for micro-siting and track design to ensure all turbines and infrastructure including borrow pits are sited and constructed appropriately in relation to the ground environment/habitat

#### DRAWING NUMBERS

Figure 1.2 (March 2015)	Application Boundary
Figure 1.4 (March 2015)	October 2014 Site Layout

- Figure 1.5a (March 2015) Typical Wind Turbine (Turbines 3, 5-9)
- Figure 1.5b (March 2015) Typical Wind Turbine (Turbines 1, 2 and 4)
- Figure A2.3 (October 2014) Typical Wind Turbine Foundations
- Figure A2.4 (October 2014) Typical Crane Hardstanding Layout
- Figure A2.5 (October 2014) Indicative Cable Trench Details
- Figure A2.6 (October 2014) Indicative Infinis Control Building Plan and Elevations
- Figure A2.7 (October 2014) Indicative Substation and Substation Compound
- Figure A2.8 (October 2014) Typical Anemometry Mast
- Figure A2.9 (October 2014) Indicative Construction Compound
- Figure A2.10 (October 2014) Cross Section of Typical Access Tracks

**Approved by**

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

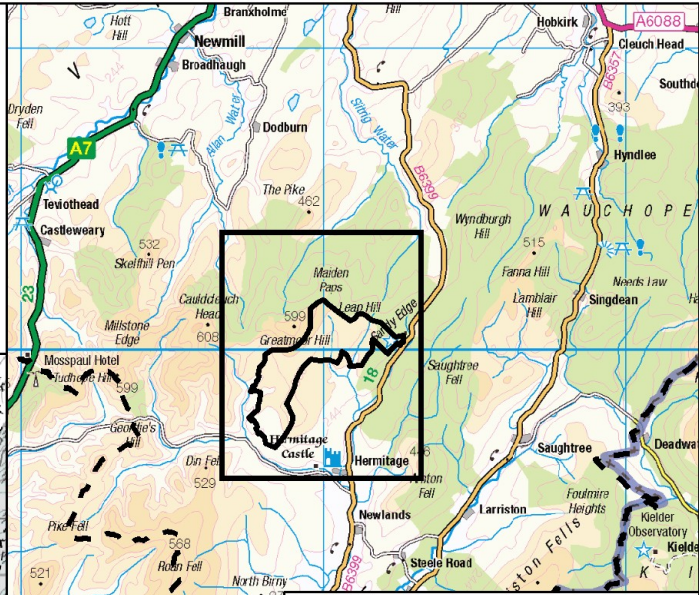
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

**Author(s)**

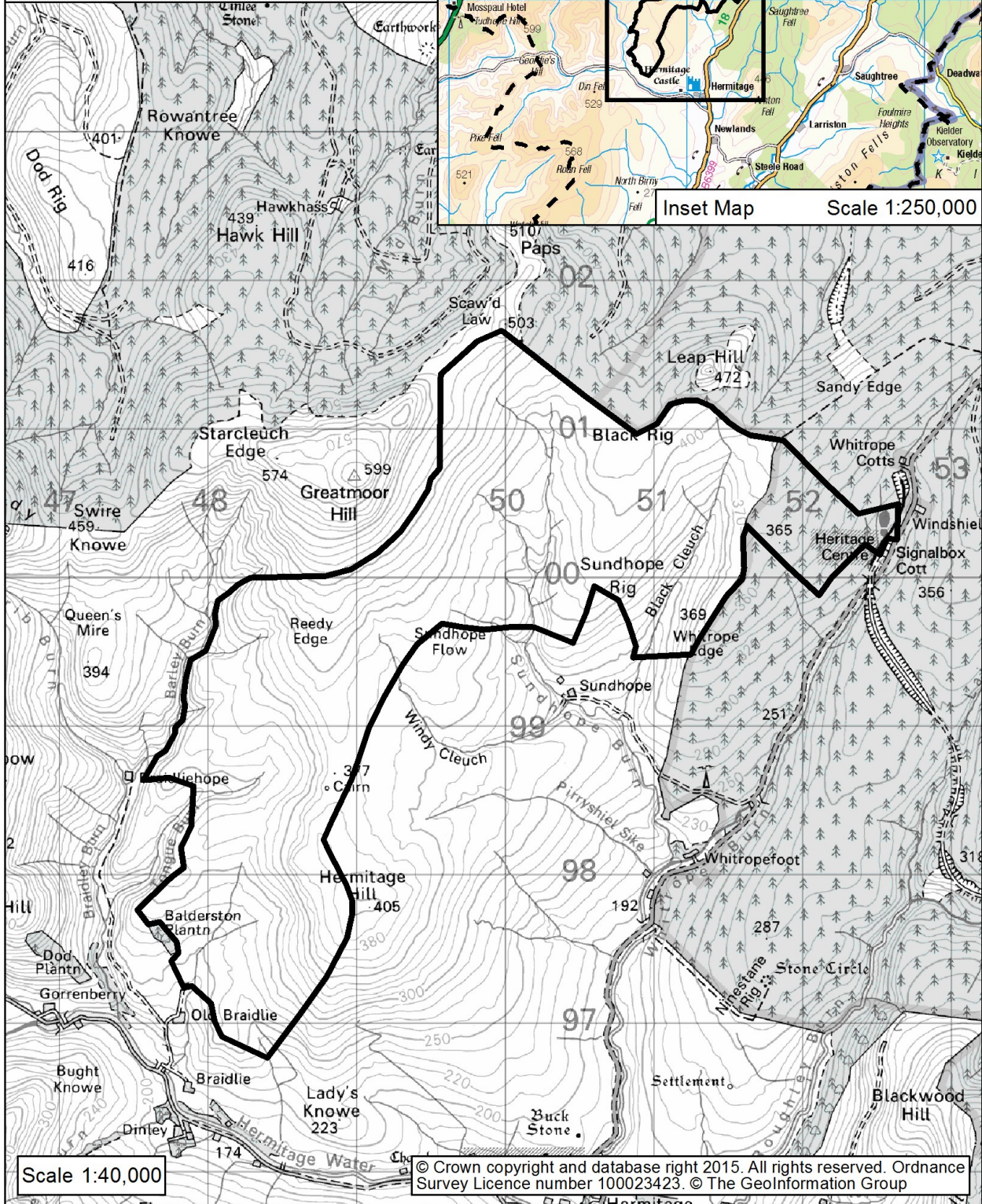
Name	Designation
John Hiscox	Planning Officer (Major/Wind Energy Development)



13/00789/FUL  
 Land North East And North West Of  
 Farmhouse Braidlie (Windy Edge)  
 Hawick  
 Scottish Borders



Inset Map Scale 1:250,000



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**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29 JUNE 2015**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	14/00786/FUL
<b>OFFICER:</b>	Deborah Chalmers
<b>WARD:</b>	Jedburgh & District
<b>PROPOSAL:</b>	Formation of Skatepark
<b>SITE:</b>	Land South East of Tourist Information Centre, Abbey Place, Jedburgh, Scottish Borders
<b>APPLICANT:</b>	Jed Skatepark Group

**SITE DESCRIPTION**

The site lies within the settlement boundary of Jedburgh and the Conservation Area, but outwith the town centre. The application site is located within an existing open area, which is grassed and used for amenity purposes, located to the east of Jedburgh. The site is currently owned and maintained by Scottish Borders Council. The A68 lies to the west of the application site, Jed Water to the east, with properties beyond along Oxnam Road. The site sits in the south east corner of the grassed area, with access from the Core Path which runs along the riverside. The site has a natural 'bowl' like shape, which sits at a lower level relative to the surrounding grassed area. The site is surrounded by mature trees, which are not covered by Tree Preservation Orders.

The Scheduled Ancient Monument, Jedburgh Abbey lies further to the west of the application site, beyond the A68. The Jed Water runs along the eastern boundary of the site, which is a Special Area of Conservation, being a tributary to the River Tweed. There are a number of listed buildings within the wider vicinity, including within the Town Centre and Conservation Area to the west.

**PROPOSED DEVELOPMENT**

Full planning permission is sought for the formation of a skatepark, within the 'bowl' shaped area. The proposal includes the formation of a skatepark, two paths and a seating area. It should be noted for clarification that no fencing or lighting forms part of this planning application. There are associated works in addition to the above, which include works to the existing bunds and where these join into the proposed skatepark. This is shown in more detail on Drawings (717/301\_REV E).

The skatepark would sit completely within the 'bowl' area and includes the construction of the following elements: plaza street area, raised street area, lower street area, main bowl area and inclined bowl area. This is shown on Drawing (717/101\_REV C). The

base of the skatepark will be constructed in green concrete, with the above areas and equipment constructed within. There are two proposed seating areas to the north west and south west of the skatepark, however, precise details have not been submitted to date. The proposal includes the formation of two paths, to link into the Core Path 1, along the east boundary. A soakaway is proposed in the south east corner of the skatepark, however no precise details have been submitted to date, in respect of the surface water drainage disposal.

Drawing (717/301\_REV E) includes three cross sections throughout the proposed skatepark. These show the existing ground level of the grassed 'bowl' area, spot heights of the existing slope and the proposed ground levels of the works. The skatepark will involve raising and lowering the ground level in places, but not above the surrounding land. Section A demonstrates that the 'Raised street area' will include raising the ground level by 0.60m, the 'Lower Street Area' involves lowering the ground levels by 0.40m and the 'Main Bowl Area' includes a reduction of 1.20m, from the existing ground level. The existing bund is 1.90m above the existing ground level, to the west of the 'bowl area' and the bund will be graded and blended into existing slope. Section B demonstrates that the 'Plaza Street Area' will involve lowering the ground levels by 0.40m, while the 'Main Bowl Area' requires a lowering of ground levels by 0.775m, while the 'Lower Street Area' will include raising ground levels in parts. The bund to the south measures 1.75m in height and the skatepark will be 1.10m to the south. To the north, the skatepark will be at a height of 0.70m and the bund will blend into the existing grade, up towards the bund which sits at 2.20m. Section C demonstrates that the 'Plaza Street Area' will involve a minor increase to ground levels, while the 'Inclined Bowl Area' requires a reduction in ground levels by 0.60m. To the north east, the skatepark will be at a height of 1.21m and blend into the existing bund which reaches a height of 2.25m.

### ***Construction Specifications***

The manufacturers submitted details in respect of the construction specifications and these are outlined below. The skatepark will be constructed to British standard: 'Facilities for Users of Roller - Sports Equipment'- Safety Requirements and Test Methods, ref. BSEN14974:2006, with a guarantee for 10 years. They state that although the guarantee is for 10 years, the structural integrity of free-form in-situ concrete skatepark construction has often been proven to provide a quality surface for skateboarders, BMX riders and inline skaters for more than 20-30 years without the need for any maintenance.

The skatepark construction includes; 12mm starter bar, compacted type 1 MOT sub-base, compacted crushed fill, A252 steel re-enforced mesh, 60mm x 5mm CHS galvanised steel coping, prescribed ready mix concrete minimum 150mm depth, grass, top soil and sub soil behind.

### ***3D Visualisation***

The applicant provided a photograph, super-imposed with the skatepark, looking down from the Abbey direction. The photo shows an impression of the skatepark, finished in green, sited within the application site. Drawing (717/501) shows a 3D layout of the skatepark.



## PLANNING HISTORY

13/01063/FUL: Formation of skatepark (Withdrawn November 2013)

## REPRESENTATION SUMMARY

### Number of representations

#### *Support*

96 individual letters and 100 proformas were received in support of the proposal. A number of the proformas and letters were lodged from within the same household and a small number from the same person(s). A further two proformas were received and withdrawn at the individuals request. 85% of all valid proformas and letters were submitted from residents within Jedburgh, with the majority of the remainder from surrounding towns and villages within the Scottish Borders. The main reasons for support are outlined below:

- No existing facilities within Jedburgh for users of scooters and BMX bikes;
- Benefit to the local community;
- Provide an affordable and positive facility for the public;
- Attract visitors to the town;
- Lack of activities and events within the town;
- Provides an opportunity for exercise and fun facility within the town;
- Opportunity to increase footfall into Jedburgh;
- Would tie in with the Xerscape outdoor gym equipment which is proposed along the river bank;
- Existing access to the proposed site;
- Opportunities for socialising with a neighbourhood;
- Promotes health and well being through physical activity;
- Supporting local clubs and organisations;
- Site is located in an appropriate location, where local police will have a viewing platform to ensure the safety of young people;
- Provide a local facility rather than the requirement to travel to Kelso;
- There is nowhere else for people to go, with BMX and Scooters within the local area;
- Contribute to the regeneration of Jedburgh;
- Wider benefits to the surrounding area economically;
- Good location adjacent to town centres and car parking facilities;
- Existing access via the underpass which is cycle friendly;
- Adjacent to existing fitness facilities, being swimming pool, gym and new trim trail along the river bank;
- Contribute to the sense of ownership of a place by community groups;
- Provides a positive space for individuals to use in a constructive way to provide a happier and more vibrant community;
- Contribute to combating street crime and anti social behaviour;
- Providing a safer environment for skateboarders, in comparison to using roads and footpaths;

- Provides a dedicated space;
- Lack of child centres play facilities available within Jedburgh and surrounding areas;
- Duplication of objection letters and fake objection letters;
- Existing lack of activity within the application site;
- The existing site suffers poor drainage and this is often filled with mud;
- Proposal will improve the drainage and utility of the area;
- Increased amenity to the town centre;
- Requirement to travel to Kelso at present.

### **Objection**

12 individual letters and 84 proforma templates were received in objection to the proposed skatepark. A number of the proformas and letters were lodged from within the same household and a small number from the same person(s).

A further 9 proformas, objecting to the proposal, had no address being provided and a further 14 proformas objecting to the proposal were submitted on behalf of one individual, providing no individual name or address. Therefore, only 1 letter could be acknowledged from the 14. 2 proformas were withdrawn at the individuals request. Of those with addresses, 50% of proformas and letters were submitted from residents in Jedburgh and 50% beyond.

The concerns raised in all objections are outlined below:

- Sited within a Conservation Area;
- Adverse impact upon the trees and landscaping;
- The construction of the skatepark would be vandalism;
- Adverse impact upon the views from Jedburgh Abbey and War Memorial;
- Adverse noise impacts;
- Dangerous location sited adjacent to the A68 and River Jed;
- Concerns regarding the future maintenance of the skatepark;
- Adverse visual impact;
- Devalue the town of Jedburgh;
- Devalue surrounding properties;
- Concerns regarding the impact that the noise levels will have upon the birds and wildlife along the Riverside Walk and the Dip;
- The application site is a grassed flat area, used by dog walkers, fitness enthusiasts, nursery children and for picnics;
- Potential anti social behaviour, crime and graffiti;
- There are alternative safer sites to the one proposed;
- Potential to cause resentment within the town;
- Detrimental to the environment;
- Flood risk;
- Inadequate access;
- Inadequate fencing/screening and boundary treatment;
- Litter;
- Overlooking concerns;
- Privacy upon the neighbouring surrounding properties;

- Road safety;
- Impact upon the landscape;
- Impact upon the local and visitors walking the Borders Abbey Way;
- Question over where the funding is coming from to construct the proposed skatepark;
- Spoil a natural amenity;
- Individual members of the community council are supporting the skatepark and they should be declaring an interest;
- Inaccuracies contained within the risk assessment submitted;
- Used for picnics, walking dogs, general enjoyment;
- Adverse impact upon the amenity of neighbouring residential properties;
- No provision for toilets;
- No police supervision or health and safety matters;
- No indication as to the cost of the project;
- Should be constructed on a brownfield site;
- There are already sufficient sporting facilities within Jedburgh; rugby, riding, football, swimming, tennis, cricket;
- Alternative siting in Ancrum could be possible;
- Density of the site;
- Inadequate access;
- Inadequate drainage;
- Increase in traffic;
- Litter;
- Loss of light;
- Loss of view;
- No sufficient parking provision;
- Overlooking;
- Poor design;
- Smell;
- Dangerous site adjacent to the A68;
- Lack of security fencing around the site, any fence should be 1.8m in height;
- Query over the distance to Kenmore B & B is actually 58 metres and not 100 metres;
- Errors within the submission;
- The risk assessment includes inaccuracies;
- The Noise Impact Assessment contradicts the Options Appraisal, as it identifies 2 nearby residential properties within 100 metres of the skatepark boundary;
- Inaccurate site boundary included within the Noise Impact Assessment;
- Inaccurate noise calculations within the NIA;
- Query the height of any proposed fence;
- Query how people will access the car parking facilities;
- Who will chair the committee to run the skatepark;
- Query regarding the health and safety during construction;
- Kenmore B & B is within 100 metres of the application site;
- Within the options appraisal, Kenmore B & B is noted as incorrectly being outwith 100 metres of the application site.

The full content of each letter can be found on the Council's *Public Access* website.

## **APPLICANT'S SUPPORTING INFORMATION:**

The applicant submitted a number of supporting documents, in respect of the proposal, these are outlined below and are available to view in full on *Public Access*.

### ***Noise Impact Assessment (NIA) (August 2014)***

A supporting NIA was undertaken by Atmos Consulting, in respect of the proposed development. The NIA advised that the closest residential properties are; Abbey Bridge End, Kenmore Bank Bed and Breakfast and Airenlea Bed and Breakfast.

In order to determine the baseline conditions at each of the identified Noise Sensitive Receptor locations, attended noise monitoring was undertaken at three locations in the near vicinity of the proposed skatepark. The baseline measurement data was analysed in order to determine the typical baseline (background) noise levels (LA90) at the closest residential properties. Noise measurements were undertaken during the daytime and evening period, to coincide with the periods when the skatepark is likely to be open and at its busiest.

The NIA includes noise level predications for the three noise sensitive property locations and the likelihood of complaints.

In conclusion, the NIA states that, in order to assess the impact of noise levels from the proposed skatepark, a noise assessment was completed based on likely noise levels associated with the skatepark activities and existing background noise levels. The assessment has utilised information on noise levels measured from existing skateparks in Scotland, as undertaken and reported by Sandy Brown LLP.

The BS4142:1997 noise assessment concludes that the noise levels associated with the skatepark, in relation to the likelihood of complaints, is of marginal significance.

It has also been determined that noise levels associated with the skatepark will be below the guideline outdoor noise limit of 50dB LAeq, as recommended by the WHO.

The assessment concludes that based on the BS4142:1997 assessment and in comparison to the WHO guideline noise limit, it is not considered that the proposed skatepark will have an adverse impact on local noise sensitive receptors (NSRs).

### ***Noise Impact Assessment (NIA) Update (March 2015)***

The noise consultant provided further information updating the original Noise Impact Assessment in March 2015.

It was stated that the criteria by which to assess the impact that skateparks may have changed in October 2014, just after the initial consultation response from the Environmental Health Officer. Therefore, the conclusions needed to be updated, to bring the assessment in line with the up to date guidelines. It should be noted that the data has not been changed, however the way in which any potential impact(s) are assessed has altered. The update concluded that the noise from the skatepark is predicted to be below the measurement background noise level during both daytime and evening periods at two of the properties. In the context of the new criteria, this is

an indication of the specific sound source having a low impact. At Kenmore Bank, noise levels are predicted to be 3dB and 4dB above the measured daytime and evening background noise levels respectively.

### ***Supporting Evidence***

- a) An article on preventing childhood obesity;
- b) Minutes from Jedburgh Alliance group;
- c) Correspondence from SNH, showing pre-application discussions had taken place;
- d) Correspondence from BMX magazine;
- e) Community consultation information;
- f) Consultation with Jedburgh Community Council;
- g) Correspondence from Skateboard Scotland;
- h) Email from Transport Scotland, at pre-app stage;
- i) Correspondence from Jedburgh Youth Café Association;
- j) Consultation with SEPA was undertaken prior to the application being lodged;
- k) Options appraisal;
- l) River flow data from the Jed Water;
- m) Correspondence with SEPA, at pre-app stage; and
- n) Risk Assessment.

A number of the documents were submitted as supporting evidence for the skatepark; support from the skateboard community and evidence of community engagement prior to submitting the planning application.

### ***Options Appraisal***

Prior the submission of the application, the applicant undertook an options appraisal looking at alternative sites within the Jedburgh area for the proposal. The applicant looked at alternative sites at; Howdenburn, Allerley Park, Lothian Park, The Anna and the application site. The options appraisal provides the background to the applicant's submission and choice of site.

### **DEVELOPMENT PLAN POLICIES:**

#### Consolidated Local Plan 2011:

- Policy G1: Quality Standards for New Development
- Policy G2: Contaminated Land
- Policy G4: Flooding
- Policy BE1: Listed Buildings
- Policy BE2: Archaeological Sites and Ancient Monuments
- Policy BE4: Conservation Areas
- Policy BE6: Protection of Open Space
- Policy NE1: International Nature Conservation Sites
- Policy NE3: Local Biodiversity
- Policy NE4: Trees, Woodlands and Hedgerows
- Policy NE5: Development Affecting the Water Environment
- Policy H2: Protection of Residential Amenity
- Policy Inf2: Protection of Access Routes
- Policy Inf6: Sustainable Urban Drainage

## Policy Inf11: Developments that Generate Travel Demand

### Supplementary Planning Guidance:

Trees and Development  
Biodiversity  
Landscape and Development

### **CONSULTATION RESPONSES:**

The following consultation responses are available to view on *Public Access*.

#### **Scottish Borders Council Consultees**

##### **Flood Risk Officer:**

The Officer advised that the site does lie within the SEPA maps for a flood event with a return period of 1 in 200. Hydraulic modelling was produced in the Jedburgh Flood Study Final Report 2006 which demonstrates that the proposed development lies outwith the 1 in 200 year (0.5%) inundation outlines for the Jed Water. This study is anticipated to be more accurate than the indicative mapping although no warranty is given. The Officer concluded that they raise no objections to this proposal on the grounds of flood risk.

However, as the development site is comparably flat in comparison to the surrounding area, the developer should be aware of the risk of surface water ponding occurring and should take this into account when designing the surface water drainage system.

##### **Economic Development:**

Support the proposal and comment that it fits the strategic priorities of the Scottish Borders Economic Strategy 2023 which aims to maximise opportunities within town centres, capitalising on the location by providing the physical, social and cultural infrastructure for businesses thereby increasing footfall from tourism and leisure visitors.

##### **Archaeology Officer:**

The Officer advised that, whilst it will not necessarily pose substantial impacts on the setting of Jedburgh Abbey, it is considered that from the information submitted it is difficult to make that judgement. The Officer considers that it would have been helpful for the applicant to have included a visualisation, to allow a proper setting assessment. However, there is enough in the application to suggest that the setting, while impacted, will not be a major degree provided some mitigation is in place. Therefore, the Officer suggests that the existing trees should be retained surrounding the development, in order to soften views from the Abbey.

## **Environmental Health Officer (Noise):**

### ***September 2014:***

The Officer advised that the application refers to the proposed formation of a skatepark on land to the south east of Abbey Place, Jedburgh. The proposed site is within a grassed/wooded area between the A68 and the Jed Water. The site sits in a natural dip, protected by a grassed bund; however, nearby houses on Oxnam Road have an elevated line of sight into the proposed skatepark area. The nearest property, Kenmore Bank Bed and Breakfast, approximately 70 metres, has bedroom windows on the gable elevation facing the skatepark.

The Officer advises that the agent has submitted a noise report, which correctly identifies the dominant background noise to be that of traffic on the A68. The noise impact assessment (NIA) is based upon 100 users of the skatepark per week in the first year, rising to 150 per week in year 3 and a projected noise level of 85db at 1 metre. The report concludes that the noise level at Kenmore Bank will exceed the evening background level by +4db and the 'likelihood of complaints is of marginal significance'. The applicant has applied BS4142 which is a method of rating industrial noise affecting mixed residential and industrial areas. The Officer advised that it is not really appropriate, given that noise from the skate park is not of an industrial nature and the site is not mixed residential and industrial. The proposed construction of reinforced concrete with a single 'metal rail' will generate less impact noise than a design that includes metal ramps.

The Officer has concerns due to the elevated position of the houses in Oxnam Road, that noise complaints may be likely, albeit not likely to exceed the ambient background levels by 10dba and therefore give rise to a loss of amenity as opposed to a statutory noise nuisance.

Therefore, the Officer had no objections to the principle and suggests that an informative is attached to planning permission.

### ***April 2015:***

As a result of the additional information received, the Officer was re-consulted and offered the following response. Following a consultation response on 1<sup>st</sup> September 2014, a change has been made to the BS4142 standard. The change explicitly states that this document should not be used to assess recreational activities.

In light of the above, the applicant's consultant did provide an update to the previous information regarding BS4142:2014, however the Officer has responded, advising that this is not appropriate and the new standard should be used.

The noise report submitted with the application included an assessment of the noise against the World Health Organisation (WHO) guidelines, community noise.

The report demonstrates that the proposed development will meet the limits set by this guidance however this only applies to daytime noise.

For night time noise (23:00- 07:00) a lower limit is applied under WHO night time

guidelines. It states that, at night, noise above 40dB outside will prevent sleep disturbance with a window open for ventilation.

Below is a table of the predicted noise at the receptors and the recommended night time limits from WHO.

Receptor	WHO Daytime noise limit LAeq	WHO Night time noise limit LAeq	Predicted noise from skatepark only
Abbey Bridge End	50	40	43
Kenmore Bank B&B	50	40	47
Airlea B&B	50	40	40

The table illustrates that the night time noise limits will be breached. The Officer advised that it is important to remember that these figures only show the predicted noise from the skatepark and do not account for the existing background noise.

As the site is open there is no way to secure the site and prevent entry after a certain time, there is no way to guarantee that the site will not be used after 23:00 hours. Therefore, the Officer sees this as an issue most likely to occur in the summer months.

In the event that a complaint is received there is no system in place to ensure that there is a responsible person who can be contacted to engage with and resolve the issue.

These issues were also raised in the previous response and in the event that this application is granted the Officer has requested that conditions are attached, in respect of noise levels, compliance and sound pressure.

#### **Environmental Health Officer (Contaminated Land):**

The land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property and the liabilities the owner/occupier may have.

The land is not currently identified as contaminated land and the Council is not aware of any information which indicates the level of risk the potential contamination presents.

The requirement for a full site assessment and potential remediation may not be practical or proportionate given the nature of the application and it is recommended that the applicant is advised of potential land contamination issues by way of an Informative Note.

The historic use of the site is recorded within a Council database. This database is used to prioritise land for inspection within the Councils Contaminated Land duties. Should the applicant wish to discuss these duties their enquiry should be directed to Environmental Health.

The Officer suggests that an informative note is attached to any planning permission.



### **Neighbourhood Services:**

Advised that the applicant would require to enter into a lease and have a management agreement between Scottish Borders Council and the skatepark group. There are ongoing discussions between the applicant and Neighbourhood Services regarding the lease, maintenance and management of the site. Leasing arrangements (and the associated management agreement are matters to be resolved outside the planning process).

### **Roads Planning Service:**

The Officer advised that the access points for the proposed site are located on the river side and not the road side making use of the existing footpaths. This, and the nearby subway connecting the site with the opposing side of the road, will reduce safety concerns associated with pedestrians and the adjacent road.

The skatepark should not generate any vehicular traffic so will not require parking, however it can make use of the nearby parking if needed.

The proposed location of the site is adjacent to the A68 Trunk Road and therefore the comments of Transport Scotland must be sought.

Access points for construction vehicles, and any proposed lighting for the site, must be of the satisfaction of Transport Scotland.

### **Heritage and Design Officer:**

The Officer advised that the key issue considered is the impact of the proposed installation of a skatepark in this location on the Jedburgh Conservation Area.

The location proposed is towards the edge of the Conservation Area boundary. The more significant part of the Conservation Area is focused on the Abbey and the town centre. The character of this outer part of the Conservation Area is broadly characterised by being an open space set against the backdrop of the Jed Water. The dips and mounds of this area are modern, being landscaping works carried out after the factory demolition.

This site lies within a natural screen of the existing trees and is set below the road level. The Officer is content that a skatepark in this location, set some distance from the Abbey and town centre, whilst not 'enhancing' the Conservation Area can be considered as having a 'neutral' impact. The Officer's understanding is that no fencing is proposed to the park; none appears to be shown on the application drawings.

It is also not clear as to the finish and materials to be used for the park as a whole; if the whole of the park was bright white concrete this would be more visible than if sections have more muted colours. Therefore, the Officer recommends that this should be dealt with through appropriate conditions, requesting the details of the colours and finishes within the park.

**Ecology Officer:**

The Officer advised that the site consists of amenity grassland and deciduous trees with the Jed Water SAC nearby. The developer intends to retain the trees.

The Officer advised that it is unlikely that there should be any significant adverse impact on the biodiversity from this development so long as good practice guidelines are followed. There are opportunities for biodiversity and habitat enhancement. The Officer makes the following recommendations:

- Protect the water body which is in the vicinity of the development area. Adopt SEPA Pollution Prevention Guidelines, PPG1, PPG5 (general guidance and works affecting watercourse), PPG 3,4,7,13 (site drainage), PPG 2,8 (oil storage) and PPG 6 (construction and demolition) as appropriate.

The Officer also requests that an informative is attached to any planning permission;

The developer may consider biodiversity and habitat enhancement which could include the provision of bird nesting sites such as the Schwegler 1N Deep Nest Box which can be attached to mature trees to provide nesting opportunities for a range of bird species. Schwegler woodcrete boxes could be provide for the use of bats.

**Right of Way Officer:**

The Officer advised that the route Core Path 01 forms part of a promoted countryside access route – Borders Abbey Way and also local Paths around Jedburgh paths 3 and 4. It is also listed in the booklet Easy Access Paths in the Scottish Borders Rivers 2 – Jedburgh Riverside.

The proposed development is likely to generate additional footfall of people using the route of the Borders Abbey Way/Riverside Path. The people using the skatepark are likely to be accessing the location by foot or cycle or skateboard. The route at this location is a tarmac fairly level path. It is not on an adopted footway and is not serviced with street lighting. It is, at present, maintained by Scottish Borders Council. Therefore, this development if it goes ahead has implications for the Scottish Borders Council resources in relation to the future management of the access path. Relevant Scottish Borders Council staff should be consulted relating to this future maintenance.

The riverside path forms possible routes for users to access the proposed skatepark. Using the riverside path with pavements and underpass provides path links to areas of Jedburgh and the Bus Station, Car Park (approx 300 metres) and Lothian Park Car Park (200 metres).

It is noted that signing of the paths towards the proposed skatepark is proposed. To avoid duplication or confusion it would be helpful, should the development be granted, for the developer to consult with the Council Access Ranger. This would be coordinated signage with a view to possibly combining the signage for the skatepark and the Borders Abbey Way.

The development has implications for the ability of the public to exercise rights of access along Core Path 01.

It is essential that these rights are not obstructed by the development and that the public shall continue to enjoy access to the Core Path without risk from any aspect of this proposed development. Therefore, the Officer suggests that the following conditions are attached to any planning consent;

Core Path 01 – ‘The path indicated Core Path 01 must be maintained open and free from obstruction in the course of development and in perpetuity and shall not form part of the cartilage of the development. No additional sites, gates, steps or barriers to access may be constructed on the Core Path that could deter potential future use.

**Landscape Officer:**

The Officer initially commented on the 28<sup>th</sup> October 2014, advising that the drawings submitted as part of the application clearly show the Root Protection Areas (RPA) of all existing trees located on the edge of the hollow, within which it is proposed to build the skatepark bowl.

The Officer previously noted that it would have been useful to have a full topographical survey for the site but acknowledge the applicant’s reluctance to undertake this as an unaffordable cost to the project. However, the sections shown in Drawing ‘717/301\_Revision C’ do not adequately demonstrate how the edge of the skatepark bowl will tie into the surrounding ground levels. The existing ground levels section is shown as a straight line, with each end of the skatepark bowl sections sitting as much as 1.2m above the existing ground level. This is clearly not the case, as this is not a true reflection of the existing ground levels section line – it drops as it descends the slope into the hollow, runs across the floor of the hollow and rises again at the other side to the top of the slope. At the absolute minimum, the Officer requires the existing spot levels at both ends of each section to ground truth the proposal, i.e. to demonstrate how the proposal will tie into the existing site levels around the edge of the skatepark bowl.

Following the submission of revised drawings, the Officer was re-consulted and provided a further response on the 21<sup>st</sup> January 2014. The Officer commented that after revising drawing (717/301\_REV D), which was amended to address previous concerns, the Officer did not think the amendment wholly dealt with the issues as spot levels have still not been provided around the edge of the bowl. The amended sections still do not reflect the existing ground profile through the bowl from side to side and so it is not exactly clear how the skatepark will tie into the existing edge of the bowl. The Officer requested levels to be re-assured that the skatepark structure will not sit above the surrounding bunds. Its location in the bowl will help to assimilate it into the wider landscape, reducing its visibility from surrounding areas. The Officer produced a sketch indicating where the spot levels should be taken, with an additional spot level on the floor of the basin will allow relative heights to be judged.

Further revised drawings were submitted, and the Officer was re-consulted providing the following most up to date response: The Officer still has concerns regarding the existing and proposed levels information provided on Drawing (717/301\_REV E), as it does not show the relationship with the surrounding ground. However, if looked at in conjunction with Drawing (717/101\_REV C), the levels seem to work. The Officer has previously raised the following concerns: that the outer edges of the skatepark should

not sit higher than the surrounding ground (i.e.) that the bowl should maximise the pre-existing earth form to minimise its visibility from surrounding areas. The Officer advises that the revised sections have addressed these concerns adequately. Furthermore, the Officer had concerns that, in some locations the areas between the edge of the concrete skatepark bowl and the existing higher ground are wide enough for there to be a hollow/dip, which could become poorly drained or difficult to maintain as grass. However, the Officer advises that as long as the earthworks that will be required to tie the development into the surrounding landform avoids creating awkward hollows that prevent grass cutting, she is satisfied that the applicant has demonstrated that the skatepark can be accommodated at this location without causing an unacceptable visual impact.

### **Planning Policy and Access**

The purpose of Policy BE6 is to give protection to a wide range of defined types of open space within settlements and prevent their piecemeal loss of development. However, this policy does allow other uses on such and in some instances.

Of relevance to this application the policy states that development which would result in the loss of open space will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies:

1. The loss of open space is judged to have minimal environmental, social and economic impacts; OR
2. The need for the development is judged to outweigh the need to retain the open space.

Consequently, it is considered that from a policy point of view, a judgement must be made on the aforementioned criteria.

The Officer notes that, for information, Policy BE6 is being replaced by Policy EP11: Protection of Greenspace within the Proposed Local Development Plan. However Policy EP11 is currently under examination by Reporters and is therefore not a material planning consideration in this application.

### **Statutory Consultees**

#### **Jedburgh Community Council:**

No objections, all but one member of the Community Council support the proposed development.

#### **Transport Scotland:**

Advised that the pedestrian barrier on the west side of the trunk road be extended northwards from its existing termination for a distance of 40 metres to the point where the footway turns away from the carriageway.

## **SEPA:**

Advise that the site lies within the 1 in 200 year flood envelope of the SEPA Flood Maps, and may therefore be at medium to high risk of flooding. They note that there will be a small amount of land raising, however other areas of the development site will be lowered and in turn will provide additional storage. It is therefore likely that the development will have a neutral impact on flood risk and as such SEPA raise no objection.

SEPA advised that one level of SUDS treatment will be required for the development. It appears that the applicant is proposing a soakaway, however advised that, it is difficult to tell from the plans whether the soakaway will serve the whole site. The Officer notes that the soakaway or any other SUDS proposed for the site must be appropriately sized.

## **KEY PLANNING ISSUES:**

The key planning issues with this planning application are whether the proposal complies with the Development Plan Policies and Supplementary Planning Guidance (SPG), regarding the formation of a skatepark, taking into consideration its siting, Conservation Area, landscaping, use of the land, trees, amenity of neighbouring residential properties, visual amenities, access, archaeological implications, flood risk, noise implications, land contamination, ecology and right of way implications.

## **ASSESSMENT OF APPLICATION:**

### **Planning Policy**

The principle of the proposal must be assessed against Policy G1 and BE6. The site lies within the Conservation Area and within close proximity to listed buildings and the Scheduled Ancient Monument of Jedburgh Abbey, therefore the proposal must be assessed, in respect of any potential adverse impact upon the aforementioned. Other factors which need to be considered are; contamination, flood risk, ecology, special area of conservation, trees, amenity, access and SUDS. These are discussed below in more detail.

### **Principle**

Policy G1 states that development must be compatible and respect the character of the surrounding area, neighbouring uses, and neighbouring built form; can be satisfactorily accommodated within the site; retains physical or natural features which are important to the amenity of the area; is an appropriate scale and materials for the site. Policy BE6, aims to give protection to a wide range of defined types of open space within settlements and to prevent their piecemeal loss to development. The application site is currently an area of open space, as identified within Policy BE6. Development that would result in the loss of open space will only be permitted if it can be satisfactorily demonstrated that, based on consultation with user groups and advice from relevant agencies that;

- The loss of open space is judged to have minimal environmental, social and economic impacts; OR

- The need for the development is judged to outweigh the need to retain the open space.

The applicant has undertaken an options appraisal of alternative sites within Jedburgh, however the Planning Service can only assess what it presented in the form of the application site and not other locations within Jedburgh.

The current application site is defined as open space within Policy BE6, which is already used for recreational and amenity purposes. It is considered that the skatepark would remain a functional open space for recreational purposes for members of the public to enjoy. Furthermore, the skatepark would provide a facility which is not currently available within the town. Therefore, it is not considered that the proposal would result in the loss of open space and that there will be social benefits to the wider community from such a proposal. In that sense, the proposal is complementary to the ongoing use of the area for recreational purposes.

It is considered that a skatepark can be satisfactorily accommodated within the application site. The proposal will sit within the natural shape of the land, within the 'bowl', surrounded by mature planting. It is considered that the siting of the proposal respects the natural formation of the land and the existing trees provide screening to the skatepark, mitigating any adverse visual impacts as a result of the development.

It is considered that the scale of the proposal is acceptable and the section drawings show how the skatepark will sit in relation to the existing ground levels. It is noted that the proposed ground levels of the skatepark will not exceed those of the surrounding bund, therefore visually the skatepark will sit at a lower level within the 'bowl' area. No final details have been provided in respect of the materials, therefore a condition will need to be attached to planning permission, requesting such details prior to commencement. It is considered that the proposal is in compliance with Policy G1 and BE6, in that the development can be satisfactorily accommodated within the application site.

Concerns were raised that there is inadequate fencing, screening and boundary treatment. However, it is considered that the existing trees provide a visual boundary to the skatepark. Given the nature of the proposal, it is not considered appropriate to request fencing surrounding the application site. This could appear visually intrusive within the context of the site and would result in an enclosed area, which is not best practice for such a proposal. Therefore, it is considered that leaving the skatepark open with no physical barriers provides an open and inclusive facility and is more appropriate to the character of the surrounding open space.

### **Amenity**

Policy H2 aims to protect the amenity of both existing residential areas and proposed new housing developments. Development that is judged to have an adverse impact on the amenity of the existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against.

As discussed above, the scale, form and type of development is considered to be appropriate for the application site. It is not considered that the proposal will result in a

significant increase in traffic movements. In respect of visual amenity, this is discussed in more detail below, however it is not considered that the proposal will result in any adverse impact upon the visual amenities of the wider area, including the Conservation Area. In terms of privacy and potential overlooking, the area is an existing open space, which members of the public can enjoy and the proposal will have a neutral impact upon the privacy and overlooking into residential properties.

Although the area directly to the north, west and south is open space, there are neighbouring properties along the east side of the river and further north and south. These sit higher than the application site on the Oxnam Road. A noise impact assessment was submitted alongside the planning application, to assess whether the proposal would result in any adverse impacts upon the amenity of neighbouring residential properties, in respect of noise levels generated from the skatepark.

The predicted noise level arising specifically from the proposed skatepark is 43dB.

As outlined within the Environmental Health Officer's consultation response, the nearest residential properties are; Kenmore Bed and Breakfast, Abbey Bridge and Airenlea. As discussed above, the revised update to the Noise Impact Assessment, demonstrates that the proposed development will comfortably meet the daytime limits of 50dB set by the World Health Organisation (WHO) guidelines.

However, for night time noise (23:00 – 07:00), a lower limit of 40dB is applied under WHO night time guidelines and that the night time level will be breached. It should be noted the data used is the same and no new noise readings were taken. The change is in the noise level limits, which are used to assess any potential impact. The new noise level limit is based on the WHO and the updated conclusion indicates the noise level arising from the skatepark – at 43dB - would be higher than the WHO recommendation of 40dB between 23:00 and 07:00.

However, the predicted noise caused specifically by the skatepark does not take into account existing background noise including, for example, traffic noise on the A68, which is conceivably more significant and also higher than 40dB. It is also the case that, in town centre locations, background noise can often be expected to exceed 40dB as a result of normal activity.

Noise surveys that have been undertaken do not include the hours after 23:00, but do include the time up to 20.10. It seems likely that the average readings taken at that time – at 46dB – would be representative of background noise levels at later times as well. Thus, the noise generated by the skatepark, even if it were to be used after 11pm may still be lower than existing background noise levels.

Even so, the potential for the noise level to be over the recommended guidelines is marginal and only at times between 23:00 and 07:00 when the skate park is considerably less likely to be used. The risk is therefore considered to be small and, on balance, the proposal can be supported, given the wider public benefit in terms of improved recreational provision.

An objection was raised regarding the precise distance from the proposal to Kenmore Bank. Clarification was requested from the noise consultants who confirmed that the noise receptor was sited as per the noise impact assessment (NIA) and the details

confirmed that the details within the NIA are accurate distances.

### **Flood Risk**

Policy G4 aims to discourage development from taking place in areas subject to flood risk. The policy states that new development should be located in areas free from significant flood risk. Development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere.

The Council's Flood Protection Officer was consulted in respect of the proposed development. The Officer raised no objections to the proposal on the grounds of flood risk, however it should be noted that there is a risk of surface water ponding occurring and this should be taken into account when designing surface water drainage systems. Therefore, an informative is suggested in respect of the potential surface water and a condition in respect of a detailed SUDS scheme.

SEPA raised no objections to the proposed development and advised that one level of SUDS treatment would be required. No detailed SUDS proposals have been submitted to date. Therefore, a condition is recommended, requesting details to be submitted to the Planning Service. Policy NE5 also reinforces that proposals should comply with the currently best practice on SUDS.

Overall, it is not considered that the proposed development will be at risk from flooding and will not result in an increased risk of flooding elsewhere, subject to the imposition of the above condition, in compliance with Policy G4 and NE5.

### **Economic Development:**

The Council's Economic Development Department, commented that the proposed development fits in with the strategic properties of the Scottish Borders Economic Strategy 2013, which aims to maximise opportunities within town centres, capitalising on the location, providing the physical, social and cultural infrastructure for businesses thereby increasing footfall from tourism and leisure visitors.

### **Archaeology**

Policy BE2 aims to protect Scheduled Ancient Monuments and any other archaeological or historical sites, from potentially damaging development. Jedburgh Abbey, a Scheduled Ancient Monument lies within sight of the application site, across the A68. However, the Archaeology Officer raised no objections to the proposal, advising that the existing trees surrounding the application site will soften the views towards the skatepark from the Abbey and other locations within the Conservation Area. It is therefore considered that the existing mature trees provide screening around the site and lessen any potential visual impact, when viewed from the Abbey or Conservation Area. A condition requesting that the trees are retained is recommended, as it is considered they contribute to the wider amenity of the area and mitigate any potential adverse visual impacts, when viewed from within the wider area, in accordance with Policy BE2.



## **Conservation Area and Listed Buildings**

The proposed skatepark lies within the Jedburgh Conservation Area and within close proximity to a number of listed buildings within Jedburgh. Policy BE4: Conservation Areas, states that development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused and all new development must be located and designed to preserve and enhance the special architectural or historic character of the Conservation Area. Policy BE1: Listed Buildings, states that the Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings. All Listed Buildings will be protected against all works which would have a detrimental effect on their listed character, integrity or setting or result in an adverse impact upon the setting of the listed building.

The Heritage and Design Officer was consulted on the application and advised that the more significant part of the Conservation Area is focused on the Abbey and the town centre. The character of this outer part of the Conservation Area is broadly characterised by being an open space set against the backdrop of the Jed Water. The dips and mounds of this area are modern, being landscaping works carried out after the factory demolition. The site lies within a natural screen of the existing trees and is set below the road level. As discussed above, it is considered that the existing trees provide a screen, when viewed from the surrounding area. The Officer is content that a skatepark in this location, set some distance from the Abbey and town centre can be considered as having a neutral impact.

In general terms, the character that defines this part of the Conservation Area is not altered significantly by the development proposed.

The Officer recommends that appropriate conditions should be attached requesting details of the colours and finishes within the park. This would ensure compliance with Policy BE1 & BE4 of the Consolidated Local Plan 2011.

## **Access/Footpaths**

### *Core Path*

Policy Inf2, states that the Council will seek to uphold access rights by protecting existing access routes including; statutory designated long distance routes; Rights of Way; walking paths; cycle ways; equestrian routes; waterways; identified Safe Routes to School and in due course Core Paths. Core Path (JEDB/1/32) runs along the eastern side of the application site, along the Jed Water. This connects the site to the town centre, Lothian Park and the riverside. The Access Officer was consulted on the planning application and advised that the proposal is likely to generate additional footfall of people using the route of the Borders Abbey Way/Riverside Path. The Officer advises that users of the skatepark are likely to use the Riverside Path to access the skatepark. The Officer notes that the applicant wishes to install directional signs towards the skatepark. However, the Officer advises that they should be consulted on any proposed signage. Furthermore, the applicant should consult with the Planning Service prior to the erection of any signage, to ensure the appropriate consents are obtained.

The proposed development also has implications for the ability of the public to exercise the rights of access along Core Path 1, which is the Riverside Path. To ensure that the public enjoy access to the Core Path without risk from any aspect of the development, the Officer suggests a condition is attached to planning permission to ensure that the Core Path 1 is maintained open and free from obstruction in the course of the development and in perpetuity, to ensure that proposal complies with Policy Inf2.

#### *Barrier along A68*

Transport Scotland have requested that a condition is attached to planning consent in respect of the extension of the existing pedestrian barrier along the Trunk Road. However, the proposed barrier extension falls outwith the application site and therefore cannot be controlled through an appropriate planning condition. The proposed skatepark is deliberately connected to the riverside footpath to the east, both ends of which are connected to the town centre by subways under the A68, which should assist in encourage users to approach via the existing path network. Furthermore, it is considered that extending the barrier such a distance, would result in adverse visual impacts upon the amenity of the wider area, including the Jedburgh Conservation Area. It is therefore considered that the inclusion of an extended barrier would have a detrimental impact upon the visual amenities of the wider area. Therefore such a condition has not been included in the recommendation.

#### *Roads Planning Service*

The Roads Planning Officer raised no objections to the proposed development.

#### *Travel Demand*

Policy Inf11: Developments that generate travel demand, promotes sustainable travel patterns and ensures that significant travel generating developments are properly scrutinised. There are existing bus routes along the A68, adjacent to the proposed development, as well as car parking provisions within the town centre. The proposal is located within walking distance on bus stops and public transport, to enable users to access the site from the town centre.

#### **Ecology**

Policy NE1 aims to give wildlife sites of international importance adequate protection from development. Policy NE5 aims to ensure that development does not adversely affect any of the complex components that comprise the water environment. The Jed Water runs to the east of the application sites and is a Special Area of Conservation.

The Ecology Officer was consulted and advised that the site consists of amenity grassland and deciduous trees with the Jed Water SAC nearby. The Officer advised no objections in respect of any adverse impacts upon the SAC, however advised that the application should protect the water body which is within the vicinity and adopt SEPA guidelines. A copy of the Officers consultation response will be attached for the attention of the applicant to any planning consent, to ensure compliance with Policy NE1 and NE5.

Policy NE3 aims to safeguard and enhance the local biodiversity in line with the Council's environmental policies and its commitments to sustainability. The Ecology Officer was consulted and raised no objections to the proposal and suggested informatives. The Officer advised that it is unlikely that there should be any significant adverse impacts on biodiversity from the development, so long as good practice guidelines are followed. Two informatives can be attached to any planning permission, in respect of protecting the adjacent water course and consideration of future biodiversity and habitat enhancement, to ensure compliance with Policy NE3.

### **Lease, Maintenance & Management**

Neighbourhood Services advised that the applicant would need to enter into discussions with Scottish Borders Council, in respect of a lease for the site and future maintenance and management. These are not material planning considerations for the determining the planning application. However, an informative will be attached, regarding the lease, maintenance and management, to make the applicant aware.

### **Contaminated Land**

Policy G2, aims to allow for development on contaminated or potentially contaminated sites but in a manner that ensures that the re-use and restoration of such sites is made possible without any risk to public health and safety or to the environment.

The application site lies within an area which was historically operated as mill land. This land use is potentially contaminative and may have resulted in land contamination which could affect the welfare of users, the value of the property, and the liabilities the owner/ occupier may have.

The land is not currently identified as contaminated land and there is no available information which indicates the level of risk the potential contamination presents.

However, given the nature of the proposed use, the requirement for a full site assessment and potential remediation is not likely to be practical or proportionate, and it is instead recommended that the applicant is advised of potential land contamination issues by way of an Informative Note.

### **Trees**

Policy NE4: Trees, Woodlands and Hedgerows, aims to give protection to the woodland resource and in turn to give protection to the character of the settlements and the countryside, maintain habitats and provide an important recreational asset. There are mature trees surrounding the application site, located on around the top of the bowl edge. These trees are not covered by any Tree Preservation Order, however it is considered that they contribute to the setting of the application site, amenity of the surrounding area. They are considered to be a valued part of the open space. The applicant has provided drawings to demonstrate how the proposal will tie into the banking and to assess any potential impact upon the trees or roots. The applicant provided section drawings and spot levels demonstrating where the proposal ties into the banking.

The Landscape Officer was consulted on the proposal and after several revisions to the section drawings, advised no objections to the proposal. The Officer considers that the concerns previously raised have been addressed and that the proposal will not result in an unacceptable visual impact. Furthermore, as discussed above, it is considered that the trees screen the development when viewed from the Abbey and wider Conservation Area and contribute to the wider visual amenity of the area. Therefore, a condition is recommended requiring that the trees are not removed or felled, to ensure compliance with Policy NE4. Furthermore, the Landscape Officer raised the concern regarding potential ponding, therefore a condition will be attached to planning consent, in respect of the suitable SUDS scheme, which is discussed below. Further to the comments from the Landscape Officer, a condition will be attached to planning consent, requesting the precise details showing how the proposed skatepark will tie into the existing bund.

### **Sustainable Urban Drainage**

Policy Inf6: Sustainable Urban Drainage Systems (SUDS), aims to address the pollution problems that stem from the direct discharge of surface water into watercourses. Sustainable drainage reduces the amount of flooding and diffuse pollution, improves environmental quality and protects the ecological and amenity value of watercourses.

As discussed above, SEPA request one level of SUDS treatment will be required for the development. It appears that the applicant is proposing a soakaway however SEPA advise that any soakaway should be appropriately sized. Therefore, to ensure adequate SUDS treatment is proposed and installed, a condition should be attached to planning permission to ensure compliance with Policy Inf6.

### **Developer Contributions**

There are no developer contributions required for this proposal.

### **Other Concerns Raised**

Concerns were raised that the skatepark would result in anti-social behaviour, crime and graffiti and lack of police supervision however these are not material planning considerations when assessing a planning application and cannot be take into consideration. These concerns would be a matter for the police if they occurred.

Funding, contents of the risk assessment, health and safety, litter and future committee membership were raised as concerns, however these are not material planning considerations in the determining of the application.

The lack of toilet provision was raised as a concern, however there are facilities on the opposite side of the A68, which provide adequate provision.

## Conclusion

In conclusion, it is considered that, on balance, the proposal is recommended for approval subject to conditions and informatives being attached. The skatepark can be satisfactorily accommodated within the application site, in accordance with Policy G1 and BE6. It is a proposal that improves recreational resource within the town and the Borders more generally. Subject to the imposition of conditions, it is not considered that the proposal will result in any adverse significant impacts upon; flood risk, contaminated land, listed buildings, archaeology, scheduled ancient monuments, conservation area, open space, ecology and biodiversity, trees, River Jed or SUDS. It is considered on balance that the proposal will not result in overriding adverse impacts upon the residents of neighbouring residential properties.

## RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):

I recommend the application is approved' subject 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 be commenced until precise details of a Sustainable Urban Drainage System has been submitted to and approved in writing by the Local Planning Authority, thereafter the development must be carried out in accordance with the approved scheme, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure an adequate SUDS scheme is delivered to serve the site.
3. Notwithstanding the description of the materials and colours in the application, no development shall be commenced until precise details of the materials and colours to be used in the construction of the skatepark (including the skatepark, any associated furniture and equipment), have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. Notwithstanding the description in the application, no development shall be commenced until precise details of the location, layout and details of the seating area(s) which form part of the application, have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: The design, layout and details require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Local Planning Authority.  
Reason: The existing tree(s) represent an important visual feature which the Local Planning Authority considered should be substantially maintained.
6. The path indicated Core Path 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 development. No additional stiles, gate, steps or barriers to access may be erected on the core path that could deter potential future use.  
Reason: To protect public access rights during and after development/change of use.
7. Notwithstanding the details contained within the application, no development shall be commenced until precise details demonstrating how the edges of the proposed skatepark will tie into the existing slope, have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority.  
Reason: To ensure that the skatepark satisfactorily sits within the existing site.
8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent order amending or re-enacting that Order), no gate, fence, wall or other means of enclosure shall be erected on or around the development hereby approved, unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.  
Reason: To allow the Local Planning Authority the ability to exercise control over the matters referred to which, if unrestricted, may detract from the overall setting of the development hereby permitted.

## **Informatives**

1. The applicant should be made aware of the potential for ponding, as a result of surface water drainage. The consultation response from SEPA and the Council's Flood Protection Officer has been attached for the attention of the applicant.
2. The applicant should note that discussions will be required with the Estates and Neighbourhood Services Departments, in respect of a lease, maintenance and management of the application site.
3. The applicant should be made aware that the developer should consider biodiversity and habitat enhancement which could include the provision of bird nesting sites such as the Schwegler 1N Deep Nest Box which can be attached to mature trees to provide nesting opportunities for a range of bird species. Schwegler woodcrete boxes could provide for the use of bats. A copy of the consultation response from the Council's Ecology Officer has been attached for the attention of the applicant.
4. The applicant must protect the water body which is in the vicinity of the development area and adopt SEPA Pollution Prevention Guidelines, PPDG1,

PPG5 (general guidance and works affecting watercourse), PPG 3,4,7,13 (site drainage), PPG 2,8 (oil storage) and PPG 6 (construction and demolition) as appropriate. A copy of the consultation response from the Council's Ecology Officer has been attached for the attention of the applicant.

5. The applicant should be made aware of the potential for contamination within the site. The consultation response from the Environmental Health Officer has been attached for the attention of the applicant.
6. A copy of the consultation response from the Archaeology Officer is attached for the attention of the applicant.
7. A copy of the consultation responses from the Environmental Health Officer is attached for the attention of the applicant.
8. A copy of the consultation response from the Heritage and Design Officer has been attached for the attention of the applicant, in respect of condition no.3.
9. A copy of the consultation response from the Access Officer has been attached for the attention of the applicant, in respect of condition no.6.
10. The applicant should discuss any proposals for signage with the Local Planning Service, to ensure that the appropriate consents are obtained for such any signage.

**RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

**Approved by**

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

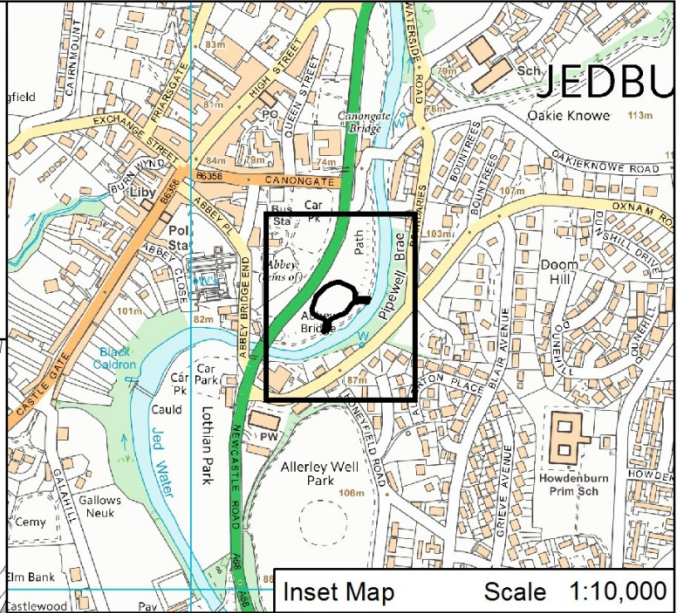
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

**Author(s)**

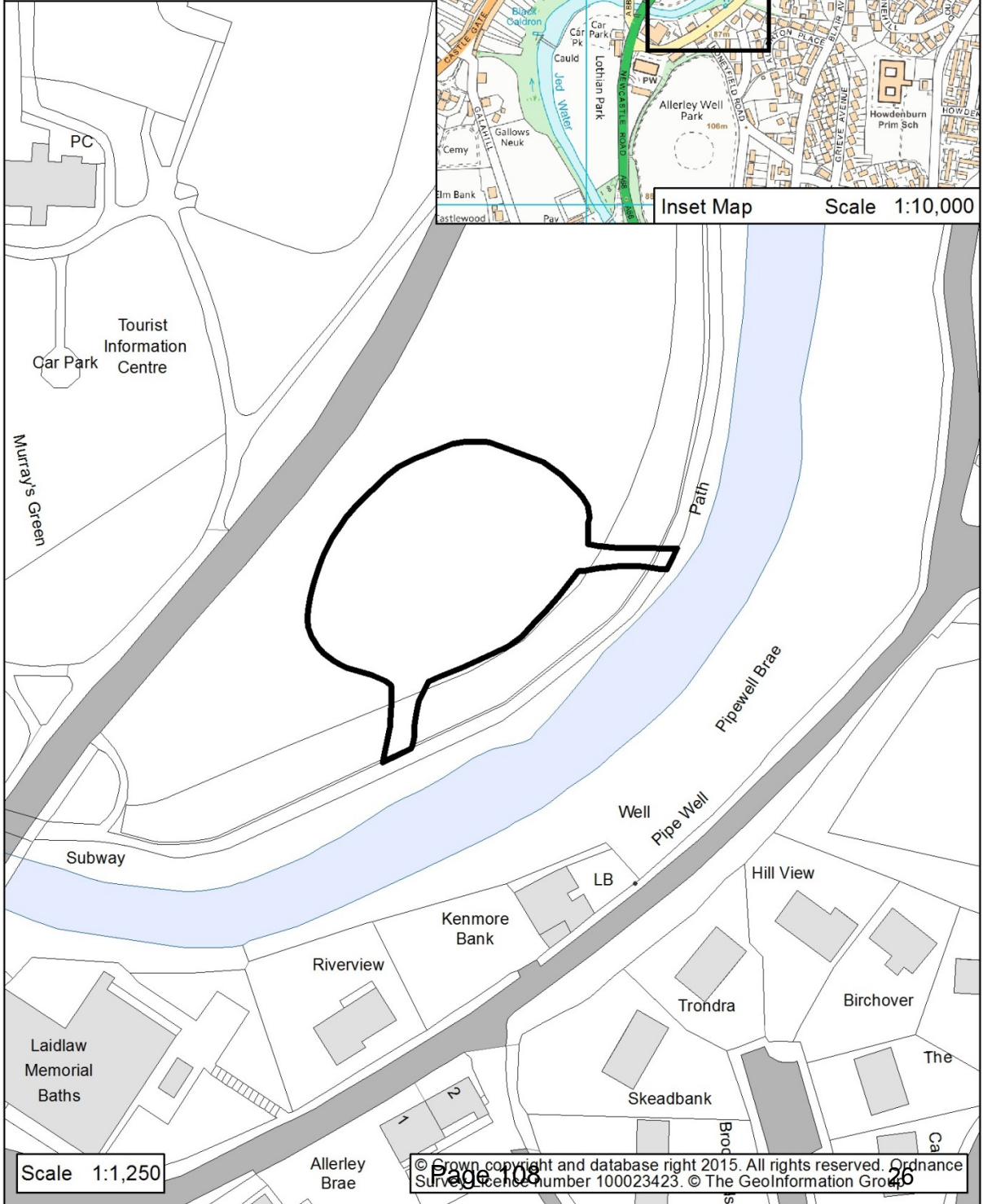
Name	Designation
Deborah Chalmers	Planning Officer



14/00786/FUL  
 Land South East Of Tourist  
 Information Centre  
 Abbey Place  
 Jedburgh  
 Scottish Borders



Inset Map Scale 1:10,000



Scale 1:1,250



**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29<sup>th</sup> JUNE 2015**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** REFERENCE NUMBER: 15/00317/FUL  
**OFFICER:** Mr Scott Shearer  
**WARD:** Mid Berwickshire  
**PROPOSAL:** Erection of dwellinghouse with attached garage  
**SITE:** Land South East Of St Leonards  
Polwarth  
**APPLICANT:** Mr Keith Taylor  
**AGENT:** T Fleming Homes Ltd

**SITE DESCRIPTION**

The application site is located within the hamlet of Polwarth which is located between Greenlaw and Gavinton. The site itself occupies a parcel of gently sloping ground to the south east of St Leonards and the adjoining Old School. To the south of the site, across the Polwarth Burn, is the category B listed Thatched Cottage which has been renovated and extended. The public road which is known as Packman's Brae contains the site to the east. Packman's Brae Bridge which spans the watercourse is immediately to the south east of the site is listed category C.

The site appears to have previously formed part of the garden ground of St Leonards. The site is well screened and sheltered with its roadside boundary enclosed by a hedge. A number of trees occupy the site, most of which are common within this area with the exception of a well-established Chilean Pine (monkey puzzle) tree which is located to the sites northern end.

**PROPOSED DEVELOPMENT**

The proposed building is a one and a half storey dwellinghouse with attached garage which is set centrally within the plot. The building includes a pitched roof gabled side extension and fronting lean-to which houses the garage. Internally, the dwelling provides accommodation for three bedrooms as well as an open plan sitting/dining room, kitchen and study. The dwelling is to be finished with a composite slate roof and a mixture of horizontal Cedar boarding and render used on the walls. Substantial glazed panels and doors are features of the building with rooflights providing access to light for upper floor accommodation as well as the void and garage.

**PLANNING HISTORY**

The following planning history is attached to this site:

03/01421/FUL – Erection of dwellinghouse. Refused at the Berwickshire Area Committee on 8<sup>th</sup> March 2004 because it was determined that the building group at Polwarth would be adversely affect by the form of additional development proposed.

04/02200/FUL – Erection of dwellinghouse. This application was approved at the Berwickshire Area Committee on the 26<sup>th</sup> of April.

10/00067/FUL- Erection of dwellinghouse (renewal of previous consent). This proposal was approved under delegated powers on the 19<sup>th</sup> of December 2013, following the conclusion of a Legal Agreement and remains an extant planning permission.

14/01188/FUL – Erection of dwellinghouse with detached garage. This application was withdrawn after concerns were expressed by Council officers about design, its detrimental impact upon trees within the site and its unsafe access.

## **REPRESENTATION SUMMARY**

In total representations from seven different households were received to the application. Six of which objected to the proposal and one offered support.

The six objections are summarised as follows:

- The site plan is inaccurate and includes ground which is not within the applicants ownership and also encroaches upon the road to the south east which would affect road safety.
- House design and its material finishes will adversely affect the local built character and intrinsic value of Polwarth
- The proposal adversely affects the setting of the B Listed Thatched Cottage.
- The sites access is located within a dip in the road on Packman's Brae which would create a road safety hazard.
- The narrow road is used by pedestrians and the proposal would affect their safety.
- The proposals visibility splay is screened by planting in neighbouring properties.
- The development results in the removal of existing trees and hedgerows within the site which enhance the visual amenity of the local area.
- The house encroaches and interferes with Root Protection Areas of trees which are to be retained which will result in damage and loss to these particular trees, including the monkey puzzle and beech tree.
- The plans do not include proposed means of surface and foul drainage measures. Use of a private drainage system on this small site will create smell nuisance.
- Siting, scale and design of the house would result in causing a loss of privacy, light and noise pollution to neighbouring properties
- The development of this site will adversely affect local species and their habitats which include; bat colonys, frogs, toads, newts and owls.
- If the application is to be approved the working hours should be restricted to reduce disruption.
- There is inadequate screening and means of enclosure.
- The development result in the loss of view.
- Contrary to Local Plan.

The single representation of support is summarised as follows:

- Recently new housing development has taken place at Polwarth Rhodes which does not match the style of existing stone built properties at Polwarth.
- Not all houses at Polwarth are sited on the same aspect.
- The hedge which bounds the site does not form part of the Polwarth Thorn which runs down Packman's Brae.
- The Council's Roads Planning Service recommends removal of the hedge to improve road safety.
- The local road is not frequently used by pedestrians.

## **APPLICANTS' SUPPORTING INFORMATION**

None.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Archaeology Officer:** Refer to the consultation reply which was provided in response to application 14/01188/FUL. It was recommended that Polwarth village has been in existence since at least the 17<sup>th</sup> century. Historic maps suggest that the application area is on the east end of the former village green, but it is not clear if there were any structures on the land prior to 1850. This does not exclude the possibility that earlier structures existed or that the site may contain buried archaeology. No objection is raised, however it is recommended a watching brief carried out by a suitably qualified archaeologist in accordance with a previously approved Written Scheme of Investigation will be required where any ground works disturb sub soils.

**Education and Lifelong Learning:** The proposed new house is within the Duns Primary School and Berwickshire High School Catchment Area. Both schools are at or near capacity, therefore a contribution is sought to assist the provision of additional capacity. A contribution of £5145 is sought for the Primary School and £4205 per unit for the High School.

**Development Negotiator:** Identifies that this development will trigger contributions of £5,469 towards the Duns Primary School and £4,205 towards the Berwickshire High School. The applicant has indicated would opt for a Section 75 Agreement to settle payment of the developer contributions. Relevant details have been sought from the applicant to enable this agreement to be instructed with recent emails remaining unanswered therefore it is recommended that the application does not comply with Development Contribution Policy.

**Environmental Health Service:** An informative is recommended to be attached to any consent to ensure that the applicant's solid fuel heating system avoids causing air quality problems.

**Landscape Architect:** The written consultation comment received from the Landscape Architect acknowledges that there is space to accommodate a new house in the site and that the proposed tree removals are acceptable. Concerns were raised about the loss of the road side hedge row. Its removal is judged to erode the rural character of the area. Generally, when hedgerows are removed for sightline purposes, the best form of mitigation is to plant a new hedge behind the sightline.

Following receipt of the amended Site Plan, Drawing Number 5065-PL2 the Landscape Architect has been verbally consulted and expressed satisfaction with the planting of a new hedge outwith the site line; this amendment was viewed to concerns raised in the written response.

**Roads Planning Service:** Recommend that parking and turning layout represents a significant improvement against the design proposed within the previous application. No objections are raised provided that any planning consent includes requirements that;

- Visibility splays of 2.4 metres by 90 metres to be provided in both directions onto the public road and retained in perpetuity thereafter. This will involve relocating or replacing the existing boundary hedge outwith the visibility splays.
- The service lay-by to be constructed as per our standard detail (DC-3) prior to occupation of the dwellinghouse.

It is also highlighted that only Council approved contractors may carry out work within the public road boundary.

### **Statutory Consultees**

**Gavinton, Fogo and Polwarth Community Council:** One committee member indicated that the size of the proposal was disproportionate and not in keeping with the character of housing at Polwarth. No other comments from any other committee members were noted.

### **DEVELOPMENT PLAN POLICIES:**

#### **Consolidated Scottish Borders Local Plan 2011**

<b>Policy G1</b>	<b>Quality Standards for New Development</b>
<b>Policy G5</b>	<b>Developer Contributions</b>
<b>Policy G8</b>	<b>Development outwith Development Boundaries</b>
<b>Policy H2</b>	<b>Protection of Residential Amenity</b>
<b>Policy Inf4</b>	<b>Parking Provisions and Standards</b>
<b>Policy Inf5</b>	<b>Waste Water Treatment Standards</b>
<b>Policy Inf6</b>	<b>Sustainable Urban Drainage</b>
<b>Policy D2</b>	<b>Housing in the Countryside</b>

### **OTHER PLANNING CONSIDERATIONS:**

Scottish Planning Policy 2014

Supplementary Planning Guidance:

- Privacy and Sunlight Guide 2006
- New Housing in the Borders Countryside 2008
- Placemaking and Design 2010
- Development Contributions 2011

## **KEY PLANNING ISSUES:**

The main determining planning issues relevant to the consideration of this application are:

- Whether the development represents a suitable addition to a building group against development plan policy specifically relating to new Housing in the Borders Countryside and having regard to the extant permission.
- Whether the development sufficiently respects the woodland features which occupy the site.
- Whether adequate access and parking can be achieved.

## **ASSESSMENT OF APPLICATION:**

### **Policy Principle**

The application site is not located within any recognised settlement within the Local Plan. For the purposes of planning policy, therefore, this location is rural and as the proposal relates to housing, the proposed development must be primarily considered against Policy D2 of the Consolidated Local Plan 2011 which specifically relates to the development of housing in the countryside.

An existing planning permission, reference 10/00067/FUL, already exists to build a single dwellinghouse, with attached garage on this site. This permission does not expire until the 19<sup>th</sup> December 2016; therefore permission 10/00067/FUL remains an implementable and extant planning permission, which is a significant material consideration in the determination of this current application. The extant planning permission was assessed against current Local Plan policies, which have not changed in the interim. The principle of this development is therefore not only established by the extant permission, but remains consistent with policy requirements.

Policy provision still requires that new houses are only permitted in rural locations where a site relates well to an existing building group of at least three houses and will only result in the addition of two or a 30% increase to the group, whichever is greater, during the period of the Local Plan. For the avoidance of doubt, a coherent building group remains in existence at Polwarth which comprises of St Leonards, Polwarth School, Beech House, Thatched Cottage, Polwarth Crofts, Polwarth Bank and a nearby implemented consent for 6 new build dwellings (ref; 03/00770/FUL). The site remains well related to these properties and within the identifiable limits of this building group which are contained by the road and the plantation to the east of the group. Since the granting of the original permission for this site (10/00067/FUL), no further planning permissions have been obtained to build new houses at Polwarth that would result in this application exceeding the maximum number of new build houses allowed under current policy.

Accordingly, while the extant planning permission generally enables the building of a new house on this site, it does remain the case that the principle of a new house at this location relates well to the sense of place of the building group at Polwarth.

## **Design**

The building group at Polwarth does benefit from having buildings at its core with strong historic building elements which include slate roofs and stone walls and while not common to traditional Borders architecture, the thatched roof of the Thatched Cottage contributes to this context. New development has however been introduced to the building group in the form the implemented development of six new houses to the west, the renovation of the Thatched Cottage which includes a modern glazed link and the extant permission for a contemporary approach to a traditionally designed dwelling house within this application site. Each of these developments has introduced some different design elements to the building group which means that the character of the Polwarth is not only defined its historic core, but also by newer additions at its edges. Nevertheless any new development must respect this key component of Polwarth's sense of place.

The extant permission attempted, with a reasonable measure of success, to create a design that not only stepped down the built form between the two storey St Leonard's to the single storey Thatched Cottage, but also acknowledged the rural setting of the site.

Through the course of the consideration of this application, the proposed design of the house has been refined. The proposal now takes a closer form to the design of the extant permission. This is particularly evident with the garage accommodation now being contained under an unbroken lean-to extension to the main building. This amendment has helped enhance the cohesion of the building with the reduced scale of the garage curtailing the mass of the development. The proposal could be further enhanced if the direction of the Cedar cladding was changed to vertical and the positioning of the rooflights on the north eastern elevation were more coherent. The roof of the proposal would benefit from being finished in slate as opposed to a composite slate to better respect the traditional roof finishes of the building group. It is worth noting that a condition requires the roof material of the extant permission to be slate. The use of render on the walls of the building should not cause issue and is used elsewhere in the building group. It will however be important to agree a suitable render colour which is sensitive to the colour finishes of other buildings within Polwarth. Given the setting, it is unlikely that white would be appropriate here and a more subdued, stone colour would be preferable.

Opportunities do clearly exist to further improve the appearance of the development. Nevertheless the form and general design of the amended proposal which displays features such as a non-traditional glazing pattern replicates the contemporary design which has already been approved as a suitable addition to this building group at this site. It is therefore contented that this relatively similar proposal can also complement the character and the sense of place of Polwarth. Should Members be minded to approve this application it is recommended that further refinements of the design and materials can ultimately be handled by appropriately worded planning conditions.

## **Landscape and Visual Impacts**

This site contains woodland features which are important to setting of Polwarth. The site does not however form part of any designated landscape areas, nor are any of the trees within the site covered by Tree Preservation Orders, however the extant permission sought to retain trees of particular interest. This application has been supported by an Arboricultural Report. The tree removal work which is proposed to enable this development is supported as the key trees within the site which includes the distinctive Chilean Pine (Monkey Puzzle) tree are being retained. The Landscape

Architect recommends that there is space within the site to accommodate the development and no concerns have been voiced that the development will jeopardise the ability to preserve the retained trees. In accordance with Local Plan Policy NE4, planning conditions can be used to ensure that sufficient protective measures are required to be in place both during construction works and on completion of the development to enable preservation of the retained trees.

To provide sufficient visibility onto the public road from the sites access the existing hedges is required to be removed. The principle of removing this hedge has been established as part of the approved details within the extant permission. Originally this application proposed to replace the roadside hedge with fencing and climbers. Concerns were raised by the Landscape Architect in response to this and resulted in their objection to the application in their consultation response. Subsequently, the proposal has been amended to include a replacement hedge which is set back from the road edge. In landscape terms, such compensatory planning complies with Criteria 3 of Policy NE4 of the Local Plan where the removal of woodland resources, in this case a hedge, is unavoidable. The Landscape Architect has seen these proposals and verbally supported this revision. The implementation of the replacement hedge and its retention can be controlled by planning conditions.

Opportunities may exist to provide some additional small planting, possibly shrubbery to the south eastern corner of the site. The agreement of any additional planting and the hard standing surfaces can be achieved through a standard landscape condition which is also attached to the extant permission.

Visually, the retention of key trees within the site, coupled with the replanting of the boundary hedge helps this development to assimilate into the woodland setting of the building group. The amended building design has produced a development with a more sensitive frontage on the road which has reduced the dominance of the garage. This has resulted in an improved public impact of the development when viewed from the road and particularly when approaching from the south and over the C listed Packman's Brae Bridge. The changes to the development therefore produce an overall form of development which is sensitive within its site and does not detract from the character and appearance of the surrounding area which includes the setting of the listed bridge.

A 'Streetscape' section drawing has been included as part of the amended details. At no point within the surrounding area will this scene be visible, however the inclusion of this drawing is helpful as it illustrates that the proposal can suitably infill the gap between the two existing dwellings and conform with the stepping of built development down the slope. This drawing has also demonstrated that the height of the building represents a reduction to the height of the extant permission which should help to reduce the wider impact of a building in this site. No levels are however noted on this plan therefore the precise details of the finished floor levels of the development should be agreed by condition if Members are minded to approve this application.

In terms of the proposals visual impact upon the setting of the B listed Thatched Cottage, the reduced height of the proposal (in comparison with the extant permission) and retention of screen planting to the southern side of the site concludes that this proposal does not detract from the setting of this neighbouring listed building.

Overall, impacts are comparable to those of the extant permission.

## **Access and Parking**

The impact of the proposal on road safety including its point of access on the public road has been listed as reasons to object to this application by neighbours. The proposed access is however similar to the location and design of the access for the dwelling approved under application 10/00067/FUL. Since this proposal also seeks consent for a single house, its impact upon the local road network and its users should not significantly increase the traffic pressures associated with the extant permission. Importantly the Council's Roads Planning Officer has not raised any concerns against this development on road safety grounds including the visibility from the site access on to Packman's Brae. The requirements of the Roads Planning Officer for the development to provide and retain sufficient junction visibility splays and that the service lay-by is constructed to a sufficient Council standard before occupation of the dwelling can be enforced by suitably worded planning conditions should Members be minded to approve this application.

The design and layout of the parking and turning area are considered to be a significant improvement from the applicant's previous design which was proposed in application 14/01187/FUL. The Roads Planning Officer is satisfied that the redesign allows for easier vehicles movements and in doing so will enhance the functionality of the space. If Members are minded to approve this application, it is recommended that a condition should be attached to any consent to seek that the parking and turning area is a consolidated surfaced which is required to be completed before occupation of the building and retained in perpetuity thereafter.

## **Residential Amenity**

Policy H2 supplemented by the Council's SPG on Privacy and Daylight seeks to ensure that development does not have an adverse impact on the amenity of existing dwellinghouses.

Objections have been received that the development will adversely impact on the amenity of St Leonards to the north west and the Thatched Cottage to the south. No objections were raised during consideration of the approved application on amenity grounds and neither was that development found to detract from the amenity of neighbours. The dwellinghouse proposed within this application appears to occupy a slightly larger area of the site, however the 'Streetscape' section on Drawing No 5065PL1 informs that the tallest ridge of this proposal sits below the ridge of consent 10/00076/FUL by 1m. The positioning of the building remains well outside of the 18m window to window distance advocated within the SPG. In addition, the proposal sits on lower ground than St Leonards plus screening is retained by vegetation to the north and south and the neighbours site boundary enclosure. While the proposal is marginally closer to the outbuilding within the garden ground of St Leonards (which is understood to be used as a home office), there are not inter-visible windows between this annex building and the proposal. Consequently, it is not considered that this proposal will detract from the amenity of neighbouring properties by causing overlooking or detrimentally diminish their access to light or sunlight.

The right to a view is not a material planning consideration, nevertheless in comparison with the impact of the extant permission, this proposal is not considered to unacceptably impact the outlook of neighbours.

By way of noise nuisance, there is no single component of this application which in itself should generate noise issues which require assessment through the planning process. The development does include a flue from a heating system. To avoid



smoke nuisance, Environmental Health colleagues have recommended that an informative is used to alert the applicants to use the correct fuel to avoid causing air quality problems.

### **Archaeology**

The site does not impact upon any Scheduled Ancient Monuments. The Council's Archaeologist does however advise that the application site is located to the east of Polwarth's historic former village green. Reasonable evidence in the form of historic maps suggest that while there may have been no historic structures positioned on the site, this does not exclude the possibility to encounter buried archaeology when the development of this site is carried out.

In line with Policy BE2, when there is potential for a development to impact upon archaeological features, the development must be carried out in accordance with a strategy to minimise the developments impact upon archaeology. It is recommended that an independent archaeologist carries out a watching brief when construction works are taking place which will impact on the sites sub soils. This process will need to be informed by a Written Scheme of Investigation and will ensure that sufficient mitigation is in place to protect, preserve or record any archaeological features which are uncovered as a result of this development. This matter can be addressed by a suitably worded planning condition.

### **Developer Contributions**

Similar to the extant permission, this development triggers developer contributions towards the provision of local schools. The Education section and the Development Negotiator have indicated slightly different levels of contributions towards the Duns primary School. The amount indicated by the Development Negotiator is the correct current contribution value.

In accordance with the provision of Policy G5, the applicants will be required to enter into a legal agreement to settle the contributions which their development attracts. It has been indicated to the Development Negotiator that the applicants are willing to enter into a Section 75 Agreement to regulate payments. This matter remains to be addressed before permission is issued which in turn will ensure that the development complies with the provision of Policy G5.

### **Services**

The application form suggests that water supply will be taken from the public system. A private means of foul drainage is proposed in the manner of a new treatment plant. An objection comment is concerned about the lack of information for the process within the submission and the potential for it to cause a smell nuisance. The handling of the foul drainage arrangement is a matter which can be scrutinised thoroughly through the Building Warrant process. There are no planning reasons to oppose the principle of the use of a private system in this case.

### **Other Matters**

In terms of other matters which have been raised in objections, it is recommended that the issue surrounding the accuracy of the application site boundary is a matter for the applicant to ensure is correct and that in the event any planning permission is obtained that they have sufficient control of the land to undertake any development works. This does not affect the position of any proposed building.

Objectors have suggested that the development of this site would adversely affect various protected and unprotected species. The site does not fall within any ecologically sensitive areas and no objections were raised against the extant permission on ecological grounds. This proposed development would have a similar impact upon any local biodiversity as the extant permission therefore there does not appear to be any justifiable ecological grounds to oppose this development. The development should however be mindful that any protected species remain safeguarded by other forms of legislation therefore it is their duty to ensure that they remain to uphold other legislative requirements which do not relate to any planning permission.

## **CONCLUSION**

Subject to the conclusion of a legal agreement, and subject to compliance with the schedule of conditions it is considered that the development would be situated within the identifiable limits of the existing building group at Polwarth and it would not exceed the allowance for additions to the building group. The amended design of the proposal is similar to the design of the extant planning permission which was approved under permission 10/00067/FUL for a new house within the site. The revised design is considered to have an acceptable impact upon the character and setting of the surrounding area and the proposed development is consistent with the Consolidated Local Plan 2011 and Supplementary Planning Guidance having accounted for other material considerations.

## **RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

I recommend the application is approved subject to a legal agreement addressing contribution towards local schools and the following conditions and informative:

1. 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 as specified in the drawing list on this consent notice.  
Reason: To ensure that the development is carried out in accordance with the approved details.
2. The roofing material shall be natural slate and no other material shall be used without the prior written consent of the Local Planning Authority.  
Reason: To respect the character and visual amenity of the surrounding area.
3. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details (including colour finish) of the materials to be used in the construction of the external walls of the building have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
4. No development shall commence until revised elevation plans have been submitted to and approved in writing with the Local Planning Authority which illustrate vertical Cedar cladding and an alternative siting of rooflights upon the north eastern elevation of the dwellinghouse. Once approved, no

development shall take place except in strict accordance with the approved details

Reason: The details of the development require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.

5. All trees within the site shall be retained as specified on drawing 5065-PL2. Before any development is implemented the Root Protection Areas shall be protected in accordance with BS5837:2012. During the period of construction of the development:
  - (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
  - (b) No fires shall be lit within the spread of the branches of the trees;
  - (c) No materials or equipment shall be stored within the spread of the branches of the trees;
  - (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate;
  - e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.Reason: To ensure adequate precaution are taken to protect the retained trees during building operations as their loss would have an adverse effect on the visual amenity of the area.
6. No trees within the application site shall be felled, lopped, lifted or disturbed in any way without the prior consent of the Planning Authority.  
Reason: The existing trees represent an important visual feature which the Planning Authority considered should be substantially maintained.
7. No development shall commence until precise details of the replacement screen hedge, including its species shall be submitted to an agreed in writing the Local Planning Authority. The replacement hedge shall be planted in accordance within the approved details during the first planting season 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.  
Reason: To ensure suitable compensatory planting is provided and proper effective assimilation of the development into its wider surroundings.
8. 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:
  - 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
  - vi. A programme for completion and subsequent maintenance.Reason: To ensure the satisfactory form, layout and assimilation of the development.

8. The finished floor levels of the building(s) hereby permitted shall be consistent with those indicated on a scheme of details which shall first have been submitted to and approved in writing by the Local Planning Authority. Such details shall indicate the existing and proposed levels throughout the application site.  
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.
9. Prior to the occupation of the dwellinghouse hereby approved visibility splays of 2.4 metres by 90 metres shall be provided at the access in both directions onto the public road and a service lay-by shall be formed as per the planning authority's standard detail (DC-3) by a Council approved contractor on List 13 (DC-8).  
Reason: In the interests of road safety and to ensure adequate visibility for and of emerging vehicles.
10. A vehicle turning area and two parking spaces, not including any garage space shall be provided within the site prior to the occupation of the dwellinghouse hereby approved and shall be retained in perpetuity.  
Reason: To ensure there is adequate parking for vehicles clear of the public road and to ensure that vehicles can enter the road in a forward gear.
11. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) outlining a Watching Brief which must be implemented during relevant development works.  
The requirements of this are:
- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority.
  - Access shall be afforded to the nominated archaeologist to supervise, relevant development works, investigate and record features of interest, and recover finds and samples
  - If significant finds, features or deposits are discovered all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for consultation which may result in further developer funded archaeological mitigation
  - If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented.
  - Results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works..
- 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.

### Informatives

The applicant is advised that emission from wood burning stoves can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted

building/planning permission. To avoid future smoke and odour problems it is advised that;

- The location of the flue should take into account other properties that may be downwind.
- The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.
- The flue should be terminated with a cap that encourages a high gas efflux velocity.
- The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.
- The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.
- If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s>
- In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -
- [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)
- Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.
- Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.
- The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

#### DRAWING NUMBERS

Reference	Plan Type	Date Received
1489.LP	Location Plan	22.03.2015
5065-PL2	Site Plan	12.05.2015
5065.D1B	Fence and Hedge Detail	12.05.2015
5065PL1	Elevations, Floor Plan and Streetscape	11.06.2015

#### **Approved by**

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

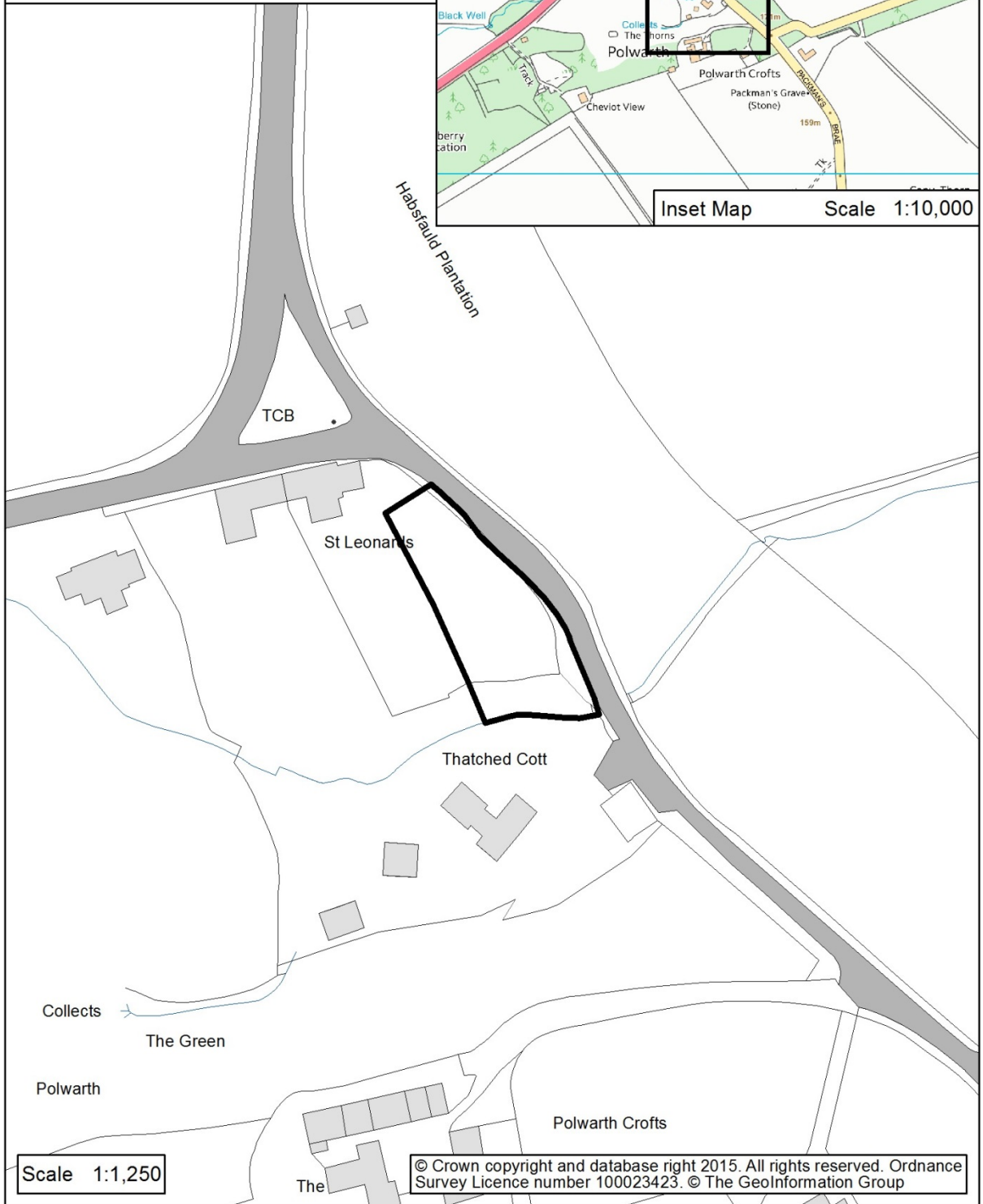
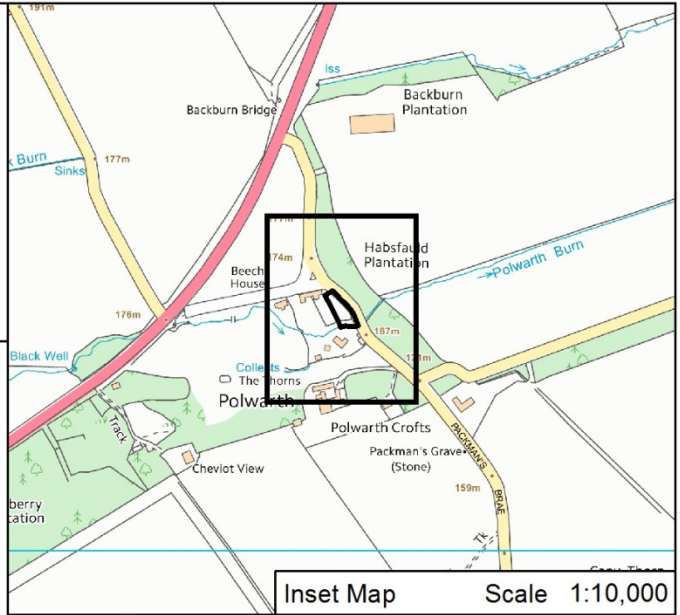
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

#### **Author(s)**

Name	Designation
Scott Shearer	Assistant Planning Officer



15/00317/FUL  
Land South East Of St Leonards  
Polwarth  
Scottish Borders



**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29 JUNE 2015**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:** **REFERENCE NUMBER:** 15/00458/FUL  
**OFFICER:** Barry Fotheringham  
**WARD:** Mid Berwickshire  
**PROPOSAL:** Variation to condition 15 of planning consent 13/00247/FUL to allow additional working hours to completion of development (Monday to Friday, 5pm - 8pm)  
**SITE:** Eccles Substation, Eccles  
**APPLICANT:** Scottish Power Transmission PLC  
**AGENT:** Scottish Power Energy Networks

**SITE DESCRIPTION**

The existing Scottish Power substation is situated on the northern side of the A697 to the north west of Coldstream and to the east of the village of Eccles. The application site is an area of low lying land located immediately to the east of the existing substation compound. To the south of the application site and on the opposite side of the A697 Coldstream to Greenlaw road are several small woodland plantations, a commercial sawmill and 2 residential properties known as Woodside and Rossander.

Planning consent 13/00247/FUL was granted on 1st July 2013 for the erection of Series Capacitor Bank Compounds (SCBCs) immediately to the east of the existing substation. This consent has been implemented and the approved compounds are currently under construction.

**PROPOSED DEVELOPMENT**

This application seeks planning consent to vary Condition 15 of planning consent 13/00247/FUL to allow additional working hours over and above those previously agreed. Condition 15 of planning consent 13/00247/FUL states:

Operational hours and vehicle movements for construction works shall be limited between 8.00am and 5.00pm, Monday to Friday, with no construction or vehicle movements at the weekend or on public holidays.

Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.

It is proposed to vary this condition to allow extended working hours from 5pm – 8pm Monday to Friday. The proposed hours of operation would be from 8am – 8pm, Monday to Friday.

## **PLANNING HISTORY**

The original 132kV substation was constructed in 1959 and as part of the Anglo-Scottish upgrade in the mid 1990's, the 400kV substation was constructed and more recently in 2005, the 132kV substation was rebuilt. The following planning history is relevant:

B274/95: Erection of 400kV substation and ancillary equipment. Approved 14 February 1996

03/02254/FUL: Installation of 132kV Electricity Substation. Approved 19 March 2004

04/02103/FUL: Installation of 132kV Electricity Substation. Approved 21 January 2005

12/00697/SCR: Request for Screening Opinion. Opinion issued 3 July 2012.

12/01332/PAN: Proposal of application notice for an extension to the existing substation was submitted on 25 October 2012. Closed 6 November 2012

13/00247/FUL: Construction of 400kV Series Capacitor Bank Compound, associated access road, drainage and landscaping works. Approved 1 July 2013

## **REPRESENTATION SUMMARY**

Two letters of objection have been received from the same household and are available for Members to view in full on Public Access. The principle grounds of objection can however be summarised as follows:

- Impact on fragile health of existing occupants
- Noise will disturb dogs
- Noise of generator causes a constant drone
- Lack of communication from applicant

## **APPLICANTS' SUPPORTING INFORMATION**

The applicant has submitted a supporting statement and is available for Members to view in full on Public Access. The supporting statement can be summarised as follows:

- Extended working hours will allow the completion of works in line with current transmission outages, allowing compounds to be connected to the transmission network
- Additional hours (5pm – 8pm, Monday to Friday until the end of August) are requested
- General site activities will continue until 7pm with general end of day activities (making site safe and secure, removal of tools, plant and equipment from work areas) taking place between 7pm and 8pm
- Development is highly time sensitive. If works are not complete by the end of the planned outage in August then works will be suspended until another outage is available. There are no more planned outages until mid – late 2016 at the earliest.
- Proposed working activities during extended hours would consist of a range of construction activities including pulling cables, bolting together pieces of



equipment, terminating cable and installation of cable trays. These are non-noise provoking activities.

- Noise inducing activities will be largely completed before 5pm. Additional hours activities will primarily use hand tools.
- Proposed extended working hours do not require additional HGV movements beyond those permitted within the approved traffic management plan
- Essential personnel only will remain on site during extended hours amounting to an estimated 10-12 personal vehicles leaving the site at the end of each day.
- The following mitigation measures are proposed:
  - Hand tools to be used wherever possible
  - No deliveries of goods or skips
  - Use electric plant wherever possible
  - Use 'sound reduced' generators and compressors
  - Keep plant well maintained and keep maintenance records up to date for inspection
  - Turn off engines when not working, do not leave engines idling
  - No radios on site
  - No shouting or making unnecessary noise
  - Choose appropriate plant to take in to consideration the close proximity of works to residences
- No additional site lighting is proposed as works will progress within daylight hours.

## **CONSULTATION RESPONSES**

### **Scottish Borders Council Consultees**

**Roads Planning Service:** No response

**Environmental Health:** The supporting information sets out the works that will be carried out between 1700 and 2000. Construction works are generally permitted between the hours of 0700 and 1900 for noisy works. As the request is for non-noisy works there will be little intrusion on nearby properties. The applicant has not mentioned how these extended works will be communicated to neighbouring properties. A letter drop should be done before the extended hours commence. The letter should include a contact number for residents to call should they have any questions or wish to make a complaint.

### **Statutory Consultees**

**Leitholm, Eccles & Birgham Community Council:** No response

### **Other Consultees**

None

## **DEVELOPMENT PLAN POLICIES**

### **SES Plan 2013**

Policy 9 – Infrastructure

## **Consolidated Scottish Borders Local Plan 2011**

Policy G1 – Quality Standards for New Development  
Policy G3 – Hazardous Developments  
Policy H2 – Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS**

### **Proposed Local Development Plan 2013**

Policy PMD2 – Quality Standards  
Policy HD3 – Protection of Residential Amenity  
Policy IS11 – Hazardous Developments

### **KEY PLANNING ISSUES:**

The key planning issue with this application are whether the proposed extension of working hours would have an unacceptable adverse impact on the residential amenity of nearby residential properties.

### **ASSESSMENT OF APPLICATION:**

#### **Background**

Planning consent 13/00247/FUL was granted on the 1<sup>st</sup> of July 2013, subject to conditions, for the construction of a 400kV Series Capacitor Bank Compound, associated access road, drainage and landscaping works. During the assessment of this application it was acknowledged that the proposed development, particularly during the construction phase, would affect a limited number of local receptors in terms of impact on the landscape and residential amenity. However, it was argued that the anticipated impacts would not be significant and would not outweigh the national benefits that this major infrastructure project will deliver.

As mentioned earlier in this report, Condition 15 states:

Operational hours and vehicle movements for construction works shall be limited between 8.00am and 5.00pm, Monday to Friday, with no construction or vehicle movements at the weekend or on public holidays.

Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.

The applicant now seeks planning consent to modify this condition to allow additional working hours over and above the approved hours from 5pm to 8pm Monday to Friday until the end of August. The applicant states in the supporting information that the proposed additional hours will allow completion of works in line with current transmission system outages (08/07/15 – 30/08/15). The additional hours would allow a number of critical tasks to be completed prior to the end of the outage period, allowing the new compounds to be connected to the transmission network. The proposed additional hours will allow general site activities to continue until 7pm with general end of day activities such as making the site safe, secure and tidy, including the removal of tools, plant and equipment from work areas between 7pm and 8pm. This would increase productivity of the site.

The applicant states that the development is highly time sensitive and without the additional working hours sought, the development may not be completed by the end

of the allocated network outages to allow connection to the transmission network. Should work not be completed by the end of the scheduled outage between July and August then work may be suspended until another outage is available. This may be mid-late 2016 at the earliest.

### **Residential Amenity**

Condition 15 of 13/00247/FUL was added to ensure effective control of the development and to protect the residential amenity of nearby dwellings. These times were initially proposed by the applicant in their design and access statement supporting the original application. During the consideration of the original application it was accepted by Members that there would be increased noise levels during the construction phase of the development but restrictions would be placed on noise levels emitted by plant and machinery to ensure that development would not give rise to any noise complaints from nearby dwellings. Adhering to these conditions would ensure compliance with Policy H2 of the Local Plan which aims to protect the residential amenity of proposed and existing residential areas. Development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

It is considered that the proposed increase in hours of operation is not an unreasonable request, especially as it seeks additional hours until the end of August 2015 only (2 months from the date of the July Planning and Building Standards Committee). It is noted there are two letters of objection in connection with this application; both letters originate from the same household. The principle grounds of objection relate primarily to the health of the occupants and their sleeping patterns associated with shift work. The objectors argue that the proposed increase in hours of working will disrupt the rest periods and the health of the occupiers of nearby dwellings. Whilst it is acknowledged that there may be some disruption felt by the occupants of neighbouring dwellings during the construction period, it is considered that the noise levels (which are controlled by condition) from the site during current working hours are not significant. It is worth noting that the planning authority has not received complaints from neighbouring dwellings on the grounds of noise nuisance or the hours of operation in connection with the original planning permission.

The development approved under the 2013 consent represents a major piece of infrastructure investment in the Borders. It is critical that this investment is delivered on time in order to meet national objectives set out in National Planning Framework and SESplan. The proposed increase in working hours would represent a modest adjustment to the consented hours and would not result in an unacceptable adverse effect on the residential amenity of neighbouring dwellings over and above existing levels. The increase in hours would be over a limited period and would allow the development to be completed on time, preventing the construction period from being extended into 2016. Whilst there may be limited additional disruption to neighbouring dwellings it is felt that this would be better managed over a shorter period of time.

It is therefore considered appropriate to extend the working hours as proposed. This would be reflected in a modified condition based on the consultation response received from Environmental Health. All other relevant conditions attached to the original grant of consent will be transferred over to the new decision so that it runs alongside the original permission. This ensures that all relevant conditions remain in place and the development continues to be carried out in accordance with the earlier approval. This can be explained in an applicant informative.

### **CONCLUSION**

The proposals are considered to be acceptable and in accordance with development plan policy H2 covering the protection of residential amenity in that the proposed increase in working hours would not result in an unacceptable adverse impact on the residential amenity of neighbouring properties. The extended working hours would allow the development to be completed by the end of the scheduled transmission outage between July and August 2015 and allow re-connection to the transmission network.

**RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

I recommend the application is approved subject to the following conditions:

1. 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.
2. Operational hours and vehicle movements for construction works shall be limited between 8.00am and 8.00pm, Monday to Friday, with no construction or vehicle movements at the weekend or on public holidays and all works shall be carried out in accordance with the supporting statement (received 24 April 2015) hereby approved unless otherwise agreed in writing by the planning authority. Prior to the commencement of extended working hours, the applicant shall inform local residents of the revised hours by way of a letter drop, a copy of which shall be sent to the planning authority for retention.  
Reason: To retain effective control of the development and protect the residential amenity of nearby dwellinghouses.
3. 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: In order to protect the residential amenity of nearby properties.
4. Any lighting installation installed in connection with the Development should be designed in accordance with the guidance produced by The Institution of Lighting Engineers. If necessary, suitable shuttering should be provided for each lamp to prevent unwanted light affecting the occupiers of properties off site.  
Reason: In order to protect the residential amenity of neighbouring properties.
5. The development hereby approved shall be carried out in complete accordance with the Species and Habitat Mitigation referred to in the Landscape and Visual Assessment dated 20 February 2013 and cross referenced with the Screening Document dated 4 May 2012.  
Reason: In order to protect and enhance protected species and habitats.
6. All vehicular access to the development hereby approved, including during construction phases, shall be limited to the existing substation access from the A697 and from no other location on the public road, including any existing field access.  
Reason: To limit vehicle movements to a single location from the public road and to minimise the potential for disturbance caused by vehicle movements upon nearby residents.

7. Discharge rates from the surface water drainage system (as shown on drawing number 185F-2-5200-DA-IECEC-005 Rev C dated 30 Nov 2012) to the Todrig Burn shall be limited to the existing Greenfield Run-off Rate or 5 litres/second/hectare, whichever is lower.

Reason: To ensure that surface water drainage from the site does not lead to flooding of the Todrig Burn.

Informatives

The applicant is reminded that this decision notice pertains to the variation of Condition 15 of planning consent 13/00247/FUL, and that the development is also subject to the schedule of conditions and requirements of the earlier consent.

DRAWING NUMBERS

SP4092253 Rev 6.0 Layout Drawing  
Supporting Statement

**Approved by**

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

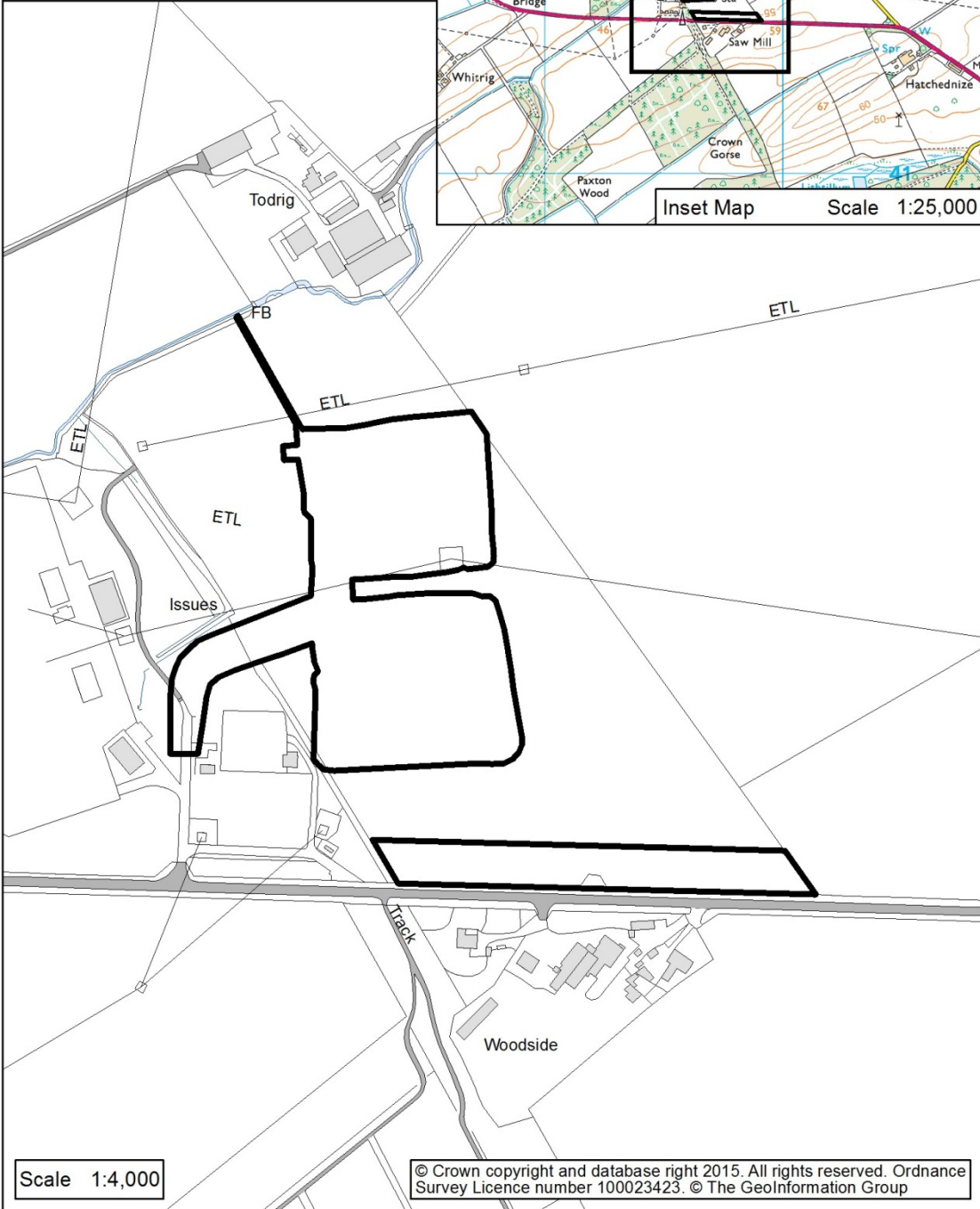
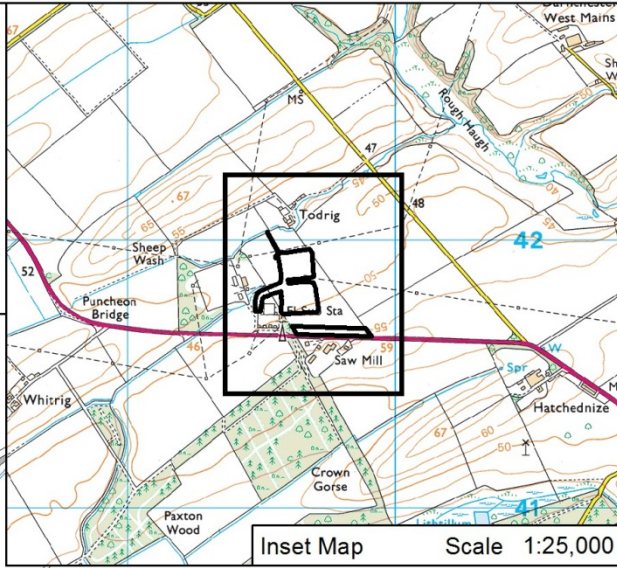
The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

**Author(s)**

Name	Designation
Barry Fotheringham	Lead Planning Officer



15/00458/FUL  
Eccles Substation  
Eccles  
Scottish Borders  
TD10 6UP



**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**29 JUNE 2015**

**APPLICATION FOR PLANNING PERMISSION**

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 15/00432/FUL
<b>OFFICER:</b>	Mr C Miller
<b>WARD:</b>	Tweeddale East
<b>PROPOSAL:</b>	Change of use and alterations to form additional dwellinghouse and erection of detached garage
<b>SITE:</b>	Ballantyne House, Waverley Road, Innerleithen
<b>APPLICANT:</b>	Alan and Karen Somerville
<b>AGENT:</b>	Kanak Bose Ltd

**SITE DESCRIPTION**

Ballantyne House is located on Waverley Road, south of the junction with Miller Street, Innerleithen. The application relates to former workshop premises which form are attached to and form part of an existing dwellinghouse.

**PROPOSED DEVELOPMENT**

The application consists of a change of use of the former workshop to form a dwellinghouse with external alterations, partial demolition to the rear and the erection of a detached garage. The main alterations are to the rear with demolition of an existing part of the building, formation of patio doors and an upper floor dormer/balcony with privacy screen. To the front, two rooflights will be provided and new timber front doors to the existing and proposed houses.

The ground to the front and rear of the property will be subdivided by fencing to form separated parking, turning and garden areas. A single detached garage is also proposed to the rear in matching render and dual pitched slate roof.

**PLANNING HISTORY**

None.

**APPLICANTS' SUPPORTING INFORMATION**

In response to the SEPA objection, the agent has submitted photographs of the locality and the building to demonstrate the existing flood risk position and the recent nature of some of the development. He also accepts flood resilient materials such as concrete floors.

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

#### **Roads Planning:**

No objections. The parking layout should be fully formed and operational prior to the new dwelling becoming occupied.

No details have been submitted for the construction make-up for the parking area to the rear of the property. This information must be submitted for approval prior to works commencing, to ensure the parking area is constructed to an appropriate standard.

#### **Flood Protection Officer:**

The Indicative River, Surface Water & Coastal Hazard Map indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any one year.

Although this site is at risk during a 1 in 200 year flood event, this application is a Change of Use and there are no substantial alterations that will increase the flood risk to the property or the flood risk downstream. I would have no objections to this proposal on the grounds of flood risk. Advice is given about water resilient materials and flood alerts.

**Archaeology Officer:** No implications.

**Environmental Health:** Provides advice on solid fuel installations and avoidance of pollution measures.

**Education and Lifelong Learning:** Response awaited.

### **Statutory Consultees**

#### **SEPA:**

Object to development on the grounds it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. Review of the SEPA Flood Map indicates that the site lies within the 1 in 200-year (0.5% annual probability) flood extent and may potentially be at medium to high risk of flooding. There is a history of flooding in Innerleithen from the Leithen Water. No information on flood risk has been provided in support of this application. Although this is a conversion of an existing building, the change of use from workshop to dwellinghouse is an increase in vulnerability under the Risk Framework in Scottish Planning Policy. As this is an existing building the opportunity for raised floor levels may not be feasible and the adjoining dwelling may limit the opportunity for other flood resilient design to be incorporated. Seeks a Flood Risk Assessment before the objection could be reconsidered and this may simply confirm the flood risk.

**Innerleithen and District Community Council:** Response awaited.

### **Other Consultees**

None.



## **REPRESENTATION SUMMARY**

None.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Consolidated Local Plan 2011**

Policy G1 Quality Standards for New Development  
Policy G4 Flooding  
Policy G5 Developer Contributions  
Policy G7 Infill Development  
Policy H2 Protection of Residential Amenity

## **OTHER PLANNING CONSIDERATIONS:**

"Developer Contributions" SPG  
"Privacy and Sunlight" SPG  
Scottish Planning Policy  
PAN 69 "Planning and Building Standards Advice on Flooding"

## **KEY PLANNING ISSUES:**

The main determining issues with this application are whether the development is an appropriate re-use of a building for residential purposes and, if so, whether the perceived flood risk is sufficient to justify refusal of the application given the nature of the proposal and the existing development setting.

## **ASSESSMENT OF APPLICATION:**

### Planning policy

The property lies within the settlement boundary of Innerleithen and any conversion proposals are covered by Local Plan Policy G7 Infill Development. The conversion of existing buildings is encouraged subject to compliance with the criteria listed in the Policy, most of which refer to new-build rather than conversion. Of those criteria that are relevant, this proposal is a proportionate and generous sub-division providing ample space for both the existing and proposed properties. The relevant criteria are discussed below and it will be concluded that the proposal complies with Policy G7.

### Residential Amenity

The conversion of the former workshop premises to a dwellinghouse provides a more sympathetic use in harmony with the residential surroundings. Privacy between the existing and proposed house has been addressed both in the position of doors and windows but also in the use of high fencing where necessary. Privacy from the upper floor balcony has also been addressed to the housing to the south by inclusion of a solid screen to that side. To the west, there is approximately 15m to the common boundary and the proposed garage would sit in the intervening space, limiting any potential for overlooking. Even the new garage to the rear is stepped back from the building line within the housing development adjoining and affects no windows. In terms of the relevant criterion under Policy G7 and the terms of the "Privacy and Sunlight" SPG, the proposals are in compliance.

## Design

The existing buildings, though outwith the Conservation Area, are traditional in age and appearance, contributing to the amenity of this part of Innerleithen. The external alterations are relatively minor and use existing openings where possible with stone infill, timber cladding and render. Even the modern intervention of the dormer and balcony to the rear have surrounding modern context and are an improvement on the demolished rear section of building. Neither would be prominent within the public domain. One aspect that may require further assessment is the replacement of the front door of the principal house with a window, which does not appear a comfortable fit with what would remain the principal elevation of the house. Subject to a condition covering the precise details of this and the external materials more generally, that the part of Policy G7 relating to sympathetic design is complied with.

## Access and parking

Policies G7 and Inf11 seek appropriate and safe access and parking for new proposals. This design separates parking and turning for both the existing house and the proposed house. Roads Planning have no objections, subject to the parking layout being fully formed and operational prior to the new dwelling becoming occupied. This matter can be covered by condition.

No details have been submitted for the construction make-up for the parking area to the rear of the property. This information must be submitted for approval prior to works commencing, to ensure the parking area is constructed to an appropriate standard. A further condition will be imposed in this respect.

## Flooding

Policy G4 seeks to ensure that developments are free from unmanageable flood risk and do not cause problems elsewhere. In this respect, SEPA and the Council's Flood Protection Team differ on the impacts to the property, albeit that both accept that the building is at risk of flooding according to the SEPA flood maps.

SEPA object on the grounds it may place buildings and persons at flood risk contrary to Scottish Planning Policy and PAN 69. They are also aware of a history of flooding in Innerleithen from the Leithen Water. Although they acknowledge the proposal is a conversion of an existing building, they consider the change of use from workshop to dwellinghouse to be an increase in vulnerability under the Risk Framework in Scottish Planning Policy. They feel the opportunity for raised floor levels may not be feasible and the adjoining dwelling may limit the opportunity for other flood resilient design to be incorporated. They seek a Flood Risk Assessment before the objection could be reconsidered albeit this may simply confirm the flood risk.

The agent has submitted photographs to SEPA and has attempted to demonstrate that there are numerous other properties at risk in the immediate area, many developed much more recently and many with floor levels at or below the application site. It is also stated that the applicants would be prepared to use flood resilient materials such as a concrete floor. SEPA have considered the agent's submissions but maintain their position of objection and request for a Flood Risk Assessment. They point to a possible Flood Study that may have been previously undertaken and suggest that be accessed for information.

The view of the Council's Flood Protection Team is one of no objection to the proposals. Although they acknowledge that the site is at risk during a 1 in 200 year flood event, they view a change of use differently from a new-build and also that there are no substantial alterations that will increase the flood risk to the property or the flood risk downstream. Advice is given about water resilient materials and flood alerts which could be included as an Applicant Informative.

On balance, there have been previous instances of conversion proposals in other locations where the Council's view has differed from SEPA in relation to flood risk, the importance of securing the retention and future of the building outweighing the issue of flood risk. In this particular case, there are several additional reasons which might justify the proposal in the face of the SEPA objection, as follows:

- The site is surrounded by other housing development much closer to the watercourses than the property itself. There are, therefore, many properties, including the applicants' existing house adjoining the property, at equal or greater flood risk. To resist this development would be to blight the building and set an unfortunate precedent for a considerable proportion of Innerleithen more generally, which would potentially limit development throughout large parts of the town, if applied consistently.
- SEPA state increased vulnerability of occupants although the property was partly workshop and domestic storage with a level of vulnerability already. The primary concern arises from people sleeping in the property at a time of a flood event, and therefore signing up to Flood Alerts could reduce vulnerability.
- The building exists at the site and is being converted as it stands, predominantly across the ground floor with only one upper room. It is not possible to propose this development elsewhere. There is little prospect of raising floor levels although the agent has stated that other measures can be undertaken including water resilient flooring.
- The applicants are alert to the risk and an Applicant Informative on any consent will be a record of that potential risk.
- The building is a conversion and whilst a new garage is proposed to the rear, there is also demolition and reduction of ground floor footprint. Therefore, there will be no increased occupation of flood plain and potential displacement of water that would occur with a new-build.

Against that background, the pragmatic response would be to consider appropriate mitigation to address the issue of flood risk.

On balance, and whilst it is acknowledged that the property is potentially at risk of flooding, it is considered that the proposal should be supported for the aforementioned reasons. Should Members agree with this recommendation, then due to the SEPA objection, the application will have to be referred to the Scottish Ministers for final approval.

## Other Issues

A flue pipe is proposed from the upper living room which has the potential to cause fume nuisance if not managed and installed correctly. The advice from Environmental Health can be included as an Applicant Informative.

## Developer Contributions

Policy G5 relates to Developer Contributions and requires, for a single house proposal in Innerleithen, contributions to be made to St Ronan's Primary School and Peebles High School. The applicants have agreed to settle these by means of a Section 75 Agreement and this will be concluded should Members and the Scottish Ministers consent the development.

## **CONCLUSION**

The application complies with Development Plan Policies and Supplementary Planning Guidance on infill development within residential areas and, subject to Legal Agreement, will comply with Policy on Development Contributions. The proposal is at risk from flooding but given the nature of the conversion proposal and the surrounding existing development, it would be unreasonable to oppose the development on such grounds or seek a full Flood Risk Assessment.

Should the Committee agree with the recommendation to approve, then notification of the decision to the Scottish Ministers will be necessary due to the SEPA objection.

## **RECOMMENDATION BY SERVICE DIRECTOR (REGULATORY SERVICES):**

I recommend the application is approved subject to the approval of the Scottish Ministers, a legal agreement addressing contribution towards St Ronan's Primary School and Peebles High School, and the following conditions:

1. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.  
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
2. No development to be commenced until further construction details have been submitted to, and approved by, the Planning Authority for the parking area to the rear of the property. Once approved, the dwellinghouse not to be occupied until the parking and turning areas for both the proposed and existing dwellings are completed in accordance with the approved details.  
Reason: In the interests of road safety.
3. The dwellinghouse not to be occupied until the curtilage fencing and balcony privacy screen shown on the approved plan are erected.  
Reason: To protect residential amenity.
4. Notwithstanding the details indicated on the approved drawings, the precise details for the replacement of the door in the principal elevation of the main house shall first be submitted to and approved in writing by the Planning Authority. Thereafter, no development shall take place except in strict accordance with the details so approved.

Reason: To ensure that the alterations are appropriate to the appearance of this prominent and locally significant house.

### Informatives

The Flood Protection Officer advises the following:

As access and egress to the development may also be affected by flood waters, should approval be given, I would recommend that, to receive flood warnings from SEPA, the applicant signs up to FLOODLINE at [www.sepa.org.uk](http://www.sepa.org.uk) or by telephone on 0845 988 1188.

I would also recommend that the applicant adopts water resilient materials and construction methods as appropriate in the development as advised in PAN 69.

A number of flood protection products such as floodgates and air-vent covers are also commercially available for the existing property and details of these can be found by calling Emergency Planning on 01835 825056 who may be able to offer discounts for the products.

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

The Environmental Health Officer advises the following:

These installations can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify you in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission.

Accordingly this advice can assist you to avoid future problems.

The location of the flue should take into account other properties that may be downwind.

The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses.

The flue should be terminated with a cap that encourages a high gas efflux velocity.

The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> .

In wood burning stoves you should only burn dry, seasoned timber. Guidance is available on -

[http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf)

Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel.

Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

The appliance should only burn fuel of a type and grade that is recommended by the manufacturer.

DRAWING NUMBERS

OGS18401                  Elevations

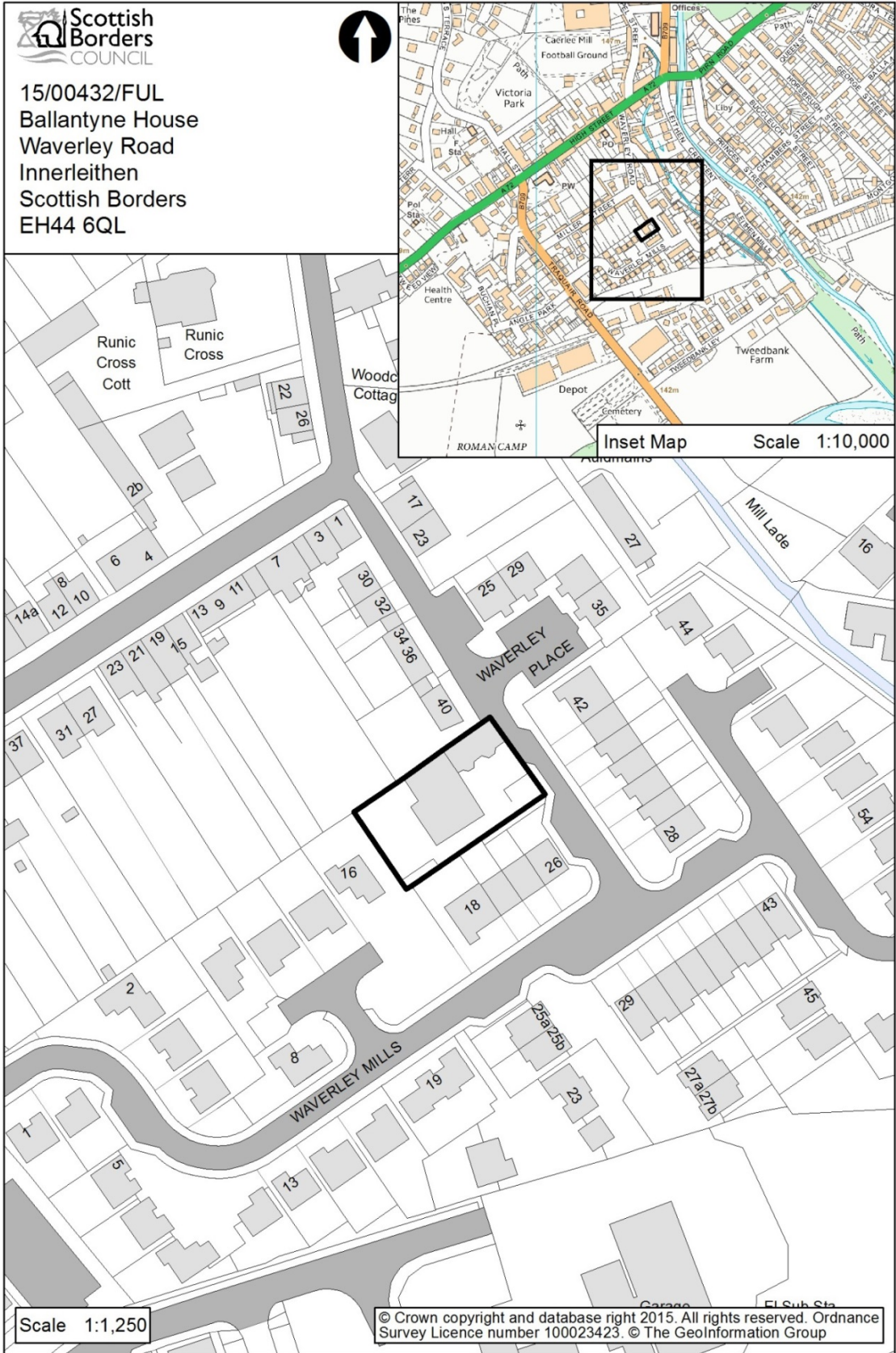
**Approved by**

Name	Designation	Signature
Brian Frater	Service Director (Regulatory Services)	

The original version of this report has been signed by the Service Director (Regulatory Services) and the signed copy has been retained by the Council.

**Author(s)**

Name	Designation
Craig Miller	Lead Planning Officer



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## **PLANNING PERFORMANCE FRAMEWORK 2014/15**

**Report by Service Director Regulatory Services**

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### **PLANNING & BUILDING STANDARDS**

**29 JUNE 2015**

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#### **1 PURPOSE AND SUMMARY**

- 1.1 This report proposes that Members grant delegated authority to enable the preparation of the full version of the Planning Performance Framework 2014/15 for submission to Scottish Ministers by 31 July 2015.**
- 1.2 The Planning Performance Framework is an annual performance report submitted to Scottish Government by all planning authorities in Scotland. This report seeks authority to submit the Council's fourth PPF to Scottish Government.
- 1.3 The PPF highlights how the planning service has delivered continuous improvement in service delivery, how it has performed when tested against 15 national performance markers and how it has responded to last year's RAG report from Scottish Government.
- 1.4 Due to time constraints imposed by Scottish Government to submit the document this year, it is proposed that Members grant delegated powers to allow the production within this limited timeframe available.

#### **2 STATUS OF REPORT**

- 2.1 This is an annual report to Scottish Government on the performance of the Council's Planning Service.

#### **3 RECOMMENDATIONS**

- 3.1 I recommend that the Planning and Building Standards Committee:-**
  - (a) Grant delegated powers to the Service Director Regulatory Services and the Chairman of the Planning & Building Standards Committee to finalise the production of the Planning Performance Framework 2014/15 for submission to Scottish Ministers by 31 July 2015.**

#### **4 PLANNING PERFORMANCE FRAMEWORK 2014/15**

- 4.1 The Planning Performance Framework provides a comprehensive and co-ordinated approach to performance assessment across all 34 Local Planning Authorities and 4 Strategic Development Planning Authorities in Scotland. It provides a mechanism to benchmark our performance with other local authorities in Scotland and to demonstrate the achievements and successes of the Planning Service, how we are improving service delivery and sharing good practice.
- 4.2 The Scottish Government has brought forward the date the PPF must be submitted this year by 3 months to 31 July. It has proven difficult to gather all of the required information and statistics (including critically the performance figures for applications from Scottish Government itself) to enable the finalised report to be compiled in time for the committee meeting on 29 June (the closest meeting prior to the submission deadline). It is therefore proposed to outline how we are responding to some of the key performance markers for Members information and outline the case studies that we will be featuring as evidence of good practice. It is requested that members grant officers delegated powers, in association with the chairman of the Committee, to finalise and submit the document to Scottish Ministers. This is considered the most effective way to ensure that the deadline is met. Scottish Government has indicated very strongly that it will not accept submissions after the specified date and there are serious reputational implications should we fail to meet our obligations in this regard.
- 4.3 The feedback received from Alex Neil, Cabinet Secretary for Social Justice, Communities and Pensioners' Rights, on last year's Planning Performance Framework was accompanied by a Performance Markers report that provided a RAG (Red, Amber, Green) ratings for 15 identified Performance Markers. The report acknowledged the Planning Service's commitment to an "Open for Business" approach and especially to quality of place and that there has been a significant reduction in number of outstanding planning applications more than a year old (known as legacy cases). It stressed the need to reduce average decision making timescales but acknowledged that quality of Placemaking was important for the service.
- 4.4 The Minister's report gave Scottish Borders Planning Service 1 red, 3 amber and 9 green RAG ratings (2 Markers being excluded as not applicable for that year's report). This was a significant improvement on the report for 2012/13 PPF, when the service was subject to 4 red and 3 amber markers. The RAG Report set out the Government's performance markers, the service's RAG rating and a commentary on the performance of the authority.
- 4.5 In response to this feedback report, the service identified a series of priority actions to address the red and amber ratings and these are set out table below, along with a commentary on the outcome of implementing the actions:

<b>Performance Marker 1 - Decision making: (Red Marker)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Implement Development Management Improvement Plan</li> <li>2. Implement and monitor Development Contributions protocols &amp; streamlined legal processes</li> <li>3. Encourage the use of Processing Agreements to manage major applications</li> <li>4. Proactive and thorough case management</li> </ol>	<b>Action Outcomes:</b> <p>Whilst the figures have yet to be finalised by Scottish Government an early estimate is that good progress has been made in terms of local development applications (Householder and non-householder categories) and that there has been a significant reduction in the time taken to deal with major applications. Whilst the performance figures will be adversely influenced by the requirement to clear legacy cases and the requirement for legal agreements to secure development contributions, it must be acknowledged that significant efforts have been made to reduce timescales and it is anticipated that this performance marker will move to Amber this year.</p>
<b>Performance Marker 4 - Legal Agreements - within 6 months of minded to grant (Amber Marker)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Implement and monitor Development Contributions protocols &amp; streamlined legal processes</li> <li>2. Further integration of the working practices between legal and Planning services</li> <li>3. Encourage the use of Processing Agreements to manage major applications</li> <li>4. Proactive and thorough case management</li> </ol>	<b>Action Outcomes:</b> <p>As indicated in PM 1 above, the figures are still to be finalised but it is anticipated that these will show a marked improvement in times to conclude legal agreements. The work carried out already and reported last year showed a steady downward trajectory in timescales. It is anticipated that this will remain Amber this year but that our on-going efforts will bring us closer to achieving a Green rating in subsequent years.</p>
<b>Performance Marker 6 - Continuous Improvement (Amber Marker)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Continue to drive delivery of key service improvement actions in last year's PPF</li> <li>2. Use Priority Action Report to monitor progress on improvement actions</li> </ol>	<b>Action Outcomes:</b> <p>The service has completed 4 of the 6 improvement actions identified in last year's PPF in terms of implementing the Development Management Improvement Plan, reviewing the management of applications for windfarms and turbines, developing customer feedback forms and developing and implementing Local View Fusion. There is on-going work in the remaining actions relating to a design Review of a range of scale of development and work relating to stakeholder engagement. It is anticipated that this will remain Amber this year</p>
<b>Performance Marker 14 - Stalled /legacy Sites (Amber)</b>	
<b>SBC Actions:</b> <ol style="list-style-type: none"> <li>1. Continue efforts to clear legacy cases and identify where "stop the clock" mechanism can be used.</li> <li>2. Encourage the use of Processing Agreements to manage legacy applications</li> <li>3. Pursue withdrawal /final disposal of legacy applications</li> <li>4. Proactive and thorough case management</li> </ol>	<b>Action Outcomes:</b> <p>A total of 197 legacy cases were removed from the system in 2013/14, an increase of 15% over the number of cases handled in the previous year. This demonstrates that the service is focussed on the continued aggressive management of such cases. There are 203 legacy cases remaining in the system. It is anticipated that we will move to a Green rating this year.</p>

- 4.6 It is anticipated that, on the basis of the work we have undertaken and the performance we have delivered, this year's RAG rating will have eliminated the remaining Red rating and moved the service to 3 Amber and 12 Green ratings.
- 4.7 The Services continues to direct its efforts to retaining Green ratings for the remainder of the Performance Markers in respect of; the use of processing agreements, proving effective pre-application advice, maintaining an up-to-date enforcement charter, having an up-to-date Development Plan and delivering on the Development Plan Scheme, ensuring positive engagement with stakeholders, providing regular and proportionate policy advice, illustrating corporate working across services, sharing good practice and setting out clear and proportionate expectations for developer contributions.
- 4.8 It is proposed to feature a number of case studies in this year's PPF relating service delivery and improvement. These are:
- Kelso THI project (which has just been short listed for a Quality in Planning Award)
  - Development Management Improvement Plan Implementation - Internal Consultation
  - Development Management Improvement Plan Implementation - Traffic Light Management System
  - High Quality Development on the Ground - Development Management – Negotiated Improvements
  - Local View Fusion

## **5 IMPLICATIONS**

### **5.1 Financial**

- (a) There are no direct costs attached to any of the recommendations contained in this report. However, the provisions of Section 55 of the Regulatory Reform (Scotland) Act 2014 give power to Scottish Ministers to impose a penalty for poor performance by planning authorities. The focus for the first year of the "penalty clause" is speed of processing applications and the inability to deliver the key service improvements outlined in the PPF could result in a reduction in planning fee income.
- (b) It is not possible at this stage to give a definitive estimate of potential lost income. This would have significant reputation implications as well as implications for service delivery and staff.

### **5.2 Risk and Mitigations**

- (a) There are reputational implications should the Council not deliver on the improvement objectives set out in the Framework. The Services ensures that it has effective monitoring and reporting on key performance indicators set out in the PPF to deliver on these objectives.
- (b) As specified in 5.1, there is a potentially minor financial risk. The key mitigation is to deliver the service improvements identified in the PPF.

### 5.3 Equalities

- (a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.
- (b) It is anticipated that there are no adverse impact due to race, disability, gender, age, sexual orientation or religion/belief arising from the proposals in this report.

### 5.4 Acting Sustainably

The implementation of the improvements outlines in the framework will assist the Council to deliver appropriate sustainable economic development and more streamlined processes and procedures. There are no significant impacts on the economy, community or environment arising from the proposals contained in this report.

### 5.5 Carbon Management

The implementation of the improvements outlines in the framework will assist the Council to deliver appropriate sustainable economic development and more streamlined processes and procedures. There are no significant effects on carbon emissions arising from the proposals contained in this report.

### 5.6 Rural Proofing

This report does not relate to new or amended policy or strategy and as a result rural proofing is not an applicable consideration.

### 5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made to either the Scheme of Administration or the Scheme of Delegation as a result of the proposals contained in this report.

## 6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Service Director Strategy and Policy, the Chief Officer Audit and Risk, the Chief Officer HR, and the Clerk to the Council have been consulted and their comments have been incorporated into the final report.

### Approved by

**Brian Frater**  
**Service Director Regulatory services**

**Signature.....**

### Author(s)

Name	Designation and Contact Number
Ian Aikman	Planning Implementation Manager TEL : 01835 826510

**Background Papers:** None  
**Previous Minute Reference:** None

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## **PLANNING APPEALS & REVIEWS**

### **Briefing Note by Service Director Regulatory Services**

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**29<sup>th</sup> June 2015**

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### **1 PURPOSE**

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

### **2 APPEALS RECEIVED**

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

### **3 APPEAL DECISIONS RECEIVED**

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

### **4 APPEALS OUTSTANDING**

- 4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 19<sup>th</sup> June 2015. This relates to sites at:

- |  |  |
|--|--|
| <ul style="list-style-type: none"><li>Land West of Kingledores Farm (Glenkerie), Broughton, Biggar</li></ul> | <ul style="list-style-type: none"><li>Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge</li></ul> |
|--|--|

## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 13/00401/FUL  
Proposal: Erection of 12 holiday cabins, office/laundry block and associated works  
Site: Land South West of Milldown Farmhouse , Coldingham  
Appellant: Mr Ewen Brown

Reasons for Refusal: 1. The proposed holiday chalet development would be contrary to Policy D1 Business, Tourism and Leisure Development in the Countryside of the Consolidated Local Plan 2011 in that the erection of 12 chalets and associated infrastructure on this site in the countryside has not been adequately justified. The economic and operational need specific to Coldingham in general, and the application site in particular, has not been identified and it has not been demonstrated that the development will generate jobs. Furthermore the proposed development cannot reasonably be accommodated within the Development Boundary. 2. The proposed development would be contrary to Policies D1 and EP2 of the Consolidated Local Plan 2011, in that the siting of the proposed chalet development would harm the character and appearance of the special landscape area and result in a sporadic form of development which breaks outwith established natural boundaries containing development on the eastern side of Coldingham. The potential social or economic benefits of this development have not been found to outweigh the need to protect the designated landscape. 3. The proposals are contrary to Policy G4 of the Local Plan in that insufficient information has been provided to demonstrate that the proposed new bridge crossing and access route will not result in an increase in flood risk from the Milldown Burn. 4. The proposals are contrary to Policies Inf3 and Inf11 of the Local Plan in that insufficient information has been provided to demonstrate that safe vehicular and pedestrian access to the site can be achieved in accordance with current standards and travel demand requirements. 5. The proposals are contrary to Policy NE3 of the Local Plan in that insufficient information has been provided to demonstrate that the development would not result in an adverse impact on local biodiversity and habitats. 6. The proposals are contrary to Policy NE4 of the Local Plan in that insufficient information has been provided to demonstrate that the construction of the access works to the site would not cause loss or serious damage to the woodland resources.

- 5.2 Reference: 14/00934/FUL  
Proposal: Erection of dwellinghouse and detached garage  
Site: Land West of 3 Nethermain's Cottage, Duns  
Appellant: Mr Fred Millar

Reason for Refusal: The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the proposed dwellinghouse would break into a previously undeveloped field outwith the natural boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the building group. Furthermore, no suitable economic or agricultural justification for a further dwelling house in this location has been provided.



## 6 REVIEWS DETERMINED

- 6.1 Reference: 14/01342/FUL  
Proposal: Erection of veterinary practice building  
Site: Land South East of Paul Burton Warehouse, (Plot 8)  
Pinnaclehill Industrial Estate, Kelso  
Appellant: Cheviot Vets

Reason for Refusal: The proposed development is contrary to Policy ED1 of the Scottish Borders Consolidated Local Plan 2011 in that the erection of a veterinary practice building would result in the development of use class 2 business on a strategic employment site restricted to use classes 4, 5 and 6. The development of a veterinary practice on this strategic employment site would lead to undesirable precedent and the loss of strategic employment land.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

- 6.2 Reference: 15/00111/FUL  
Proposal: Erection of boundary fence and garden shed (retrospective)  
Site: 1 Old Mill Cottages, West Linton  
Appellant: Mr Ronnie Wells

Condition Imposed: Within two months of the date on this consent the fence at the front of the property shall be painted or stained in a colour to be approved in advance by the local planning authority. Reason: To ensure that the development is appropriate to its surroundings and the setting of the listed building.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Varied (Condition Removed)

- 6.3 Reference: 15/00275/FUL  
Proposal: Part change of use to form dental surgery suite  
Site: 3 Cherry Court, Cavalry Park, Peebles  
Appellant: J T Ceramics Ltd

Reason for Refusal: The proposed change of use of part of the premises to dental surgery suite would be contrary to Adopted Local Plan Policy ED1 in that it is not a Class 4, Class 5 or Class 6 use, and the site (Cavalry Park) is safeguarded for employment uses in the Adopted Local Plan, having more particularly been identified as a Strategic Employment Site; a designation which requires that all other uses be resisted.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned

## 7 REVIEWS OUTSTANDING

7.1 There remained 1 review previously reported on which a decision was still awaited when this report was prepared on 19<sup>th</sup> June 2015. This relates to a site at:

• Land West of Tibbieshiels Inn, St Marys Loch, Selkirk	•
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### Approved by

**Brian Frater**  
**Service Director Regulatory Services**

**Signature .....**

### Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant 01835 824000 Ext 5409

**Background Papers:** None.

**Previous Minute Reference:** None.

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