

Public Document Pack



LOCAL REVIEW BODY MONDAY, 21 SEPTEMBER, 2015

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 21 SEPTEMBER 2015 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

14 September 2015

BUSINESS		
1.	Apologies for Absence.	
2.	Order of Business.	
3.	Declarations of Interest.	
4.	<p>Consider request for review of refusal of planning consent in respect of the erection of decking and balustrade at 12 Todburn Way, Clovenfords 15/00511/FUL 15/00017/RREF</p> <p>Copies of the following papers attached:-</p>	
	(a) Decision Notice	(Pages 1 - 2)
	(b) Notice of Review	(Pages 3 - 36)
	(c) Officer's Report	(Pages 37 - 42)
	(d) Location Plan	(Pages 43 - 44)
	(e) Comment from Community Council	(Pages 45 - 46)
	(f) Objections	(Pages 47 - 56)
	(g) List of policies	(Pages 57 - 58)
5.	<p>Consider request for review of refusal of planning consent in respect of the erection of wind turbine 34.4m high to tip and associated infrastructure on land south west of Clackmae Farmhouse, Earlston 15/00179/FUL15/00018/RREF</p> <p>Copies of the following papers attached:-</p>	

	(a) Decision Notice	(Pages 59 - 60)	
	(b) Notice of Review (All appendices to the Review Statement and Environmental Report have been circulated in paper format but can also be viewed on Public Access)	(Pages 61 - 190)	
	(c) Officer's report	(Pages 191 - 196)	
	(d) Consultations	(Pages 197 - 216)	
	(e) Additional representation	(Pages 217 - 218)	
	(f) List of Policies	(Pages 219 - 228)	
6.	Consider request for review of refusal of planning consent in respect of the erection of dwellinghouse on land south west of Pyatshaw Schoolhouse, Lauder 15/00403/FUL 15/00019/RREF		
	Copies of the following papers attached:-		
	(a) Decision Notice (Included in Notice of Review documentation on page 305)		
	(b) Notice of Review	(Pages 229 - 348)	
	(c) Officer's Report (Included in Notice of Review documentation on page 309)		
	(d) Consultations	(Pages 349 - 358)	
	(e) Support Comments	(Pages 359 - 360)	
	(f) List of policies	(Pages 361 - 370)	
7.	Consider request for review of refusal of planning consent in respect of the erection of dwellinghouse on land south of Riding Centre, Sunnyside Farm, Reston 15/00424/FUL 15/00020/RREF		
	Copies of the following papers attached:-		
	(a) Decision Notice (Included in Notice of Review documentation on page 403)		
	(b) Notice of Review	(Pages 371 - 438)	
	(c) Officer's Report (Included in Notice of Review documentation on page 405)		
	(d) Consultations	(Pages 439 - 444)	
	(e) Support comment	(Pages 445 -	

		446)	
	(f) List of policies	(Pages 447 - 454)	
8.	Any Other Items Previously Circulated		
9.	Any Other Items which the Chairman Decides are Urgent		

NOTES

1. **Timings given above are only indicative and not intended to inhibit Members' discussions.**
2. **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.**

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

Please direct any enquiries to Fiona Walling 01835 826504
email fwalling@scotborders.gov.uk

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Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference: 15/00511/FUL

To: Peter Smillie Esq per W M Brown Mill Cottage Annay Road Melrose Scottish Borders TD6 9LW

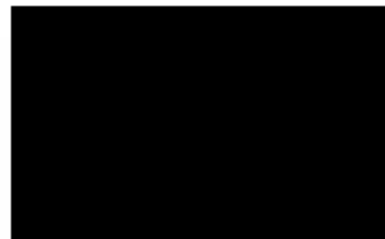
With reference to your application validated on **6th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of decking and balustrade

At: 12 Todburn Way Clovenfords Galashiels Scottish Borders TD1 3AL

The Scottish Borders Council hereby **refuses** planning permission for the **reason(s) stated on the attached schedule.**

**Dated 25th June 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**



Signed
Service Director Regulatory Services

APPLICATION REFERENCE: 15/00511/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
DEVELOPMENT LAYOUT	Location Plan	Refused
N. ELEVATION, SECTION AA & PLAN	Elevations	Refused

REASON FOR REFUSAL

- 1 The decking as constructed is contrary to Policies G1 and H2 of the Consolidated Scottish Borders Local Plan (2011) in that the decking leads to an unacceptable loss of privacy to habitable rooms and gardens of neighbouring dwellings on Lairburn Drive. Furthermore, the decking has an overbearing impact upon neighbouring dwellings and their garden ground, leading to significant loss of residential amenity

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



NOTICE OF REVIEW

UNDER SECTION 43A(8) OF THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 (AS AMENDED) IN RESPECT OF DECISIONS ON LOCAL DEVELOPMENTS

THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2008

THE TOWN AND COUNTRY PLANNING (APPEALS) (SCOTLAND) REGULATIONS 2008

IMPORTANT: Failure to supply all the relevant information could invalidate your notice of review.

Use **BLOCK CAPITALS** if completing in manuscript

Applicant(s)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Agent (if any)

Name

Address

Postcode

Contact Telephone 1

Contact Telephone 2

Fax No

E-mail*

Mark this box to confirm all contact should be through this representative:

* Do you agree to correspondence regarding your review being sent by e-mail?

Yes No

Planning authority

Planning authority's application reference number

Site address

Description of proposed development

Date of application Date of decision (if any)

Note. This notice must be served on the planning authority within three months of the date of the decision notice or from the date of expiry of the period allowed for determining the application.

Nature of application

- 1. Application for planning permission (including householder application)
- 2. Application for planning permission in principle
- 3. Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission; and/or modification, variation or removal of a planning condition)
- 4. Application for approval of matters specified in conditions

Reasons for seeking review

- 1. Refusal of application by appointed officer
- 2. Failure by appointed officer to determine the application within the period allowed for determination of the application
- 3. Conditions imposed on consent by appointed officer

Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- 1. Further written submissions
- 2. One or more hearing sessions
- 3. Site inspection
- 4. Assessment of review documents only, with no further procedure

If you have marked box 1 or 2, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing are necessary:

Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- | | Yes | No |
|--|-------------------------------------|--------------------------|
| 1. Can the site be viewed entirely from public land? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| 2. Is it possible for the site to be accessed safely, and without barriers to entry? | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

N/A

Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

I am seeking a review of the decision to refuse retrospective planning application for our decking on grounds of height. The decking as built does not in our opinion reduce the privacy of our neighbours in 23 to 29 Lairburn Drive, as can be seen and demonstrated in the photographs we already overlook their bedroom, kitchens and gardens from our kitchen & patio windows, patio platform and the grass area behind our garage. It should be noted that the patio platform and steps to the grass area were already part of the house before we built the decking all we did was remove the slabs from the patio platform and laid decking boards, removed the concrete steps and replaced with decking steps. I have attached a photograph taken from the edge of the patio door platform and this demonstrates that at that level we are more intrusive than at the balustrade level.

Discussions took place with most of the neighbours before work started, and no concerns were voiced at these discussions. There were no concerns, voices/raised when the deck was being constructed. Since the deck was constructed and contact with the planning department none of the neighbours who have raised objections, have come to our door personally and raised concerns over height, privacy, lighting or even the noise of the dog playing with his ball on the deck.

There have been many very positive comments from a number of effected neighbours, commenting the deck gives everyone more privacy, and in fact one neighbours commented that the deck is "awesome".

I have enclosed various photographs from various points in the garden and in the house, to demonstrate that without the deck we are already overlooking our neighbours windows & gardens. I also took pictures from Lairburn Drive looking up towards our house. It's fair to say that the visual impact of the decking is negligible compared to the screening fence erected by the site developers. The top of the screening fence erected by the developers is the same level as our grass; therefore there was always going to be issues with any structure or even walking on the grass we would overlook into the neighbour's gardens.

As can be seen from the pictures taken from Lairburn Drive, the existing screening fence which was erected by the developer on top of the division wall, covers most of the decking. The only part that is above the screening fence is the balustrade which is of an open construction so does not impede the view of the neighbours in Lairburn Drive.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made?

Yes No

If yes, you should explain in the box below, why you are raising new material, why it was not raised with the appointed officer before your application was determined and why you consider it should now be considered in your review.

List of documents and evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review.

Photographs:-
 View from Kitchen, Lounge, upstairs bedroom window's and Patio window.
 View at night with no lights.
 View at night with patio light on.
 View at night with decking lights on.
 View from garden bench behind garage.
 View from seating below lounge window.
 View's from Lairburn Drive.
 Views of patio platform.
 Trellis example.
 Drawings:-
 Copy of revised submitted planning application drawing. Reason for revision was that the measurement on the RHS of the drawing was incorrect at 6.0mts it is 3.3mts.
 Copy of section of drawing showing area proposed for option 1, 2 & 3.

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

Checklist

Please mark the appropriate boxes to confirm you have provided all supporting documents and evidence relevant to your review:

- Full completion of all parts of this form
- Statement of your reasons for requiring a review
- All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

Declaration

I the applicant/agent [delete as appropriate] hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents.

Signed



Date

8 JULY 2015

The Completed form should be returned to the Head of Corporate Administration, Scottish Borders Council, Council Headquarters, Newtown St. Boswells TD6 0SA.

I am seeking a review of the decision to refuse retrospective planning application for our decking on grounds of height. The decking as built does not in our opinion reduce the privacy of our neighbours in 23 to 29 Lairburn Drive, as can be seen and demonstrated in the photographs we already overlook their bedroom, kitchens and gardens from our kitchen & patio windows, patio platform and the grass area behind our garage. It should be noted that the patio platform and steps to the grass area were already part of the house before we built the decking all we did was remove the slabs from the patio platform and laid decking boards, removed the concrete steps and replaced with decking steps. I have attached a photograph taken from the edge of the patio door platform and this demonstrates that at that level we are more intrusive than at the balustrade level.

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There have been many very positive comments from a number of effected neighbours, commenting the deck gives everyone more privacy, and in fact one neighbour commented that the deck is "awesome".

I have enclosed various photographs from various points in the garden and in the house, to demonstrate that without the deck we are already overlooking our neighbours windows & gardens. I also took pictures from Lairburn Drive looking up towards our house. It's fair to say that the visual impact of the decking is negligible compared to the screening fence erected by the site developers. The top of the screening fence erected by the developers is the same level as our grass; therefore there was always going to be issues with any structure or even walking on the grass we would overlook into the neighbour's gardens.

As can be seen from the pictures taken from Lairburn Drive, the existing screening fence which was erected by the developer on top of the division wall, covers most of the decking. The only part that is above the screening fence is the balustrade which is of an open construction so does not impose on the neighbours in Lairburn Drive. The screening fence offered us and our neighbours no privacy, whereas, the decking with the balustrade offers us all privacy. Perhaps the height of the screening fence should have been addressed when the houses were given planning permission or when the development was being built.

The reason the application was rejected is the height of the front part of the decking, as the garden is sloping, there is not a great deal I could do with it, to try and establish a flat area for the dogs but also children. We are trying to maximise the use of the available space for pleasure.

Planning report:-

In the planning report it states the following "An enquiry was received earlier this year regarding the construction of a sleeper wall / landscaping feature in the dwelling. This was not carried out". I had a conversation with Mr. Evans around my thoughts and would permission be required with regards to

building a retaining wall and then a fence/balustrade on top and the overall height and line would have been the same as the decking built. This option was not viable due to the amount and manual shifting of soil required to backfill. I sent Mr. Evans as requested an e-mail with photographs of the back garden, I never received an e-mail or message from Mr. Evans as to the planning thoughts on my development of the rear garden.

The Clovenfords Community Council objection/comments was based on the submitted comments from the 4 neighbours, none from the Community Council contacted me or visited my property. The Clovenfords Community Council objection/comments was in fact late and should not have been considered and even mentioned in the planning report. The late submission of additional comments and photographs by Mrs. Carpenter 27 Lairburn Drive should have been rejected by the planning officer. The planning officer in my opinion has been additionally swayed by these late and additional comments.

The objection of Mr. Clement 23 Lairburn Drive, is unfounded that they have no privacy when sitting their back garden, the position of their garden in relation to the decking and the height of their dividing fence from their next door neighbour which is 1.8mts high, makes it impossible for them to see the decking when sitting down, even if they are standing up in their garden they have to be on tip toes to at least try and see over the fence.

In the planning report Mr. Evans states "It is however noted that the illumination carried out emphasises the overbearing nature of the deck, and does indeed give prominence to its presence during the hours of darkness." This is not a valid planning objection and in reality should not have been mentioned, the photographs show that the lights are not making the decking overbearing or are too bright. The lights have never been left on after midnight, and if people were or are not happy with the lights why not say to us rather than make comments via a planning process.

In the section "Applicants supporting information" the following is written "Without wishing to be drawn further into this neighbour dispute, I would only comment here that the neighbours were perfectly entitled to raise their objections and perceptions of the impacts arising from the deck.". I have no issue with the process and the fact that neighbours can object, my issue is that they have even raised issue with one of our dogs making a noise, playing with a ball, how is that a planning objection, this and other comments such as lighting should have been dealt with in the same way that the impact of the value was dealt with, "I can attach no weight to such comments in the decision making process."

I would like to offer some options to come to achieve an amicable resolution;-

Option 1 - Fill in the balustrade panels to make a cross hatching pattern. Currently the spars are at 100mm centres, I propose to install additional spars at 50mm centres and also spars on the inside of the panels to make a lattice effect pattern - This will offer enhanced privacy for all concerned.

Option 2 - Erect 6 screening panels, open trellis style (see example picture attached) to a maximum height of 1.8 meters above the finished floor level of the decking starting at the steps leading down to the lower garden area, then working along the north west line of the decking - This will offer enhanced privacy for all concerned.

Option 3 - Remove a section of the decking as per the attached drawing at the North West part of the decking. The area to be adjusted is marked on the enclosed drawing in hatching. The distance is 0.9m from the edge of the decking and that will result in the remainder of the decking being at 0.5m to comply with regulations - This would resolve the decking height complying with regulations and privacy issues.

It is our intention to plant Clematis, Ivy & Virginia creepers in the "Future planting area" marked on the planning application drawing, which will cover the whole of the north elevation thus further screening and softening the structure to the residents in Lairburn Drive.

In summary, we feel that there is a compromise to be reached here within the 3 options that will satisfy the neighbours from 23 to 29 Lairburn Drive in terms of privacy and the feeling of being overlooked. The decking was erected by a local contractor, all materials used were sourced locally, ensuring we were using local sourced materials and labour was essential to us ensuring we are helping the local businesses & economy.

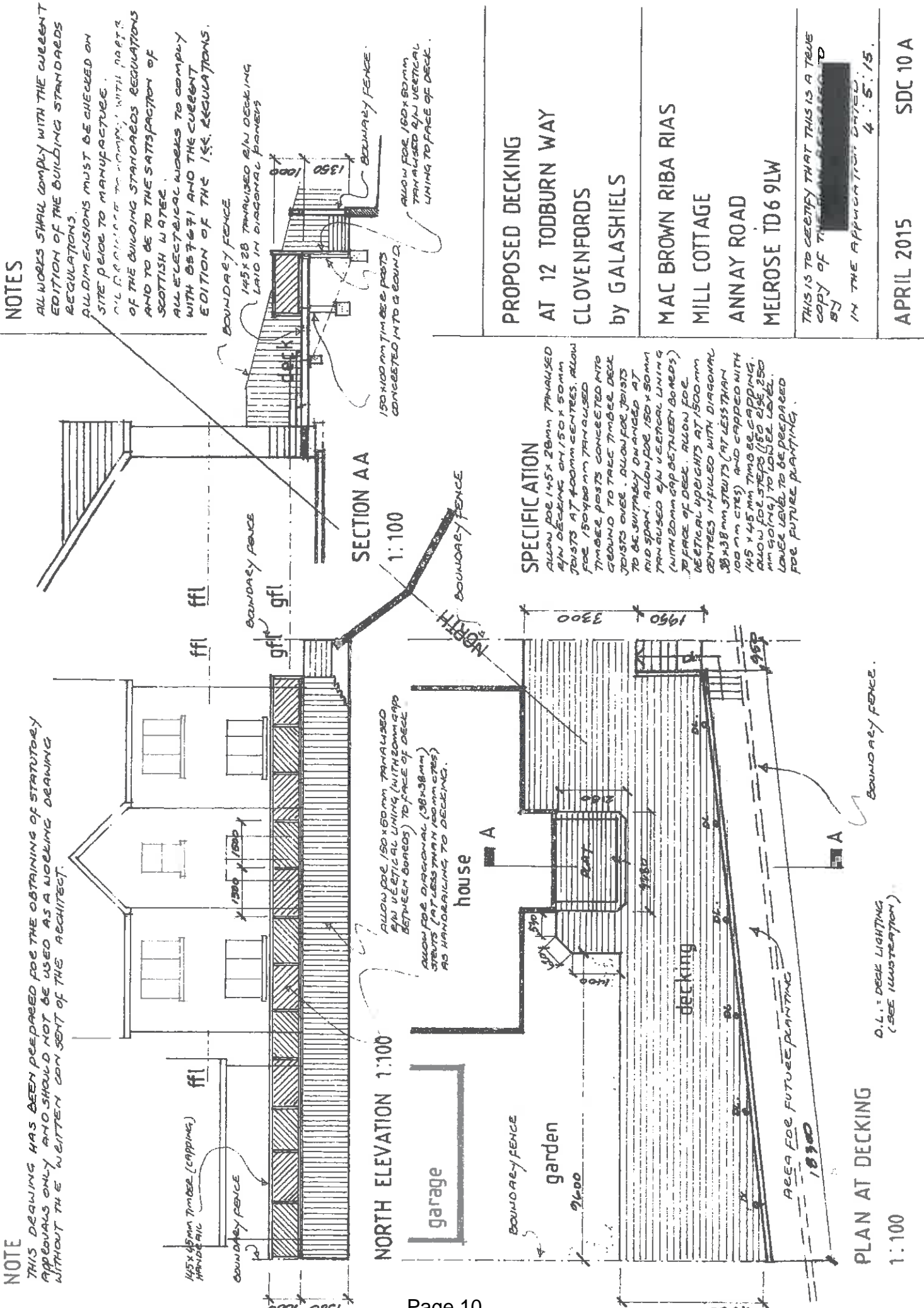
NOTE

THIS DRAWING HAS BEEN PREPARED FOR THE OBTAINING OF STATUTORY APPROVALS ONLY AND SHOULD NOT BE USED AS A WORKING DRAWING WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

NOTES

ALL WORKS SHALL COMPLY WITH THE CURRENT EDITION OF THE BUILDING STANDARDS REGULATIONS.
 ALL DIMENSIONS MUST BE CHECKED ON SITE PRIOR TO MANUFACTURE.
 ALL CONNECTIONS TO COMPLY WITH PART 3 OF THE BUILDING STANDARDS REGULATIONS AND TO BE TO THE SATISFACTION OF SCOTTISH WATER.
 ALL ELECTRICAL WORKS TO COMPLY WITH BS 7671 AND THE CURRENT EDITION OF THE I.E.E. REGULATIONS.

BOUNDARY FENCE
 145x28 TANNALISED R/W DECKING LAID IN DIAGONAL PLAINES
 150x100mm TIMBER POSTS CONNECTED INTO A BOUNDARY FENCE.
 ALLOW FOR 160x60mm TANNALISED R/W VERTICAL LINING TO FACE OF DECK.



SPECIFICATION
 ALLOW FOR 145x28mm TANNALISED R/W DECKING ON 150x50mm JOISTS AT 400mm CENTRES. ALLOW FOR 150x100mm TANNALISED TIMBER POSTS CONNECTED INTO GROUND TO TAKE TIMBER DECK JOISTS OVER. ALLOW FOR JOISTS TO BE SUPPORTED ON ANDERS AT 100mm SPAN. ALLOW FOR 160x60mm TANNALISED R/W VERTICAL LINING (WITH 20mm GAP BETWEEN BOARDS) TO FACE OF DECK. ALLOW FOR 38x38mm STEWS (AT LEAST THAN 100mm CTR) AND CAPPED WITH 145x45mm TIMBER CAPPING. ALLOW FOR STEPS (150mm CTR, 250mm GOING) TO LOWER LEVEL. LOWER LEVEL TO BE PREPARED FOR FUTURE PLANTING.

PROPOSED DECKING
 AT 12 TODBURN WAY
 CLOVENFORDS
 BY GALASHIELS
 MAC BROWN RIBARIAS
 MILL COTTAGE
 ANNAY ROAD
 MELROSE TD6 9LW

THIS IS TO CERTIFY THAT THIS IS A TRUE COPY OF THE PLAN REFERRED TO BY [REDACTED] IN THE APPLICATION DATED 4.5.15.

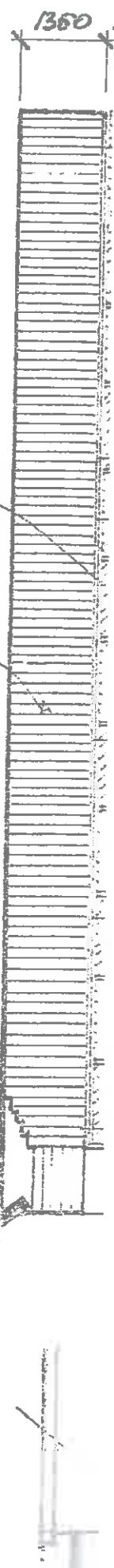
APRIL 2015 SDC 10 A

PLAN AT DECKING

1:100

D.L. = DECK LIGHTING (SEE ILLUSTRATION)

BOUNDARY FENCE.



SECTION AA
1:100

NORTH ELEVATION 1:100

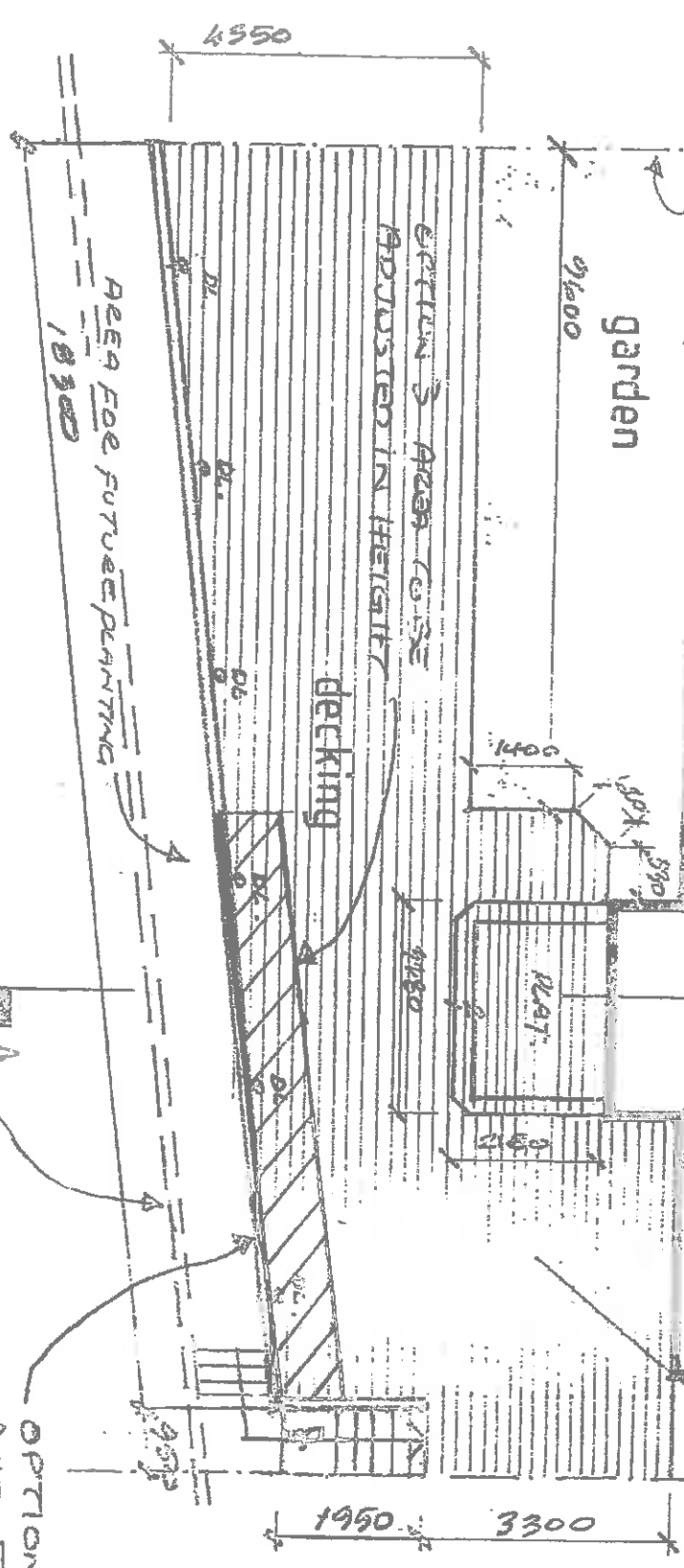


ALLOW FOR 150 x 50mm TRANSLUCED
SPW VERTICAL LINING (WITH 20mm GAPS
BETWEEN BOARDS) TO FACE OF DECK.
ALLOW FOR DIAGONAL (38x38mm)
STUPTS (AT LEAST 1000mm CTRS)
AS HANDRAILING TO DECKING.

house

garden

boundary fence



PLAN AT DECKING
1:100

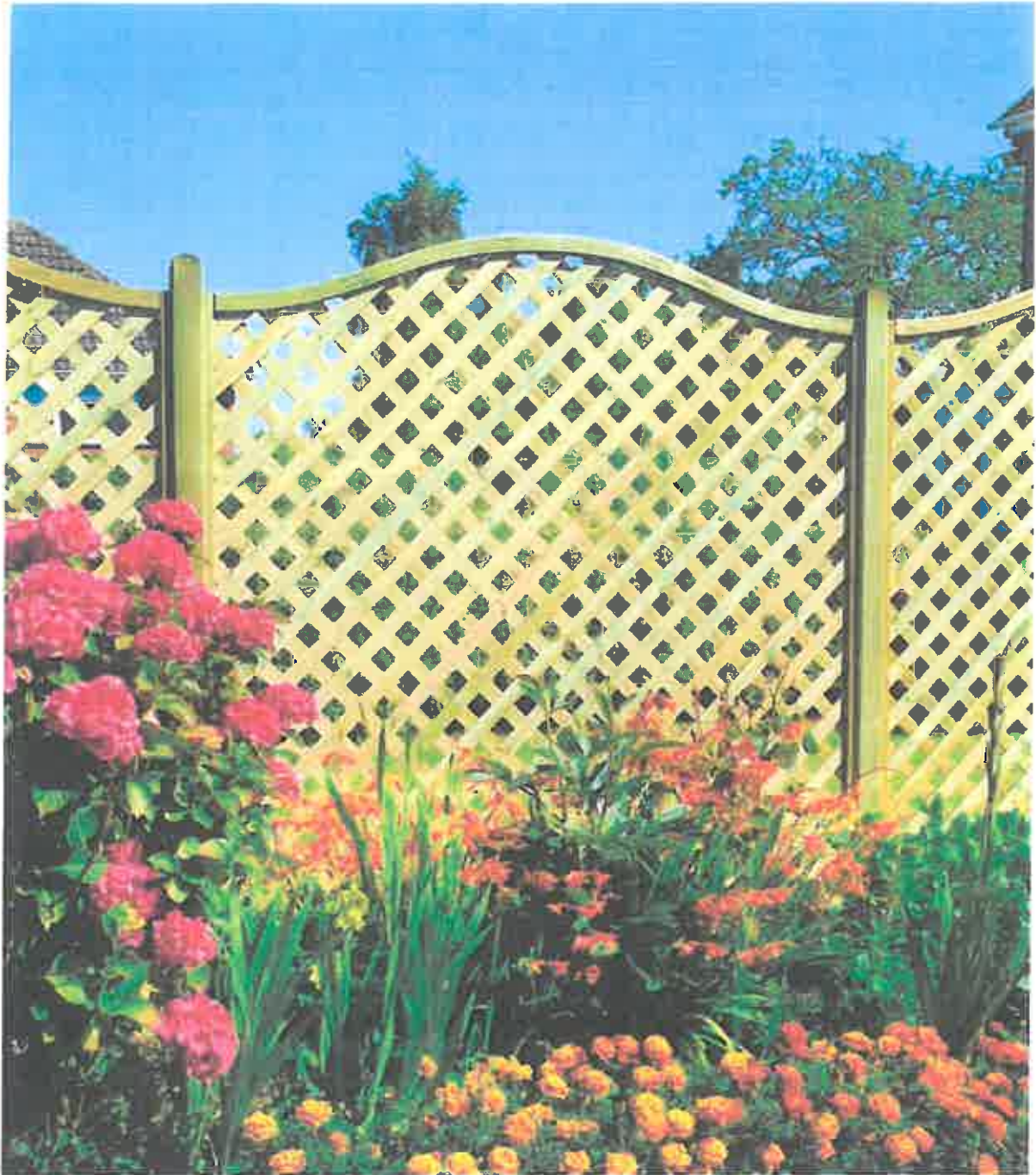
D.L.: DECK LIGHTING
(SEE ILLUSTRATION)

SPECIFICATION

ALLOW FOR 145 x 25mm
SPW DECKING ON 100mm
SPACERS AT 400mm CTRS.
FOR 150 x 50mm THICK
TIMBER POSTS ON
GROUND TO TAKE 11
JOISTS OVER. ALLOW
TO BE SURMOUNTED BY
MID SPAN. ALLOW FOR
TRANSLUCED SPW VERT.
(WITH 20mm GAP BETWEEN
THE FACE OF DECK. ALL
VERTICAL UPRIGHTS &
CENTRES INCLUDED WILL
BE 38 x 38mm STUPTS (AT
1000mm CTRS) AND 145 x
145 x 45mm TIMBER
ALLOW FOR STEPS (50mm
GOING) TO LOWER
LOWER LEVEL TO BE PER
FOR FUTURE PLANTING.

OPTIONS 1 & 2 :-
AREA TO BE CROSS
HATCHED OR TRELIS
BOUNDARY FENCE. ERRECTED.

Example of trellis for option 2;-



View from front edge of patio window platform;-



View from edge of proposed realignment in option 3;-



View from seating under lounge window;-



View from lounge window;-



View from lounge window 2:-



View from Lounge window 3;-



View from Patio Doors;-



View from Kitchen window;-



View from Kitchen window 2;-



View from Lairburn Drive;-



View from oposite side of Lairburn Drive;-



View from back edge of 23 Lairburn Drive garden in service alley;-



View from start of service alley on Lairburn Drive;-



View at approx 11.00pm in May from service alley at Lairburn Drive no lights;-



View at approx 11.00pm in May from service alley at Lairburn Drive patio door light;-



View at approx 11.00pm in May from service alley at Lairburn Drive decking lights;-



View from patio platform;-



View from upstairs bedroom to LHS;-



View from upstairs bedroom RHS;-



View of garden before deck showing the patio platform to RHS;-



View of patio platform;-



View of patio platform;-



View from patio platform;-



View from rear of garage;-



SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00511/FUL
APPLICANT : Peter Smillie Esq
AGENT : W M Brown
DEVELOPMENT : Erection of decking and balustrade
LOCATION: 12 Todburn Way
 Clovenfords
 Galashiels
 Scottish Borders
 TD1 3AL
TYPE : FUL Application
REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
DEVELOPMENT LAYOUT	Location Plan	Refused
N. ELEVATION, SECTION AA & PLAN	Elevations	Refused

NUMBER OF REPRESENTATIONS: 4
SUMMARY OF REPRESENTATIONS:

None.

Clovenfords Community Council was not a consultee on this application. Nonetheless, they commented as follows:

1. The planning application appears to be retrospective since the structure is already in place. This does not appear to have been identified in the planning application.
2. The list of neighbours identified for notification appears to be limited inasmuch as it does not take cognisance of all the adjacent properties potentially affected by this structure.
3. The objectors (none of whom appear on the neighbour notified list) have clearly identified the reasons for their objections. These objections are fundamental and can be summarised as:
 - a. invasion/loss of privacy.
 - b. intrusive lighting.
 - c. noise.
4. Having reviewed the plans and the structure the Clovenfords and District CC agree fully with the comments raised by the objectors.
5. If such a structure is approved it sets a precedent for similar structures to be erected in the development.
6. It would be remiss of the CC if it did not voice its concerns over this planning application. The Clovenfords and District CC would therefore wish to register its objection to the above planning application.

PUBLICITY AND REPRESENTATIONS

This application was publicised by means of the direct postal notification of 5 neighbouring dwellings initially (8 and 10 Todburn Way, and 15, 17 and 19 Lairburn Drive), I hand delivered a further 4 notifications to 23,25 27 and 14 Todburn Way on 10.05.15. At such time it also became apparent that the terrace of dwellings on Lairburn Drive (The terrace to the NW of the site) should have been notified also, and this was carried out by post on 10.05.15. This is why these addresses do not appear on the neighbour notification list to which the Community Council refer.

All of the submissions made can be viewed in full on the Public Access Website. Objections were received from 4 dwellings in total, and can be summarised as follows:

PSLIGA (29 Lairburn Drive) (2 submissions both summarised below)

- * Barratt Homes have erected a fence on top of the retaining wall which runs along the length of the garden for privacy purposes. The erection of the elevated decking and balustrade is above the level of the fence line which results in an invasion of privacy, allowing the residents to overlook the garden and into the back bedroom window, kitchen window and patio doors of the objectors house.
- * The decking and balustrade has been erected above the top level of the fence line on the retaining wall. The objector complains that this structure has a big impact in terms of invasion of privacy over the garden, back bedroom window and kitchen window and patio doors.
- * There are also issues with decking lighting, should it be left on late at night.

CLEMENT (23 Lairburn Drive)

- * The height of this decking completely overlooks the objector's garden.
- * The objector feels they have now no privacy when sitting out in their garden.
- * Comment that the decking dominates the area and ensures the objector and surrounding residents have no privacy.
- * Decking lights are also left on, making intrusive light into the objectors property.

HOGARTH (25 Lairburn Drive)

- * Due to the decking being built over the sloped garden area, the decking is very high and is dominating over the objectors and neighbouring gardens which they feel gives no privacy due to the close proximity of the expansive structure.
- * Also comment that the lighting is considered to be very intrusive.

CARPENTER (27 Lairburn Drive)

- * Comment that the decking at no.12 Todburn Way, Clovenfords is very extensive and elevated. The sheer size of it has a huge impact on the privacy of the surrounding houses and gardens.
- * Point out that the deck is slightly higher than the level of the objectors back bedroom and bathroom windows.
- * Complain that the deck overlooks and looks down into the privacy of their garden and rear of their property.
- * Point out that the decking lights are on either side of every post, and together with the spotlights on the steps, are very bright when on, and can sometimes be left on until late at night.
- * Also comment that the applicant's dogs also chase a hard plastic ball over the wooden decking which makes a lot of noise. This can also be late at night when they are let out.
- * Point out that their baby daughter sleeps in the back bedroom of their property and both of the above issues have woken her up on occasion.
- * The objector fears that they may struggle to sell our property in the future as the deck would put potential buyers off.
- * Overall, feel this decking is very intrusive and is an invasion of their privacy. Confirm that they feel very overlooked.

The same objector also lodged a series of photographs purporting to show the decking illuminated at night time on the 5th, 7th and 8th April, and on the 24th of May.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Scottish Borders Local Plan (2011)
G1, H2

Other

SPG - Householder Development

SPG - Placemaking and Design

- The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011.

Recommendation by - Andrew Evans (Planning Officer) on 23rd June 2015

This application seeks retrospective planning permission for the erection of decking to the rear elevation of this detached dwelling.

SITE

The site is the garden ground of a new build detached dwelling on the "Meigle Row" Barratt Homes development in Clovenfords. The dwelling (12 Todburn Way) is located in an elevated position relative to neighbouring houses.

DEVELOPMENT UNDERTAKEN

Decking has been constructed to the rear of the dwelling without the benefit of the necessary planning permission. An enquiry was received earlier this year regarding the construction of a sleeper wall / landscaping feature in the dwelling. This was not carried out. Instead, a deck was constructed to the rear of the dwelling.

Class 3D of the GPDO (as amended in 2011) sets out that decking can be added to a dwelling, without the need for planning permission, so long as generally the deck is to the rear elevation of the dwelling (Behind the principal or roadside elevation), the floor level of any part of the deck would not exceed 0.5 metres in height, and the combined height of the deck and any wall, fence, balustrade or any structure attached to it does not exceed 2.5m.

In this case I have, with some difficulty due to the softness of the earth underfoot, measured various parts along the length of the deck, and at spots along its length measured heights of 1.4m and 1.7m above ground level. The decking is above the height limit whereby it can be considered "Permitted Development", and as such planning permission is required.

POLICY PRINCIPLE

The Council has adopted supplementary planning guidance on Householder Development. Policy H2 of the Consolidated Scottish Borders Local Plan also seeks to protect residential amenity.

Policy G1 of the CSBLP requires that development must be compatible with, and respect the character of the surrounding area, neighbouring uses, and neighbouring built form. It should be of a scale, massing, height and density appropriate to its surroundings, and where an extension or alteration, appropriate to the existing building. It must be finished externally in materials, the colour and textures of which complement the local architecture and, where an extension or alteration, the existing building.

ASSESSMENT OF APPLICATION

Whilst the deck is set behind the front building line formed by other properties on the street, it is raised above ground level and quite prominent from neighbouring back gardens, this part of the Barratt Homes development featuring a back-to-back layout, with a significant level change between dwellings.

- Overlooking of neighbours and impacts on amenity

The deck permits clear and unscreened overlooking of the back of neighbouring dwellings in a manner which is intrusive. Visually, the outlook from the neighbouring property is adversely affected by the intrusion of the raised deck.

In respect of residential amenity, the adjoining properties are almost exclusively set on lower ground levels than the deck, with the result on standing on the platform it is possible to view down into the neighbour's habitable rooms and gardens due to the distance and angle of vision between gardens, neighbours windows and decking area. It is therefore considered that there would be an unsatisfactory impact upon the residential amenity presently enjoyed by occupiers of the neighbouring houses as a result of the development. It is appreciated that someone would be able to stand in the garden ground and look down into these windows; however this would not be from the same elevated position. I am also satisfied that if the garden were returned to its previous sloping extent prior to the erection of the deck, the incidence and potential for overlooking and loss of privacy would be reduced.

I do not consider that the decking complies with policy H2 of the CSBLP. I consider that it has an adverse impact on the amenity of existing residential dwellings. In particular, the deck, by virtue of its scale and height relative to surrounding gardens is considered an unacceptable fit in the surrounding residential area. The decking has an unacceptable impact on existing neighbouring dwellings, in terms of elevated overlooking of neighbouring houses and gardens from the deck, resulting in unacceptable loss of neighbouring privacy.

In relation to the residential amenity of the neighbour it is considered that the proposal, by reason of its size and siting, represents an undesirable and un-neighbourly form of development detrimental to the amenity of the occupiers of the adjoining residential property, particularly by reason of loss of privacy. In addition to being contrary to policy H2 of the CSBLP, the deck is also contrary to policy G1 of the CSBLP, in that it is not compatible with, does not respect the character of the surrounding area, neighbouring uses, and neighbouring built form. It should be of a scale, massing and height considered inappropriate to its surroundings.

I do not consider that any benefits the applicants may accrue from this deck should outweigh the harm to the amenity of the neighbouring property. I have considered whether screen fencing would mitigate some of the adverse impacts upon the neighbouring property; however I do not consider that this would suitably reduce the adverse impacts of the decking, and it would create other negative impacts on the wider area. Due to the elevated level of the deck it is not felt in this instance that screening would be either a viable or preferred option.

- Illumination of the deck

Objectors cite the illumination of the deck as being part of the concerns and issues experienced. I am though mindful of the fact that the applicant would have been able to undertake such illumination without the need for planning permission. The rear of the dwelling could be illuminated to a similar extent, outwith the decked area. It is however noted that the illumination carried out emphasises the overbearing nature of the deck, and does indeed give prominence to its presence during the hours of darkness.

- Impacts on property values

The impact of the decking upon neighbouring property values is raised in objection to the application. I note however that the impact arising on neighbouring property values is not a material planning consideration, and I can attach no weight to such comments in the decision making process.

- Applicants supporting information

In support of the application, the applicant lodged supporting information. A set of annotated photographs show the deck in situ, when viewed from the rooms on the rear of the applicant's house. Annotated copies of the objections to the application, rebutting the issues raised in objection was also lodged. Without wishing to be drawn further into this neighbour dispute, I would only comment here that the neighbours were perfectly entitled to raise their objections and perceptions of the impacts arising from the deck. Likewise, the applicant is entitled to make comment on any representations made.

- Conclusion

In summary, I am satisfied that planning permission would have been necessary for the deck as constructed. I am also satisfied that the deck results in an adverse impact on the amenity and privacy of its neighbours. This deck is contrary to policies G1 and H2 of the CSBLP.

REASON FOR DECISION :

The decking as constructed is contrary to Policies G1 and H2 of the Consolidated Scottish Borders Local Plan (2011) in that the decking leads to an unacceptable loss of privacy to habitable rooms and gardens of neighbouring dwellings on Lairburn Drive. Furthermore, the decking has an overbearing impact upon neighbouring dwellings and their garden ground, leading to significant loss of residential amenity

Recommendation: Refused

- 1 The decking as constructed is contrary to Policies G1 and H2 of the Consolidated Scottish Borders Local Plan (2011) in that the decking leads to an unacceptable loss of privacy to habitable rooms and gardens of neighbouring dwellings on Lairburn Drive. Furthermore, the decking has an overbearing impact upon neighbouring dwellings and their garden ground, leading to significant loss of residential amenity

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

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MAC BROWN RIBA RIAS
Chartered Architect
Mill Cottage
Annay Road
Melrose TD6 9LW
Scottish Borders



Scottish Borders Council
Town And Country
Planning (Scotland) Act
1997

REFUSED

subject to the
requirements of the
associated Decision
Notice

NORTH



Clovenfords

PROPERTY BELONGING TO
PETER SMILLIE, ESQ 12
TOBURNWAY, CLOVENFOLDS
BY GALASHIELS TD12 2AY. (ADT48)

LOCATION PLAN

1:2500

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From: George Dormand [REDACTED]
Sent: 09 June 2015 21:15
To: Planning & Regulatory Services
Subject: Planning Application 15/00511/FUL. 12 Todburn Way, Clovenfords, TD1 3LA

Dear Sir,

At the recent Clovenfords and District CC meeting (Monday 8th June 2015) the above application was reviewed and discussed. As a result of these discussions the following points were noted:

1. The planning application appears to be retrospective since the structure is already in place. This does not appear to have been identified in the planning application.
2. The list of neighbours identified for notification appears to be limited inasmuch as it does not take cognisance of all the adjacent properties potentially affected by this structure.
3. The objectors (none of whom appear on the neighbour notified list) have clearly identified the reasons for their objections. These objections are fundamental and can be summarised as:
 - a. invasion/loss of privacy.
 - b. intrusive lighting.
 - c. noise.
4. Having reviewed the plans and the structure the Clovenfords and District CC agree fully with the comments raised by the objectors.
5. If such a structure is approved it sets a precedent for similar structures to be erected in the development.
6. It would be remiss of the CC if it did not voice its concerns over this planning application. The Clovenfords and District CC would therefore wish to register its objection to the above planning application.

G Dormand
on behalf of
Clovenfords and District CC.

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Application Comments for 15/00511/FUL

Application Summary

Application Number: 15/00511/FUL

Address: 12 Todburn Way Clovenfords Galashiels Scottish Borders TD1 3AL

Proposal: Erection of decking and balustrade

Case Officer: Andrew Evans

Customer Details

Name: Miss Angela Plisga

Address: 29 Lairburn Drive, Clovenfords, Galashiels, Scottish Borders TD1 3AJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of
- Inadequate screening
- Overlooking
- Privacy of neighbouring properties affected

Comment: Barratts have erected a fence on top of the retaining wall which runs along the length of the garden for privacy purposes. The erection of the elevated decking and balustrade is above the level of the fence line which results in an invasion of privacy, allowing the residents to overlook the garden and into the back bedroom window, kitchen window and patio doors of the house.

Application Comments for 15/00511/FUL

Application Summary

Application Number: 15/00511/FUL

Address: 12 Todburn Way Clovenfords Galashiels Scottish Borders TD1 3AL

Proposal: Erection of decking and balustrade

Case Officer: Andrew Evans

Customer Details

Name: Mr Callum Clement

Address: 23 Lairburn Drive, Clovenfords, Galashiels, Scottish Borders TD1 3AJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of
- Privacy of neighbouring properties affected

Comment: The height of this decking completely overlooks our garden.

We feel we have now no privacy when we sit out in our garden.

The decking completely dominates the area and ensures us and surrounding residents have no privacy.

Decking lights are also left on, sometimes until way past midnight, making intrusive light into our property.

Application Comments for 15/00511/FUL

Application Summary

Application Number: 15/00511/FUL

Address: 12 Todburn Way Clovenfords Galashiels Scottish Borders TD1 3AL

Proposal: Erection of decking and balustrade

Case Officer: Andrew Evans

Customer Details

Name: Mr Andrew Hogarth

Address: 25 Lairburn Drive, Clovenfords, Galashiels, Scottish Borders TD1 3AJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of
- Overlooking
- Privacy of neighbouring properties affected

Comment: Due to the decking being built over the sloped garden area, the decking is very high and is dominating over our and neighbouring gardens which we feel gives us no privacy due to the close proximity of the expansive structure, the lighting is also very intrusive.

Application Comments for 15/00511/FUL

Application Summary

Application Number: 15/00511/FUL

Address: 12 Todburn Way Clovenfords Galashiels Scottish Borders TD1 3AL

Proposal: Erection of decking and balustrade

Case Officer: Andrew Evans

Customer Details

Name: Miss Angela Plisga

Address: 29 Lairburn Drive, Clovenfords, Galashiels, Scottish Borders TD1 3AJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Height of
- Overlooking
- Privacy of neighbouring properties affec

Comment: Barratts have erected a privacy fence on top of the retaining wall in my garden which backs on to the above property. The decking and balustrade has been erected above the top level of the fence line on the retaining wall. This structure has a big impact in terms of invasion of privacy over the garden, back bedroom window and kitchen window and patio doors. There is also issues with decking lighting, should it be left on late at night.

Application Comments for 15/00511/FUL

Application Summary

Application Number: 15/00511/FUL

Address: 12 Todburn Way Clovenfords Galashiels Scottish Borders TD1 3AL

Proposal: Erection of decking and balustrade

Case Officer: Andrew Evans

Customer Details

Name: Ms Linsey Carpenter

Address: 27 Lairburn Drive, Clovenfords, Galashiels, Scottish Borders TD1 3AJ

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

- Detrimental to environment
- Health Issues
- Height of
- Noise nuisance
- Overlooking
- Privacy of neighbouring properties affected
- Value of property

Comment: The decking at no.12 Todburn Way, Clovenfords is very extensive and elevated. The sheer size of it has a huge impact on the privacy of the surrounding houses and gardens. It is slightly higher than our back bedroom and bathroom windows. It overlooks and looks down into the privacy of our garden and rear of our property.

The decking lights on either side of every post, and spotlights on the steps are very bright when on and can sometimes be left on until late at night. These lights can be seen from across the street on Lairburn Drive and I feel they are an environmental issue. The dogs also chase a hard plastic ball over the wooden decking which makes a lot of noise. This can also be late at night when they are let out. Our baby daughter sleeps in the back bedroom of our property and both of these issues have woken her up on occasion.

We fear we may struggle to sell our property in the future as it would no doubt put potential buyers off.

Overall we feel this decking is very intrusive and is an invasion of our privacy. We feel very overlooked.

FW Planning 12 Todburn way Clovenfords

From: Evans, Andrew
Sent: 23 June 2015 14:24
To: Planning & Regulatory Services
Subject: FW: Planning 12 Todburn way, Clovenfords
Attachments: IMG_3698.PNG; ATT00001.txt; IMG_3697.PNG; ATT00002.txt;
IMG_3696.PNG; ATT00003.txt; IMG_3695.PNG; ATT00004.txt

Additional objection email (has already objected) and attached photos for idox please. Application 15/00511/FUL.

Andrew Evans MA DipHE MRTPI
Planning Officer (Development Management) Regulatory Services, Scottish Borders
Council Council HQ,
Newtown St Boswells, Melrose, TD6 0SA e:aevens@scotborders.gov.uk | | :01835
826739 | 7:01835
825071 Find out more about Scottish Borders Council: Web | Twitter | Facebook |
Flickr | YouTube

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

From: Linsey Carpenter [REDACTED]
Sent: 23 June 2015 14:17
To: Evans, Andrew
Subject: Planning 12 Todburn way, Clovenfords

Please find further comments and photos to be submitted regarding the decking at 12 Todburn Way, Clovenfords.

The floor level of our first floor rooms is certainly lower than the floor level of the decking.
None of Mr Smillie photographs have been taken from the edge of his decking where they are often watering plants. I would imagine the view into our garden/property from the edge of the decking is quite different from that shown in the photos submitted.
The spotlights are bright. Please see screen shots which show times and dates when taken and show how they look.

Thank you.

Linsey Carpenter

Sent from my iPhone



Galashiels - Clovenfords

Edit

5 April 21:41

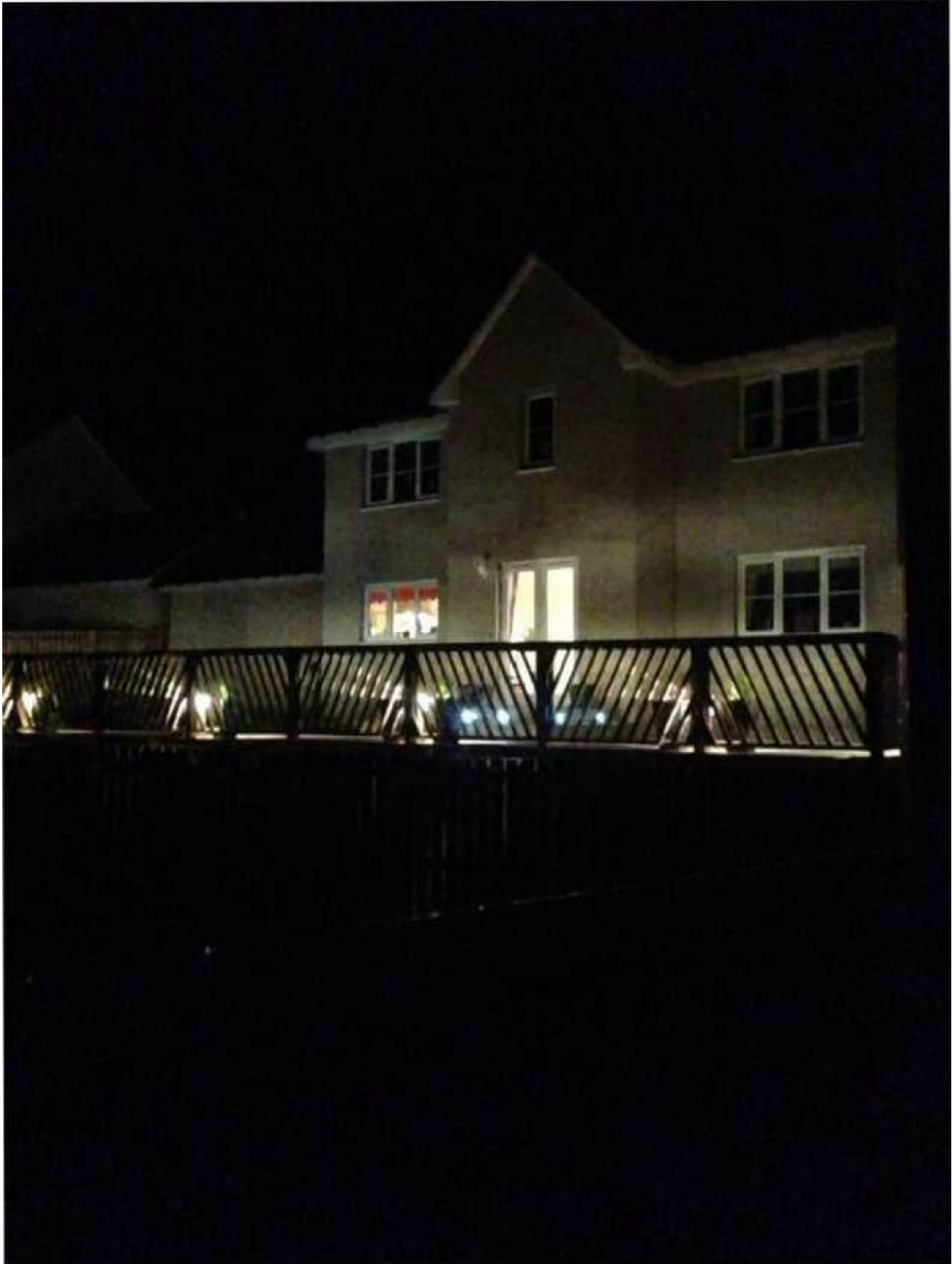




Galashiels - Clovenfords

Edit

7 April 23:08



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Galashiels - Clovenfords

Edit

8 April 22:37





Galashiels - Clovenfords

Edit

24 May 22:12



List of Policies

Local Review Reference: 15/00017/RREF

Planning Application Reference: 15/00511/FUL

Development Proposal: Erection of decking and balustrade

Location: 12 Todlaw Way, Clovenfords

Applicant: Mr P Smillie

SESPLAN

None applicable.

Consolidated Borders Local Plan 2011:

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,

10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

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

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

Other Material Considerations

Supplementary Planning Guidance – Householder Development 2006

Supplementary Planning Guidance - Placemaking and Design 2010

The Town and Country Planning (General Permitted Development) (Scotland) Amendment Order 2011

Scottish Borders Proposed Local Development Plan 2013



Regulatory Services

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/00179/FUL

**To : Mr Alex Wilson per VG Energy Per Siobhan Wolverson Thainstone Agricultural Centre Unit 7
Ground Floor Thainstone Agricultural Centre Inverurie AB51 5WU**

With reference to your application validated on **25th February 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of wind turbine 34.4m high to tip and associated infrastructure

at : Land South West Of Clackmae Farmhouse Earliston Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the **reason(s) stated on the attached schedule**.

**Dated 24th April 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed
Service Director Regulatory Services



APPLICATION REFERENCE : 15.00179/FUL**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
06450/017/A	Elevations	Refused
06450/018/A	General	Refused
06450/015/B	Location Plan	Refused
06450/016/B	Site Plan	Refused
06450/024/B	Location Plan	Refused

REASON FOR REFUSAL

- 1 The development would fail to comply with Policies G1 and D4 of the Consolidated Local Plan 2011 as a result of its adverse landscape and visual effects, most specifically on the setting of Earlston and receptors within the village, due to its prominent positioning above the skyline when viewed from the east of the application site

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000106922-002

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	VG Energy
Ref. Number:	
First Name: *	Siobhan
Last Name: *	Wolverson
Telephone Number: *	01467410056
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	siobhan@vgenenergy.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	Thainstone Agricultural Centre
Building Number:	
Address 1 (Street): *	Unit 7 Ground Floor
Address 2:	Thainstone Agricultural Centre
Town/City: *	Inverurie
Country: *	UK
Postcode: *	AB51 5WU

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>		Building Name:
First Name: *	<input type="text" value="Alex"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text" value="Wilson"/>	Address 1 (Street): *	<input type="text" value="Earlston"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Earlston"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD4 6AJ"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		
Please identify/describe the location of the site or sites.			
<input type="text" value="Within land boundary of Clackmae Farm, Earlston, TD4 6AJ."/>			
Northing	<input type="text" value="639152"/>	Easting	<input type="text" value="355703"/>

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Application for planning permission for a single wind turbine (with a 23.6m rotor diameter, 22.6m hub height and 34.4m blade tip height) and associated infrastructure.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

A Review Statement has been provided as a separate document in the 'Supporting Documents' section in order to fully explain the reason for this review.

In brief: The Review Statement will put forward the case that the proposed turbine will have an acceptable impact on Earlston which is compatible with the character of the village. The reason for the refusal of the application is therefore inadequate and as a result the planning decision should be overturned and the appeal allowed.

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Review Statement, including Appendices RS1 & 2;
ER: Environmental Report - VG Energy, January 2015;
ZTV5: Appendix 4.3 of Environmental Report;
VP2: Appendix 4.6 of Environmental Report;
LRC: Letter - Response to Concerns, VG Energy, April 2015;
RH: Report of Handling, Scottish Borders Council, April 2015;
DL: Decision Letter, Scottish Borders Council, April 2015.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00179/FUL

What date was the application submitted to the planning authority? *

20/02/15

What date was the decision issued by the planning authority? *

24/04/15

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

To gain a thorough appreciation of the local area and Earlston in particular.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Siobhan Wolverson


Declaration Date: 17/07/2015

Submission Date: 17/07/2015



**WIND TURBINE DEVELOPMENT AT CLACKMAE:
REVIEW STATEMENT FOR LOCAL REVIEW BODY
(REFERENCE: 15/00179/FUL)**

SITE LOCATION: CLACKMAE, EARLSTON, TD4 6AJ

APPLICANT	MR ALEX WILSON
SITE NAME	CLACKMAE
APPLICANT NUMBER	06450
PREPARED BY	SW
EDITED BY	CB
APPROVED BY	

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FOREWORD

R & A Wilson Ltd

Clackmae
Earlston
Berwickshire
TD4 6AJ

7/17/2015

Dear Sirs,

I would like to take this opportunity to explain our desire to erect a wind turbine at Clackmae.

We are an energy dependent business and are exposed to the vagaries of market prices which can severely damage us during high cost periods. Unlike many turbine developments, we intend to use virtually all of the output in our business: Our motivation is not Feed-In Tariff payments, but simply an economic supply of power that has the bonus of being green and low carbon. In our considerations of how best to do this we have looked at many forms of power generation, from hydro to photovoltaic and Bio-digesters, and found they were not practical either in terms of clean power or economically viable in terms of our business.

In proposing a turbine I canvassed my neighbours locally before we incurred costs in applying for permission and had no objections from anyone. We have no desire to upset our community we live in and I honestly believe that the proposal will not affect anyone and will merge into the scenery.

Yours sincerely



Alex Wilson

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1 INTRODUCTION

The planning application for a single wind turbine with a hub height of 22.6m and blade tip height of 34.4m at Clackmae (reference 15/00179/FUL) was refused by Scottish Borders Council on the 24th April 2015. In order to appeal this decision, a Notice of Review is being submitted to the Local Review Body (LRB): This Review Statement is a continuation of the Notice of Review, providing a more detailed explanation of the reasons for this appeal.

The reports linked to the original planning application and discussed in this Review Statement are listed in Table 1.1; these will be referenced as indicated throughout.

TABLE 1.1: DOCUMENTS REFERRED TO WITHIN THIS REVIEW STATEMENT

DOCUMENT TITLE	REFERENCE
1. ENVIRONMENTAL REPORT – VG ENERGY, JANUARY 2015	ER
(A) APPENDIX 4.3 (ZTV TO 5KM, INCLUDING SCREENING FROM WOODLAND)	ZTV5
(B) APPENDIX 4.6 (VIEWPOINT 2 – WEST OF EARLSTON)	VP2
2. LETTER – RESPONSE TO CONCERNS - VG ENERGY, APRIL 2015	LRC
3. REPORT OF HANDLING – SCOTTISH BORDERS COUNCIL , APRIL 2015	RH

1.1 Reason for Refusal

The application was refused by Regulatory Services at Scottish Borders Council for the following reason:

“The development would fail to comply with Policies G1 and D4 of the Consolidated Local Plan 2011 as a result of its adverse landscape and visual effects, most specifically on the setting of Earlston and receptors within the village, due to its prominent positioning above the skyline when viewed from the east of the application site.”

The Council’s RH expands and explains this reason for refusal.

1.2 Reasons for Appeal

This Review Statement will put forward the case that the proposed turbine at Clackmae will have an acceptable landscape and visual impact on Earlston which is compatible with the character of the village. The reason for the refusal of the application is therefore inadequate and as a result the planning decision should be overturned and the appeal allowed.

The effect of the turbine on Earlston is the only reason for the refusal of the application. It has received no public objections and on a wider scale the RH recognises that:

- ◆ The scale of the proposed turbine is suited to the area;
- ◆ The amenity (visual impact, shadow flicker and noise) of those neighbours nearest to the development will not be significantly affected;
- ◆ Views of the turbine from the Southern Upland Way will be sufficiently screened; and
- ◆ The features and setting of the nearby Carolside and Leadervale Garden and Designed Landscape will also not be affected.

As this demonstrates, a large degree of work went into the design of this project so that it would be suited to the area. Following this, at the request of the Council, further investigative work was conducted after the full planning application was submitted in order to reconsider the suitability of other areas of the farm or another size of turbine. The LRC was produced following this investigation which fully explained why the selected size and position of the turbine remained the best option – these points will be touched on again later in this report.

Following the refusal of the planning permission, the applicant also commissioned further exploratory work into an alternative turbine location within the farm, which brought the turbine closer to the Southern Upland Way and a neighbouring property, but out of view from the west of Earlston. However, due to the increased distance between the alternative location and the dairy shed it is intended to feed into, the turbine would no longer be able to directly power the farm's expensive milking operations and the increased cost of cabling between it and the nearest grid connection point would be so high as to render the project financially unviable. The choice was then made by the applicant to appeal the decision of refusal.

As detailed in LRC, the size of this proposed turbine has been carefully selected by the applicant after investigating farms with wind energy developments and similar dairy operations to his own. The height of the turbine has been selected so that the necessary stable electricity production for the robotic milking system will be maintained, as increased heights yield more stable wind speeds; yet the turbine is low enough so the overall environmental impact of the development is minimal.

The remainder of this report will investigate the landscape and visual impact of the proposal on Earlston, with the findings showing that simple visibility from the west of Earlston of a turbine with a hub height of 22.6m and height to blade tip 34.4m, situated approximately 1.7km away, is not a valid reason for refusal. Policies G1 and D4 of the Scottish Borders Council (2011) '*Consolidated Local Plan*' will also be considered to show why the proposal complies with Council policy and should be approved.

1.3 Background Information

The specifications of the proposed turbine at Clackmae are detailed in Table 1.2.

TABLE 1.2: SPECIFICATIONS OF PROPOSED TURBINE

TURBINE MODEL	1 X NORTHERN POWER SYSTEMS (NPS) 100/24
HUB HEIGHT	22.6M
ROTOR DIAMETER	23.6M
HEIGHT TO BLADE TIP	34.4M
COLOUR	LIGHT GREY ¹

¹ Please note, the standard colour of the NPS has altered since planning was originally applied for – from white to light grey. However, the colour can be altered if required for planning permission

2 THE LANDSCAPE AND VISUAL EFFECT ON EARLSTON

The landscape and visual effects of the proposed turbine at Clackmae on the various receptors within Earlston, as well as the setting of the village in general, will be explored in the following section. VP2 will initially be considered as this is the main piece of evidence used by Regulatory Services in the RH to support the claim that the turbine's impact will be significant.

2.1 Viewpoint 2 – West of Earlston (VP2)

The visualisation submitted with the planning application representing the view of the proposed turbine from VP2 (Mill Road to the west of Earlston) was the only visualisation of those submitted which was a concern for Regulatory Services.

VP2 illustrates that the proposed turbine is visible on a hill to the northwest of the village, with the lower section of the turbine screened by both the woodland on the hill and an intervening section of woodland between the turbine and viewpoint. Although visible, the turbine is 1.7km from VP2 and therefore does not dominate or overwhelm views from this area of the village. It will be the only consistently moving feature, however the surrounding landscape contains a mixture of woodland, electrical lines, farming and a sports field, with the latter two being associated with occasionally moving elements (farm machinery and sports).

In regards to scale, the features in the foreground surrounding the sports field, namely the power lines, lampposts, rugby posts and trees, appear considerably taller than the proposed turbine due to the intervening distance. While the turbine will be visible above the horizon line from Earlston, this effect is not sizeable in comparison to the undulating land and it does not exceed the height of the trees in the foreground.

The turbine will therefore become another element of this mixed view and whilst there will be a visual impact, this will not be significant, as described in the RH.

2.2 Residential Receptors

The impact of the turbine on residents to the west of Earlston was examined and reported in the ER and again in the LRC. To fully examine the extent of the impact on residents for the purpose of this appeal, two maps have been attached to this report (Appendices RS1 and RS2) and are each discussed below.

2.2.1 Appendix RS1

Appendix RS1 illustrates the elevations Above Ordnance Datum (AOD) throughout Earlston, in addition to highlighting the direction of the proposed turbine at Clackmae. The main conclusions which can be drawn using this map are:

- ◆ The height of the village rises from south to north, however there is little difference in elevation from east to west;
- ◇ The result of this is that when standing in the middle to east of Earlston, buildings or tall vegetation to the west will generally screen views, unless there is a reasonable gap between the viewpoint and western building/vegetation so that wider landscape views can be appreciated;
- ◆ As the proposed turbine is located between 1.3km to 2.3km northwest and is 34.4m to blade tip, it will not overshadow Earlston and will be easily screened from the middle and east of Earlston by features closer to the receptor;
- ◆ We reported in the ER and LRC that on visiting the village to conduct the site assessment, we tried to obtain clear, unobstructed views of the turbine from the east of Earlston, however could not do so due to the intervening buildings and/or vegetation;
- ◇ As per best practice guidelines referred to in the LRC,² VG Energy did not submit photos of these obstructions to prove this; however offered to do so in the LRC if Regulatory Services deemed it necessary;
- ◆ To conclude, we could not find any evidence through the site visit that residents within the middle to east of Earlston would be impacted by the proposed turbine. We also considered the distinctive church spires within the village with the outcome being the same. Appendix RS1 further supports this outcome.

The RH states that our argument that the majority of Earlston will be unaffected is *“inconclusive and does not provide significant comfort that this breach of skyline [shown in VP2] will not be apparent from other areas within and approaching the village.”* However, on visiting Earlston and seeing the proximity of the buildings to one another and the vegetation within the village, it is evident that the proposal will not have a significant visual impact.

2.2.2 Appendix RS2

Appendix RS2 highlights those properties within Earlston which have primary views towards the proposed turbine at Clackmae, that are either unobstructed, partially obstructed (by, for example, a row of trees across the road), or where upper floor views only may be possible. All other dwellings within Earlston either do not have primary views towards the turbine, are not within the Zone of Theoretical Visibility (ZTV), or have views which are completely obstructed by other buildings and/or vegetation.³ The main conclusions which can be drawn using this map are:

- ◆ The proposed turbine will only be visible from the primary views of a small number of properties to the west of Earlston, and the views from a number of these will be partially obstructed by intervening features;

² Best practice dictates that visualisations which show no actual visibility of the proposal should not normally be included in an application, as per Scottish Natural Heritage (SNH; December 2014) *‘Visual Representation of Wind Farms.’*

³ This assessment has been conducted as accurately as possible, however there may be small inaccuracies

- ◆ Most of the dwellings, even in the west of Earlston, have primary views which either face in another direction from that of the proposal, or which are completely obstructed;
- ◆ Together with the evidence presented in VP2 showing representative views from this area, it can be confidently stated that for those dwellings with views towards the proposal, the turbine will not dominate these and its impact cannot be described as significant. Simple visibility of a turbine in the wider landscape is not a sufficient reason for refusal.

The RH states: *"The applicant's agents have acknowledged that the turbine will be visible from residential properties, but contend that the turbine will not overwhelm the skyline, and will simply add another feature to the view. To some extent, their conclusion is fair. However, I would not, ultimately share the view that the resulting landscape effect is acceptable in terms of the relationship between the turbine and its landscape context. The visibility of the turbine would affect range of residential receptors..."*

As Appendix RS2 demonstrates, the 'range' of residential receptors affected by this proposal is limited. The only argument against the proposal in this regard is that from primary views (some of which will be partially screened), a small number of residents in Earlston will be able to see the turbine in the wider landscape: This is not a sufficient reason to refuse a planning application. It has been ascertained through previous applications for wind energy developments that as no individual has the right to a view, in order to refuse permission in the public interest, the development must cause an unacceptable degree of harm to a property.⁴ It can be stated with confidence that the proposed turbine at Clackmae will not render any property within Earlston an unattractive place to live to an extent that it becomes unpleasant, overwhelmed or oppressed; it therefore should not be refused on this basis.

2.3 Road Users Travelling Into or Out of Earlston

The two main roads which run into and out of Earlston are the A68 and A6105. An assessment of the cumulative sequential impact on both of these roads was conducted for the planning application and presented on pages 32 to 33 of the ER.

In regards to the A68, Appendix RS2 illustrates the extent of the ZTV of the proposed turbine on this road as it passes through the village (this is supported by ZTV5⁵). This visibility will occur for approximately 450m of the road as it passes through the west of Earlston. For those travelling northwards, the turbine will be in oblique views to the direction of travel until the road bends to the northwest, when it will be in direct views for circa 90m. Views towards the turbine will generally be open, although trees and houses lining the road will occasionally screen it from view. For those travelling southwards, the turbine will always remain in oblique views. Where a traveller on the A68 may catch a glimpse of the proposal, it will be part of the mixed landscape

⁴ A: Appeal reference: APP/D0515/A/10/2123739; <https://acp.planningportal.gov.uk/ViewCase.aspx?Caseid=2123739&ColD=0> ;
B: Report to Scottish Ministers on Spittal Hill, Caithness: www.gov.scot/Resource/0039/00394955.pdf

⁵ See Table 1.1 for full reference of this map

view represented through VP2 and will not dominate wider views or be directly associated with the village.

ZTV5 illustrates that the proposed turbine at Clackmae is theoretically visible from the length of the A6105 as it travels westwards through Earlston and meets the A68. Nevertheless, supported by the analysis presented in Chapter 2.2 above on the impacts on the middle to east of Earlston, the buildings within Earlston that line most of this road will screen any views of the turbine until the junction with the A68. At this point, trees lining the A68 are very likely to screen the turbine from view from the A6105, especially in warmer months when there are leaves on the trees. If the turbine is visible from this junction, it will be similar to the view represented in VP2 which, as stated previously, means that the turbine will be visible amongst wider landscape views, although will not overshadow the village to any extent.

As for the A6105 before it enters Earlston from the east, there will be no visibility of the turbine in combination with views over the village. This is due to the mixture of vegetation, buildings and higher banks of land lining the road which will screen the turbine from travelling receptors. There are two brief occasions when the turbine may be glimpsed from the road by those travelling west; however the village will not be visible at the same time. Additionally, as the turbine will be circa 2.7km and 3.5km distant at these two points, it will neither have a significant visual effect nor, as it is not visible alongside the village at any point, be associated with Earlston.

The RH states: *“The visibility of the turbine would affect... road users travelling through and into/out of Earlston”*

Although the turbine will be occasionally visible for travellers moving northwards for 450m of the A68 as it passes through Earlston, it will not dominate landscape views from this road or, due to distance, be coupled with the village. With the possible exception of the A6105/A68 junction, the turbine will not be visible at all from the A6105 as it passes through Earlston, and whilst a traveller moving westwards on this road may catch very infrequent glimpses of the turbine before entering the village, the development will not be seen within the same view as the village.

Road users travelling through Earlston on either the A68 or A6105 will also presumably be focussed on road conditions, with hazards such as pedestrians and parked cars being a larger concern than the surrounding landscape. By taking this and the limited visual impact of the proposal into account, it can be concluded that the turbine will have a minor effect on the road users travelling within and into or out of Earlston.

2.4 Other Receptors within Earlston

In addition to residents and road users, receptors will also include those undertaking activities such as sports (who are likely to use the facilities to the west and south of the village), shopping (with opportunities for this mainly found in the centre of the village) or visiting specific destinations (namely the church).

It has already been established that the centre and east of the village will not be visually impacted by the proposed turbine due to the presence of surrounding buildings, vegetation or high banks of land screening views. Activities such as shopping are therefore unlikely to be adversely affected by the presence of the turbine, and the distinctive spires of the church were carefully considered within the ER and LRC with no combined views deemed likely.

The sporting facilities to the west of the village are primarily for rugby and the turbine will be visible from this section of the village, as illustrated through VP2. Nevertheless, since surrounding landscape views are not important to sports such as rugby, their sensitivity to single wind turbine developments, such as that at Clackmae, is considered low. The turbine will therefore not have a significant effect on receptors using this area for sport.

2.5 The Setting of Earlston

The setting of Earlston is influenced by the higher farmland and woodland surrounding the village. This is important to the outskirts of the village and, although not often apparent when in the centre, a higher area of rolling farmland can occasionally be glimpsed at the end of a street. Nevertheless, whilst the gentle hills are a key landscape feature, they are fairly widespread and the proposal will not alter any existing landform, such as woodland, or interrupt views to a significant degree. This is because only one medium sized turbine is being proposed at Clackmae which, when considering the entirety of the hills surrounding Earlston, will not have an adverse effect.

Although it will be viewed above the horizon line from Earlston, the turbine will not be competing with key focal features important to the setting of the village, namely the distinctive church spires referenced previously, as per best practice guidelines.⁶ The turbine will not have an overbearing relationship with the village and, as a result, the current setting of Earlston will be little altered.

⁶ Scottish Natural Heritage (SNH; 2012) *'Siting and design of small scale wind turbines of between 15 and 50 metres in height.'*

3 POLICY

The proposed turbine at Clackmae was refused on the basis of failing to comply with two policies in the Scottish Borders Council (2011) 'Consolidated Local Plan.' Taking into account the reasons for refusal and the size of the proposed development, the relevant sections of these policies are examined in turn below.

3.1 Policy G1: Quality Standards for New Development

"All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

- 1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form...*

The policy is aimed at ensuring that all new development... is of a high quality and respects the environment in which it is contained. The policy does not aim to restrict good quality modern or innovative design but does aim to ensure that it does not negatively impact on the existing buildings, or surrounding landscape and visual amenity of the area..."

The RH establishes that the only concern with the proposed turbine at Clackmae that the Council have is with its landscape and visual impact on Earlston. Although the turbine will be visible from an area of the village, it is argued in this Review Statement that due to its positioning, size and distance, it will not significantly alter the setting of Earlston, or adversely impact the receptors within the village. Whilst it will be visible above the horizon line, this single turbine will not have an overbearing presence on the village and, when visible, will simply be an additional feature in a mixed landscape view that does not negatively impact sensitive buildings or receptors.

It can therefore be stated that the proposal respects the character of the surrounding area; both its immediate surrounds (as recognised in the RH by Regulatory Services) and its wider surrounds which encompass Earlston.

3.2 Policy D4: Renewable Energy Development

“Renewable energy developments will be approved provided that:

- 1. There are no unacceptable adverse impacts on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage, or that any adverse impacts can be satisfactorily mitigated;...*

If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweigh the potential damage to the environment or to tourism and recreation.”

The 34.4m turbine at Clackmae will not have any adverse impact on the natural heritage, including the built environment of Earlston, although it will be visible from areas to the west of the village. Methods to mitigate this visibility were investigated on the Council's request after the planning application had been submitted (which led to the conclusions drawn in the LRC), and also at the applicant's request following the refusal of the planning application.

It was found that reducing the turbine height whilst keeping the 100kW production output would not noticeably change the visual impact on Earlston; whereas altering the turbine model to reduce both its height and output would only have a minimal effect. This would also have the disadvantage of reducing the productivity of the turbine, as the wind speeds at lower heights are both slower and more erratic. This would not only affect basic turbine efficiency, but would also have a negative knock-on effect on the robotic milking system used by the dairy at Clackmae, which, as noted previously, requires stability.

As the visual impact on the west of Earlston is not adverse, it can be argued that the benefits of the turbine, relating to improving the carbon footprint of the applicant's energy intensive dairy farm, outweigh the disadvantage of simply being able to see a single turbine in the distance from parts of the village.

4 CONCLUSION

This Review Statement has considered the reason for the refusal of the single wind turbine at Clackmae; that being the Regulatory Service's opinion that it will have a significant impact on the receptors within, and setting of, Earlston.

By considering the direction of the primary views of dwellings in Earlston compared to the location of the proposed turbine; as well as considering the layout of the village, both in terms of topography and its built environment; it has been argued within this Review Statement that the turbine will have a minimal impact on the village. It will only be visible from the west of Earlston and, whilst it will be visible above the horizon line, this is a small interruption in a mixed undulating farmed and wooded landscape which surrounds the village and therefore the setting will not be significantly affected.

It has been established that the turbine will not have an overwhelming presence on the village which would justify its refusal on the basis of public interest. Earlston will not become an unattractive place to live due to the turbine and dwellings within the village will not become unpleasant, overwhelmed or oppressed. For this reason, a refusal is not supported by national policies or precedents. There have also been no public objections to suggest that the proposal is unacceptable to residents.

The applicant has twice considered other locations for the turbine within the farm, as well as other turbine models. However, the location chosen is best suited to provide energy efficiently and directly to the dairy shed, which houses energy intensive milking operations. The turbine is also a suitable size to serve the farm's energy needs. Regulatory Service's note in the RH that:

"The scale of the turbine is reasonably (though not completely) comfortable in the landscape setting generally, and its visual implications on routes and properties would not, on the whole, be significantly negative. The nearest neighbouring properties would not be significantly affected as a result of intervening distance, orientation, topography and tree screening. Views from the Southern Upland Way are sufficiently screened and the turbine would be set down below the skyline in that direction in any case. The proposal would add to the scattering of single turbines in the general area, but would not do so to any adverse degree given the distances and intervening screening/landscape changes between it and the nearest turbines."

The refusal of the application therefore rests only on the turbine's landscape and visual effect on Earlston, which will be minimal rather than adverse. Simple visibility of the turbine in the landscape does not justify its refusal, especially when this visibility will have limited effect.

The proposed development has been designed in order to replace the traditional sources of energy currently used to power the dairy at Clackmae. This will not only help the farm to reduce its expensive energy bills, but will also help it to reduce its carbon footprint, which is necessary in order to retain its largest customer (Tesco) in the future. This is recognised as a legitimate material consideration in the RH and the benefits of this turbine outweigh the minimal landscape and visual effects on the west of Earlston. The proposal therefore complies with

Policies G1 and D4 of the '*Consolidated Local Plan*' (2011) and as a result the application should be approved.

5 APPENDICES

Appendix RS1: Earlston - Topography and Direction of Proposed Turbine

Appendix RS2: Earlston – Primary Views and Turbine Visibility



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000106922-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Application for planning permission for a single wind turbine (with a 23.6m rotor diameter, 22.6m hub height and 34.4m blade tip height) and associated infrastructure.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place? (Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

- No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	VG Energy
Ref. Number:	
First Name: *	Siobhan
Last Name: *	Wolverson
Telephone Number: *	01467410056
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	siobhan@vgenenergy.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	Thainstone Agricultural Centre
Building Number:	
Address 1 (Street): *	Unit 7 Ground Floor
Address 2:	Thainstone Agricultural Centre
Town/City: *	Inverurie
Country: *	UK
Postcode: *	AB51 5WU

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	Mr
Other Title:	
First Name: *	Alex
Last Name: *	Wilson
Company/Organisation:	
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	Clackmae Farmhouse
Building Number:	
Address 1 (Street): *	Earlston
Address 2:	
Town/City: *	Earlston
Country: *	UK
Postcode: *	TD4 6AJ

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Within land boundary of Clackmae Farm, Earliston, TD4 6AJ.

Northing

639152

Easting

355703

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

Screening opinion

Title:

Mr

Other title:

First Name:

Stuart

Last Name:

Herkes

Correspondence Reference Number:

13/01407/SCO

Date (dd/mm/yyyy):

25/01/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

928.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Agricultural.

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

0

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

Not applicable.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Siobhan Wolverson

On behalf of: Mr Alex Wilson

Date: 11/12/2014

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

- | | |
|--|--|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Environmental Report

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Siobhan Wolverson

Declaration Date: 20/01/2015

Payment Details

Online payment: Transaction number not provided by partner ePayment service


Created: 19/02/2015 13:25



**Environmental Report for a Wind
Turbine Development at Clackmae**

Site Location: Clackmae
Earlston
TD4 6AJ



APPLICANTS	MR ALEX WILSON
SITE NAME	CLACKMAE
CLIENT NUMBER	06450
PREPARED BY	SW
EDITED BY	EW
APPROVED BY	
DOCUMENT REVISION	1

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1. INTRODUCTION

1.1 Planning Application

This Environmental Report is being submitted to the Scottish Borders Council (SBC) as part of a planning application for the installation of a single Northern Power Systems (NPS) wind turbine, with a height to blade tip of 34.4m, at Clackmae, Earlston. The application for planning consent is made under the Town and Country Planning (Scotland) Act (as amended) 2006.

A Screening Opinion was received from SBC on the 25th January 2014 (reference: 13/01407/SCO), which stated that an Environmental Impact Assessment (EIA) would not be required for this planning application. Additional feedback was also received as part of this Screening Opinion from a number of relevant council departments and external organisations, such as Scottish Natural Heritage (SNH). This, along with further pre-application consultation conducted since, will be referred to where relevant throughout this report.

As per the advice issued through the Screening Opinion and subsequent pre-application discussions, this report will thoroughly examine the potential impacts of the proposal on various aspects of the environment, including: Amenity (landscape and visual impacts, noise emissions and shadow flicker); the historic environment; ecology; and other considerations such as recreation, tourism and business.

VG Energy has prepared this Environmental Report on behalf of Alex Wilson, who owns Clackmae.

1.2 Agent Information

VG Energy is an Ayrshire based organisation involved in the planning, re-sale, installation and maintenance of wind turbines. Currently, there are more than sixty members of staff employed over three offices; with thirteen specialist staff within the planning department.

1.3 Applicant Information

Alex and Ruth Wilson own Clackmae and are involved in dairy, sheep and arable (grain) farming. The farm supports five full-time and two part-time employees.

One of the two key reasons for this wind turbine application is to reduce the farm's exposure to energy markets. At the moment, the annual energy use of the dairy alone is 292,000kW, with the remainder of the farm (cattle, sheep and house) having an annual energy usage of 150,000kW. A wind turbine is the best option to help with the farm's rising bills due to its high output in comparison with other renewable technologies such as solar.

The proposed turbine has been situated close to the dairy shed, which houses facilities such as robotic milking, water pumps, water heating, waste pumps, parlour milking and scrapers. This is so the turbine can be connected directly to the meter house in the dairy in order to replace much of the traditional electricity source and reduce bills.

The second key reason for the proposed wind turbine is so that the owners can reduce the carbon footprint of their farming business. Their main customer is Tesco, who has recently conducted research into the carbon footprint of each of its products and has identified its agricultural suppliers as being responsible for generating much of the supermarket chain's total carbon emissions.¹ One of the main elements of the strategy for the Tesco Sustainable Dairy Group (TSDG) is to reduce the carbon footprint of the dairy farms which supply to the supermarket,² such as Clackmae. The renewable energy produced by this proposed turbine would therefore not only power much of the daily functions at Clackmae, but additionally offset some of the greenhouse gas emissions produced by its operations and livestock and thus help it retain this important customer.³

The Wilsons are therefore intending for this turbine to play a central role in the future of Clackmae. Farming operations are responsible for 20% of the total emissions produced in Scotland and therefore farms need to take steps to address this if they are to be successful in the future.⁴

¹ <http://www.theguardian.com/sustainable-business/tesco-reducing-carbon-emissions>

² <http://www.dairyroadmap.com/portfolio-items/tesco/>

³ http://www.tescopl.com/assets/files/cms/Tesco_Product_Carbon_Footprints_Summary%281%29.pdf

⁴ SAC farm efficiency: <http://www.sac.ac.uk/climatechange/farmingforabetterclimate/fiveactions/>

2. PROJECT DESCRIPTION

2.1 Site Description

The land owned by the applicant has an area of approximately 326 hectares and comprises a mixture of grazing and arable fields. The proposed turbine is located to the southeast of the owned land, with the nearest town to the turbine being Earliston, approximately 1.3km southeast.

The turbine is in an area of the farm housing the dairy shed (162m northeast) and the farmstead (450m northeast). The dairy shed contains the meter which the proposed turbine will connect to for generation. The only electricity pylons running through the farm are situated circa 390m east of the dairy and turbine.

The turbine location is detailed in Appendix 2.1. It is in a field which is used for a rotation of grain and grass. Woodland can be found throughout the farm, with a belt of Semi-natural Woodland 108m west of the proposal and a strip of Ancient Woodland 175m north. Clackmae Burn runs through this latter area of woodland in a westerly direction until it reaches Leader Water, a Special Area of Conservation (SAC), outside the applicant's ownership boundary.

The proposed turbine is located at the edge of an existing access track, which runs from a local road circa 300m east; a further local road also passes through the farm in an east-west direction 520m north of the turbine. The nearest major road is the A68 approximately 930m east.

The summits of two hills, both of which are approximately 270m Above Ordnance Datum (AOD), are situated to the northwest and southwest of the applicant's land boundary. As a result, the elevation of the land falls to the east of the farm, with the proposed turbine being situated at 189m AOD. On the other side of these hills, the Southern Upland Way bounds the western border of the applicant's land boundary.

2.2 Site Selection

Due to a number of site constraints, the field in which the turbine has been situated in has been identified as the most suitable for this development: Table 2.1 highlights those features taken into consideration in order to make this conclusion. A map of the site constraints has also been attached as Appendix 2.2.

TABLE 2.1: TABLE OF CONSTRAINTS⁵

FEATURE	GUIDELINES	REASONS
ECOLOGY	TIN 051 GUIDANCE STATES THAT A 50M BUFFER SHOULD BE MAINTAINED FROM ANY LINEAR FEATURE (SUCH AS HEDGEROWS, WOODLANDS AND WATER BODIES) INTO WHICH NO PART OF THE TURBINE INTRUDES.	THE TURBINE IS SITUATED 108M FROM THE NEAREST SECTION OF WOODLAND AND 206M FROM CLACKMAE BURN TO AVOID ANY POTENTIAL DAMAGE TO ECOLOGICAL FEATURES.
SOUTHERN UPLAND WAY	TO PROTECT RECEPTORS USING STRATEGIC PATHS SUCH AS THE SOUTHERN UPLAND WAY FROM SEQUENTIAL CUMULATIVE IMPACT, A 2KM BUFFER EXCLUDING WIND TURBINES IS RECOMMENDED AS PER SCOTTISH BORDERS SUPPLEMENTARY PLANNING GUIDANCE – WIND ENERGY (2011).	AS THE SOUTHERN UPLAND WAY BOUNDS THE WEST OF THE APPLICANT'S LAND BOUNDARY, THE PROPOSED TURBINE HAS BEEN LOCATED TO THE EAST, 1.8KM FROM THE PATH. DUE TO THE TOPOGRAPHY OF THE FARM, THE PROPOSAL WILL NOT VISUALLY IMPACT THE SOUTHERN UPLAND WAY (SEE CHAPTER 4). A BUFFER OF 1.5KM IS MORE APPROPRIATE FOR THIS UNDULATING SITE AND SIZE OF TURBINE.
LANDSCAPE AND VISUAL IMPACT	A CAPACITY STUDY ⁶ FOR THE SCOTTISH BORDERS HAS BEEN PUBLISHED, YET NOT FORMALLY ADOPTED BY THE COUNCIL. NEVERTHELESS THIS IS USED AS A GENERAL REFERENCE BY PLANNERS. IT CONSIDERS INDIVIDUAL TURBINES BETWEEN 25M AND 50M AS SUITABLE FOR THE LOCAL LANDSCAPE CHARACTER OF CLACKMAE.	AT 34.4M TO BLADE TIP, THE SINGLE TURBINE PROPOSED FOR THIS SITE WILL NOT HAVE A SIGNIFICANT IMPACT ON THE SURROUNDING AREA AND IS AN APPROPRIATE SIZE FOR THE LANDSCAPE.
NOISE	FOLLOWING GUIDANCE SET OUT IN ETSU-R-97, NOISE CANNOT EXCEED 35 DB(A) AT THE NEAREST SENSITIVE PROPERTIES OR 5DB ABOVE BACKGROUND NOISE (WHICHEVER IS THE GREATEST).	THE TURBINE IS 367M EAST OF THE NEAREST PROPERTY, 3 CLACKMAE FARM COTTAGES, AND IS IN LINE WITH ETSU GUIDANCE.
ROADS	WIND TURBINES NEED TO BE LOCATED THE HEIGHT OF THE TURBINE PLUS 50% FROM ROADS. ⁷ (FOR THE PROPOSAL THIS IS 51.6M).	THE NEAREST ROAD IS CIRCA 300M EAST AND SO THERE ARE NO SAFETY ISSUES IN REGARDS TO THE TURBINE.
GAS MAINS	THE DISTANCE A TURBINE MUST BE LOCATED FROM A GAS MAIN IS THE HEIGHT OF THE TURBINE PLUS 50%. (FOR THE PROPOSAL THIS IS 51.6M).	SGN CONNECTIONS, WHO ARE RESPONSIBLE FOR THE GAS MAINS NETWORK, HAVE CONFIRMED THAT THERE ARE NO GAS MAINS IN THE VICINITY OF THE PROPOSED TURBINE.
RADAR	THERE IS A 50KM CONSULTATION ZONE FOR ESKDALEMUIR. AS PER THE MOST RECENT INTERIM GUIDANCE (MAY 2014), FOLLOWING SUBMISSION OF A WIND ENERGY PLANNING APPLICATION WITHIN THIS ZONE, THE MINISTRY OF DEFENCE (MOD) WILL CALCULATE THE SEISMIC NOISE OF THE PROPOSAL.	THE TURBINE IS LOCATED 45KM FROM THIS SEISMIC MONITORING STATION AND THEREFORE THE MOD WILL BE NOTIFIED OF THE PROPOSAL FOLLOWING PLANNING SUBMISSION.

⁵ For detailed information on the policies and guidance documents referred to within this table, please see the relevant chapters within this report which correspond with the features listed and/or Chapter 3: Relevant Planning Policy

⁶ Ironside Farrar (2013) 'Wind Energy Consultancy: Landscape Capacity and Cumulative Impact'

⁷ Transport Scotland guidance on wind turbine development: <http://www.scotland.gov.uk/Resource/0042/00422003.pdf>

2.3 Development Specifications

The proposed project has been designed with the intention of generating zero-carbon electricity through the utilisation of wind as a renewable energy source. The development will require the infrastructure associated with the wind turbine, an on-site control unit system and a meter house. The project will also require a crane pad, which will be located at the foundation of the turbine for component lifting.

The specifications of the proposed turbine are detailed in Table 2.2 and illustrated through Appendix 2.3.

TABLE 2.2: PROPOSED TURBINE SPECIFICATIONS

TURBINE MODEL	1 x NORTHERN POWER SYSTEMS (NPS) 100/24
HUB HEIGHT	22.6M
ROTOR DIAMETER	23.6M
HEIGHT TO BLADE TIP	34.4M
COLOUR	WHITE ⁸

The access track route is displayed through Appendix 2.1; this illustrates that an existing track on the farm will be used for component delivery. Further details on this and the construction process in general are provided in Chapter 12.

2.4 Grid Connection

The turbine will be connected to a single storey meter house via underground cabling. The underground cabling will be laid adjacent to the access track and the meter house located next to the turbine foundations.

Connection to the National Grid will not be considered as part of this Environmental Report as consent falls under another process and the environmental legislation surrounding it is separate from that which is covered in this assessment. If necessary, the planning application for connection to the National Grid will also be carried out independently.

⁸ Colour can be altered if considered necessary by SBC

3. RELEVANT PLANNING POLICY

3.1 Environmental Impact Assessment (EIA)

The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011 transpose the EIA Directive⁹ into the Scottish planning system. An EIA systematically assesses the likely significant environmental effects of certain public and private projects.¹⁰

The Council issued a Screening Opinion in January 2014 and confirmed an EIA would not be required. Nevertheless, this Environmental Report focuses on the following environmental aspects which were highlighted by the Council and a number of other statutory consultees who also issued a response to the Screening Opinion request:

- ◆ The cumulative impact of the proposed turbine;
- ◆ The potential impact of the turbine on Rights of Way and Core Paths, especially the Southern Upland Way;
- ◆ The visual impact of the proposal on the Eildon and Leaderfoot National Scenic Area;
- ◆ The potential impact on Carolside and Leadervale Garden and Designed Landscape and its setting;
- ◆ The impact on Black Hill, both the Scenic Viewpoint and the fort; and
- ◆ The noise levels of the proposal for all noise sensitive receptors.

The project's development has been refined in order to avoid or reduce any foreseeable environmental conflicts. Potential impacts associated with all stages of the development, from construction through to decommissioning, have been thoroughly analysed. Where necessary, mitigation measures have been designed to alleviate any impacts as much as is feasibly possible.

3.2 National Planning Policy and Legislation

3.2.1 National Planning Policy

Policies which have been consulted throughout the process of this application include:

- ◆ Department of Energy and Climate Change (DECC; 2011) '*Planning our electric future: A White Paper for secure, affordable and low-carbon electricity;*'
- ◆ Scottish Government (2013) '*Electricity Generation Policy Statement;*'
- ◆ Scottish Government (2011) '*2020 Routemap for Renewable Energy in Scotland;*'¹¹

⁹ Council Directive 85/337/EEC, as amended by 97/11/EC, 2003/35/EC and 2009/31/EC.

¹⁰ <http://www.scotland.gov.uk/Resource/Doc/350238/0117228.pdf>

- ◆ Climate Change (Scotland) Act 2009;¹²
- ◆ Planning Advice Note PAN 73: Rural Diversification;¹³
- ◆ The Scottish Government Renewables Action Plan 2009 (updated 2010);¹⁴
- ◆ National Planning Framework for Scotland 3 (NPF3) 2014;¹⁵ and
- ◆ Renewables Advice – Onshore wind turbines (2011, updated 2014);¹⁶
- ◆ Scottish Planning Policy (SPP; 2014).

The documents above identify the need for renewable energy for a variety of reasons, including: Meeting the ambitious target of delivering 100% of gross electricity from renewables by 2020 set by the Scottish Government; the need to reduce greenhouse gases and carbon emissions; and to aid rural diversification.

3.3 Local Council

Planning policy and guidance issued by the SBC is currently in a transitional phase, with the replacement of the *‘Scottish Borders Consolidated Local Plan’* by the *‘Proposed Local Development Plan’* planned in spring 2015.

Relevant policies to the planning application which will be referenced throughout this report in the relevant chapters are:

- ◆ SESplan Strategic Development Planning Authority (SDPA; 2013) *‘Strategic Development Plan’*
- ◆ SBC (2013) *‘Proposed Local Development Plan’*
- ◆ SBC (2011) *‘Scottish Borders Consolidated Local Plan’*
- ◆ SBC (2012) *‘Local Landscape Designations’*
- ◆ SBC (2011) *‘Wind Energy’*

¹¹ Routemap 2020; <http://www.scotland.gov.uk/Publications/2011/08/04110353/5#onshorewind>

¹² Climate Change (Scotland) Act 2009; <http://www.scotland.gov.uk/Topics/Environment/climatechange/scotlands-action/climatechangeact>

¹³ PAN 73; <http://www.scotland.gov.uk/Topics/Built-Environment/planning/National-Planning-Policy/themes/renewables>

¹⁴ Scottish Govt. Renewables Action Plan; <http://www.scotland.gov.uk/Publications/2009/07/06095830/0>

¹⁵ National Planning framework for Scotland; <http://www.scotland.gov.uk/Publications/2014/06/3539>

¹⁶ Renewables advice 2014; <http://www.scotland.gov.uk/Resource/0045/00451413.pdf>

3.3.1 Policy Analysis

SESPLAN SDPA (2013) 'STRATEGIC DEVELOPMENT PLAN': POLICY 10 – SUSTAINABLE ENERGY TECHNOLOGIES

This proposed wind turbine at Clackmae is designed to generate renewable energy for the dairy on the farm. This decentralised supply of energy generation will help both the farm and SBC meet pressures regarding renewables.

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

This report illustrates that this proposal complies with this policy as there will be no unacceptable impacts on any aspect of the environment. The location and size of the turbine has been carefully selected in order to fit with the scale of the surrounding landscape and limit its impact on the local area, whilst being able to generate the amount of electricity required by this dairy farm.

SCOTTISH BORDERS COUNCIL (2011) 'WIND ENERGY'

This details the planning requirements for new and existing developments. It specifies a spatial framework for onshore wind energy developments, in addition to providing criteria for the assessment of all sizes of proposals.

The development categories identified through this supplementary guidance document are:

- ◆ Small scale (less than 20m)
- ◆ Medium scale (between 20m to 60m)
- ◆ Large scale (over 60m)
- ◆ Commercial Wind Farms (over 20MW)

The proposal at Clackmae is for a medium scale turbine (34.4m to blade tip). SPG Policy 6 states:

"All applications for the aforesaid three categories will be judged on a case to case basis, making reference to policy D4 and the further policy guidance set out in paragraph 6.4 as well as the spatial strategy in Appendix E."

Policy D4 of the 'Scottish Borders Consolidated Local Plan' and paragraph 6.4 of this SPG reference many topics, from landscape and visual impact to shadow flicker, which will be referenced in the relevant chapters throughout this report. Appendix E presents a map identifying different levels of constraints throughout the council area which will be further investigated in Chapters 4 and 6.

4. LANDSCAPE AND VISUAL IMPACT ASSESSMENT (LVIA)

4.1 Introduction

Landscape and visual impacts are considered separately within this chapter in accordance with published guidance, although the procedures for each are closely related. The distinction between landscape and visual impacts is set out below:

- ◆ Landscape impacts relate to the effects of the proposals on the physical and other characteristics of the landscape, and changes to its fabric, character and quality;
- ◆ Visual impacts relate to the effects on the character of views and the effects of those changes to the visual amenity experienced by visual receptors, such as residents, footpath users, tourists and users of recreational facilities.

The purpose of this assessment is to ascertain the likely landscape and visual effects of this proposed development at Clackmae. As has been established, the proposal is to install a 34.4m high wind turbine, which is classified as a medium scale development through SBC guidance.

The potential impacts of this development will be assessed in relation to the various guidelines which have been published relative to renewable energy, but will refer mostly to the Scottish Natural Heritage (SNH) publication '*Assessing the impact of small-scale wind energy proposals on the natural heritage*' (2014).

Other documentation used for the LVIA includes:

- ◆ Landscape Institute & Institute of Environmental Management & Assessment (LI-IEMA; 2013) *Guidelines for Landscape and Visual Impact Assessment. 3rd Edition*;
- ◆ Scottish Government (June 2014) *Scottish Planning Policy*;
- ◆ SNH (2014) *Visual Representation of Windfarms*;
- ◆ SNH (2012) *Assessing the Cumulative Impact of Onshore Wind Energy Developments*;
- ◆ ASH Consulting Group (1998) *The Borders Landscape Assessment: SNH Review No 112*
- ◆ SBC (2011) *Scottish Borders Consolidated Local Plan*;
- ◆ SBC (2011) *Wind Energy*;
- ◆ SBC (2012) *Local Landscape Designations*;
- ◆ SBC (2013) *Proposed Local Development Plan*; and
- ◆ Ironside Farrar (2013) *Wind Energy Consultancy: Landscape Capacity and Cumulative Impact: Final Report*

4.2 Methodology

The methodology for this assessment is, as best practice dictates, flexible. SNH suggests the following level of assessment should be undertaken for turbines between 15m and 50m in height:

“A basic level of LVIA is likely to be required for the planning authority. The precise detail should be agreed by the planning authority but, as a minimum, we recommend:

- ◆ *A Zone of Theoretical Visibility (ZTV) map covering an area up to 15km (radius) from the turbine/outermost turbines; and*
- ◆ *Wireline drawings and/or photomontages from a limited number of key viewpoints.”¹⁷*

4.2.1 Study Area

As advised by the SNH guidance referenced above, a 15km ZTV has been established from the proposed turbine. From the produced ZTV, an appropriate study area of 8km has been identified that is proportional to the size and scale of this application and all potential impacts.

Through consultation with a Landscape Architect (J. Knight) at SBC, it has been confirmed that this 8km study area includes the assessment of cumulative effects from other existing and proposed wind energy developments.¹⁸

4.2.2 Procedure

Firstly, in order to assess the likely impacts of this development, a baseline of the existing landscape is established. The baseline landscape is the standard against which any change can be measured against and therefore the magnitude of change from this proposal determined. In order to do this, the location and context of the surrounding area has to be reviewed.

After identifying the baseline, the proposal is assessed to determine the significance of landscape and visual effects ('Significance of Effect'). Figure 4.1 is used to achieve this, in addition to professional judgement. The following terms are used:

- ◆ **Nature of Receptor:** The sensitivity / value / importance of the receptor;
- ◆ **Nature of Effect:** The magnitude / probability / reversibility of the effects of a development

The criteria shown within Figure 4.1 for the terms Nature of Effect and Significance of Effect are defined through Tables 4.1 and 4.2. As receptors vary depending on whether landscape or

¹⁷ SNH (2014) 'Assessing the impact of small-scale wind energy proposals on the natural heritage'

¹⁸ Consultation response to Screening Opinion, made on 16/12/2013

visual impact is being considered, the term Nature of Receptor will be investigated in the appropriate sub-chapters below.

TABLE 4.1: DEFINITION OF CRITERIA USED TO DETERMINE NATURE OF EFFECT

CRITERIA	DEFINITION
NEGLECTIBLE	WHERE THE PROPOSAL WOULD CAUSE NO DISCERNIBLE DETERIORATION OR IMPROVEMENT.
LOW	WHERE THE PROPOSAL WOULD CAUSE A BARELY PERCEPTIBLE CHANGE.
MEDIUM	WHERE THE PROPOSAL WOULD CAUSE A NOTICEABLE CHANGE.
HIGH	WHERE THE PROPOSAL WOULD CAUSE A SIGNIFICANT CHANGE.

In this LVIA, those effects described as *Severe* and *Major* are described as significant effects as required by the Environmental Impact Assessment (Scotland) Regulations 2011. These are the effects that the assessor considers to be material in the decision making process.

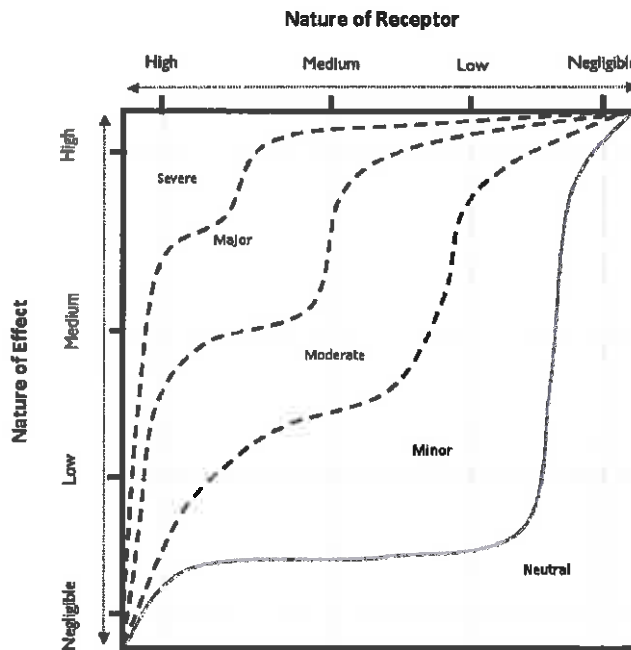


FIGURE 4.1: MATRIX TO DETERMINE SIGNIFICANCE OF EFFECT¹⁹

¹⁹ Adapted from Figure 6.3 of IEMA (2011) *The State of Environmental Impact assessment Practice in the UK*

TABLE 4.2: MEANING OF TERMS USED WHEN DEFINING SIGNIFICANCE OF EFFECT

CRITERIA	DEFINITION
NEUTRAL	THE PROPOSAL WOULD COMPLEMENT THE SCALE, LANDFORM AND PATTERN OF THE LANDSCAPE; MAINTAIN EXISTING LANDSCAPE QUALITY.
MINOR	THE PROPOSAL WOULD NOT QUITE FIT INTO THE LANDFORM AND SCALE OF THE LANDSCAPE; AFFECT AN AREA OF RECOGNISED LANDSCAPE CHARACTER.
MODERATE	THE PROPOSAL WOULD BE OUT OF SCALE WITH THE LANDSCAPE OR AT ODDS WITH THE LOCAL PATTERN AND LANDFORM; WOULD LEAVE AN ADVERSE IMPACT ON A LANDSCAPE OF RECOGNISED QUALITY.
MAJOR	THE PROPOSAL WOULD RESULT IN EFFECTS THAT CANNOT BE FULLY MITIGATED AND MAY CUMULATIVELY AMOUNT TO A SEVERE ADVERSE EFFECT; WOULD BE AT A CONSIDERABLE VARIANCE TO THE LANDSCAPE DEGRADING THE INTEGRITY OF THE LANDSCAPE; WOULD BE SUBSTANTIALLY DAMAGING TO A HIGH QUALITY LANDSCAPE.
SEVERE	THE PROPOSAL WOULD RESULT IN EFFECTS THAT ARE AT A COMPLETE VARIANCE WITH THE LANDFORM, SCALE AND PATTERN OF THE LANDSCAPE; WOULD PERMANENTLY DEGRADE, DIMINISH OR DESTROY THE INTEGRITY OF VALUED CHARACTERISTIC FEATURES, ELEMENTS AND/OR THEIR SETTING; WOULD CAUSE A VERY HIGH QUALITY LANDSCAPE TO BE PERMANENTLY CHANGED AND ITS QUALITY DIMINISHED.

4.2.3 Zone of Theoretical Visibility (ZTV) and Viewpoint Selection

In order to aid assessment, two ZTVs have been calculated to define the extent or zone within which the proposed development may be visible. The first ZTV is based on topography only (Appendices 4.1 and 4.2), whilst the second also includes the screening effects from Ancient and Semi-Natural Woodland (Appendices 4.3 and 4.4).

To compute these ZTVs, a 'bare earth' or worst case scenario was calculated using Resoft™ WindFarm software. This is based on a digital terrain model (DTM) derived from Ordnance Survey Landform Panorama data (based on 10m height contours at a scale of 1:50,000). The ZTV was generated for receptors to a height of 2m, as recommended by the SNH guidance, 'Visual Representation of Windfarms' (2014).

These ZTVs provide a means of identifying potential receptors (areas of land used by the public and individual/groups of buildings) so that impact assessments from specific viewpoints can be undertaken. They also assist in the assessment of impact on different landscape character types and designated sites as they indicate whether a view may be obtained in these areas.

Viewpoints were selected from key points in the landscape using the woodland ZTV (Appendices 4.3 and 4.4). Seven viewpoints were agreed with Scottish Borders Landscape Architect, J. Knight, in advance of this study; however, following a site visit one of these locations was confirmed as unsuitable. This was a location to the east of Earlston, designed to assess the visual impact of the proposal on both this section of the village and its distinctive church spires. It was not possible to gain an unobstructed view towards the proposal from this area and therefore the proposal will not have an impact on this part of the village or the setting of the church and spires. An alternative viewpoint location was sought to the north of the village; however unobstructed views were not possible from here either.

The locations of the six viewpoints used for this study are displayed in Appendices 4.3 and 4.4. Photomontages and wireframe diagrams were produced from these viewpoints using Resoft™ WindFarm software and these are attached as Appendices 4.5 to 4.10.

4.2.4 Cumulative Impact Methodology

“Cumulative impacts can be defined as the additional changes caused by a proposed development in conjunction with other similar development.”²⁰

The purpose of the cumulative assessment is therefore to analyse the predicted cumulative effects on visual amenity caused by the proposed development, collectively with all the approved and proposed wind energy developments within the study area. Following the submission of a map showing all wind energy developments to 16km (Appendix 4.11), an 8km targeted study area was agreed with SBC.²¹

There are two types of cumulative visual impact:²²

1. Combined: Where the receptor is able to see two or more developments from one viewpoint. This can either be:
 - a. In combination: More than one development is observable from a single static viewpoint in one arc of view (i.e. the receptor does not turn around). This can represent particular directional viewpoints or the view from the principal aspect of a residential property;
 - b. In succession: More than one development is observable from a single static viewpoint, with the receptor turning around to encompass more than one arc view (to 360°). This can represent high and open viewpoints, or views from all aspects of a residential property;
2. Sequential: More than one development is observable by a receptor visiting a series of viewpoints. These effects should be assessed for travel along regularly-used routes such as major roads, railway lines, ferry routes, popular paths, etc. Sequential effects may be frequent (features appearing regularly) or occasional (long time lapses between features).

The combined visibility of this proposal with others in the 8km study area will be considered throughout this LVIA and are shown in the visualisations if they can be seen alongside the proposal (Appendices 4.5 to 4.10). Sequential visibility on key routes will be assessed specifically in Chapter 4.6.

²⁰ Guidelines for Landscape and Visual Impact Assessment, 2002 (Landscape Institute and IEMA)

²¹ Landscape Architect, J.Knight, Consultation response to Screening Opinion, made on 16/12/2013

²² Landscape Institute and Institute of Environmental Management & Assessment (2013) GLVIA3

4.3 Baseline Landscape Character and Capacity

The publication by the ASH Consulting Group (1998) *'The Borders Landscape Assessment: SNH Review No.112,'* divides the Scottish Borders into thirty distinctive Landscape Character Types (LCTs) and smaller Landscape Character Areas (LCAs) are identified within these. The main findings of this publication relevant to this proposal at Clackmae are summarised below.

4.3.1 Landscape Character Types (LCTs)

The proposed turbine lies within the *'Undulating Grassland'* LCT; yet is only approximately 40m from the *'Pastoral Upland Fringe Valley,'* and therefore is in a transitional zone.

The main characteristics of the *'Undulating Grassland'* LCT include its large scale, undulating form, interspersed with steep gullies and narrow valleys. Land cover includes improved pasture, coniferous plantations, and medium density settlement. Visibility is considered high in general, although low in local areas with valleys and tree cover. The main population centres of Galashiels, Melrose and Hawick are considered the most visually sensitive areas, alongside the connecting routes between these.

In regards to the *'Pastoral Upland Fringe Valley'* LCT, characteristics include a medium scale pastoral valley with flat floor and narrow, wooded side valleys. Woodland is mainly broadleaf, with occasional coniferous plantations, scattered trees along rivers and policy woodland around mansion houses. There are also scattered villages and farmsteads, with Earlston being the important secondary centre within the LCT. Views are moderate in range, with intermediate horizons formed by woodland strips or the contours of side valleys.

4.3.2 Landscape Character Areas (LCAs)

As with the LCTs, the proposed turbine is close to the border between two LCAs: It is within *'East Gala'* LCA, yet circa 40m from *'Lower Leader'* LCA.

The former is described as moderately to strongly undulating, with a mixture of gentle and steep slopes. Medium-sized conifers and pylons are locally prominent.

The *'Lower Leader'* LCA has an intimate landform, with mixed broadleaf and coniferous woodland being widespread. The distinctive peaks of Black Hill and White Hill are prominent features here, as is the A68 which runs in a north-south direction on the valley floor.

4.3.3 Landscape Capacity

Landscape capacity refers to the potential ability of the landscape to absorb new landscape elements (in this case wind turbines) without sustaining unacceptable negative effects on its character. An assessment of the capacity of the Scottish Borders landscape has been produced by Ironside Farrar: *'Wind Energy Consultancy: Landscape Capacity and Cumulative Impact,'*

(2013). This uses the 1998 ASH report discussed above as a template and has been drafted with the intention that it will guide the Council in renewable energy policy. However, the Principal Planning Officer at SBC, Charles Johnston, confirmed this publication has not yet undergone a formal public consultation and therefore is not yet a material consideration to any wind energy applications.²³

Whilst concerns have been raised with the Council that this document does not comply with Scottish Planning Policy in supporting renewable energy developments,²⁴ it is nevertheless a useful document in illustrating some key issues for wind energy proposals in LCAs and so SBC recommend referencing this.²⁵

The Ironside Farrar report states that medium-sized turbines between 25m and 50m in height are considered suitable for both 'East Gald' and 'Lower Leader' LCAs, although a limited capacity is recognised here and individual turbines are preferred. The proposed turbine at Clackmae, which is 34.4m to tip height, is therefore suitable for these character areas. Although it may be in a marginal zone due to the Southern Upland Way to the west and larger settlements such as Melrose to the south, the visual assessment in Chapter 4.5 and the two ZTVs to 5km in particular (Appendices 4.1 and 4.3) show that the proposal will have a low to negligible impact on these sensitive areas.

4.4 Assessment of Landscape Effects

There are a number of ways in which a proposed development could theoretically impact on the existing landscape:

- ◆ Direct impact on the existing landscape fabric due to the construction of the proposal, for example removal of structures or vegetation, erection of new structures;
- ◆ Impacts on the landscape character of the area or of designated sites during the construction phase of the proposal, for example due to the erection or removal of structures and activity associated with construction;
- ◆ Impacts on the landscape character of the area or of designated sites during the operation of the proposal for example due to the presence of new structures and due to activity associated with the operation of the proposal.

Table 4.3 provides the definition of the criteria used for Nature of Receptor in regards to landscape impact.

²³ Charles Johnston's response forwarded by SBC planner, Stuart Herkes, via email on 13.11.14

²⁴ Comments include those from TNEI Services and Infinis and can be found on SBC website

²⁵ Recommendation from Charles Johnston via email from Stuart Herkes on 13.11.14

TABLE 4.3: DEFINITION OF CRITERIA USED TO DETERMINE NATURE OF RECEPTOR (LANDSCAPE)

CRITERIA	DEFINITION
NEGLECTIBLE	LANDSCAPE AREAS ALREADY HEAVILY DEVELOPED AND INDUSTRIALISED; IDENTIFIED IN LANDSCAPE CAPACITY STUDY AS HAVING NO SENSITIVITY TO WIND ENERGY DEVELOPMENTS.
LOW	VAST, ROBUST LANDSCAPE AREAS WITH ONLY A SMALL NUMBER OF EXISTING WIND ENERGY DEVELOPMENTS; IDENTIFIED IN LANDSCAPE CAPACITY STUDY AS HAVING A LOW SENSITIVITY TO MEDIUM-SCALE WIND ENERGY DEVELOPMENTS.
MEDIUM	UNDULATING LANDSCAPE WHERE THE EXISTING SENSE OF SCALE MAY BE AFFECTED BY A WIND ENERGY DEVELOPMENT OF INAPPROPRIATE SCALE OR LOCATION, YET WITH NO IMPORTANT LANDSCAPE DESIGNATIONS; AN AREA WITH A NUMBER OF WELL-PLACED WIND ENERGY DEVELOPMENTS OF SUITABLE SCALE; IDENTIFIED IN LANDSCAPE CAPACITY STUDY AS HAVING A MEDIUM SENSITIVITY TO MEDIUM-SCALE WIND ENERGY DEVELOPMENTS.
HIGH	LANDSCAPES CONTAINING SENSITIVE SITES, SUCH AS GARDENS AND DESIGNED LANDSCAPES OR NATIONAL SCENIC AREAS (NSAs); AREAS WITH A NUMBER OF EXISTING WIND ENERGY DEVELOPMENTS CREATING AN ENVIRONMENT THAT CAN BE DESCRIBED AS 'A WIND ENERGY LANDSCAPE;' FLAT LANDSCAPES WHERE TURBINES WILL CREATE A SIGNIFICANT CONTRAST; IDENTIFIED IN LANDSCAPE CAPACITY STUDY AS HAVING A HIGH SENSITIVITY TO SMALL WIND ENERGY DEVELOPMENTS.

4.4.2 Significance of Landscape Effect

Tables 4.4 to 4.7 assess the different elements of the landscape character and how significant the effect will be from the installation and operation of the proposed turbine.

TABLE 4.4: LANDSCAPE CHARACTER TYPE 1

RECEPTOR:	UNDULATING GRASSLAND	NATURE OF RECEPTOR:	MEDIUM
THIS LANDSCAPE OF MIXED UNDULATIONS COULD BE AFFECTED BY AN INAPPROPRIATELY SITED WIND ENERGY DEVELOPMENT; HOWEVER THE SCALE OF THE LANDSCAPE CAN ACCOMMODATE THE PROPOSED TURBINE AT CLACKMAE. IN ADDITION, THE FABRIC OF THE LANDSCAPE WILL NOT BE IMPACTED DURING CONSTRUCTION OR OPERATION OF THE TURBINE. WHILST A SECTION OF THE EILDON AND LEADERFOOT NSA IS WITHIN THIS LCT, THERE WILL BE NO LANDSCAPE IMPACT FROM THE PROPOSED TURBINE, WHICH IS 2KM FROM THE NSA (VISUAL IMPACT WILL BE CONSIDERED IN CHAPTER 4.5).			
NATURE OF EFFECT:	LOW	SIGNIFICANCE OF EFFECT:	MINOR

TABLE 4.5: LANDSCAPE CHARACTER TYPE 2

RECEPTOR:	PASTORAL UPLAND FRINGE VALLEY	NATURE OF RECEPTOR:	MEDIUM
THE MAIN CHARACTERISTICS OF THIS LCT, NAMELY THE VALLEYS AND WOODLAND, WILL NOT BE IMPACTED BY THE PROPOSED WIND TURBINE DURING EITHER CONSTRUCTION OR OPERATION. IN SIMILARITY WITH THE UNDULATING GRASSLAND LCT, WHILST A SECTION OF THE EILDON AND LEADERFOOT NSA IS WITHIN THIS LCT, THERE WILL BE NO LANDSCAPE IMPACT FROM THE PROPOSED TURBINE.			
NATURE OF EFFECT:	NEGLECTIBLE	SIGNIFICANCE OF EFFECT:	NEUTRAL

TABLE 4.6: LANDSCAPE CHARACTER AREA 1

RECEPTOR:	EAST GALA	NATURE OF RECEPTOR:	LOW
THE UNDULATING LANDSCAPE AND LOCALLY PROMINENT CONIFERS HELP TO SCREEN THE PROPOSED TURBINE FROM MUCH OF THIS LCA, YET THE TURBINE WILL NOT ALTER THE FABRIC OF THIS AREA, OR AFFECT THE SCALE OF THE HILLS. DURING CONSTRUCTION, NO NEW ACCESS TRACK WILL BE REQUIRED AS EXISTING ROADS AND FARM TRACKS WILL BE USED, THEREFORE NO ALTERATIONS WILL TAKE PLACE AT THIS TIME EITHER. WHILST A NEW FEATURE WILL BE IN PLACE DURING TURBINE OPERATION, THE TURBINE SIZE IS BELIEVED TO BE SUITED TO THIS LCA, AS INDICATED IN THE CAPACITY STUDY.			
NATURE OF EFFECT:	LOW	SIGNIFICANCE OF EFFECT:	MINOR

TABLE 4.7: LANDSCAPE CHARACTER AREA 2

RECEPTOR:	LOWER LEADER	NATURE OF RECEPTOR:	LOW
THE PROPOSED TURBINE WILL NOT ALTER THE CHARACTER OF THIS AREA IN REGARDS TO IMPACTING THE WOODLAND OR AFFECTING THE SCALE AND PROMINENCE OF BLACK AND WHITE HILLS. WITH THE A68 TRUNK ROAD BEING A NOTICEABLE FEATURE IN THIS LCA, THE PRESENCE OF MAN-MADE FEATURES IS CLEAR AND THEREFORE THE PRESENCE OF A SINGLE MEDIUM-SIZED OPERATING WIND TURBINE WILL NOT CONFLICT WITH THE OVERALL CHARACTER OF THE AREA.			
NATURE OF EFFECT:	LOW	SIGNIFICANCE OF EFFECT:	MINOR

4.5 Baseline Visual Receptors and Visual Effects

4.5.1 Introduction

Visual receptors are people assumed to be equally affected by change. Visual impacts relate to the change of views and the experienced visual amenity for a number of identified receptors.

This assessment sets out the existing visual conditions affecting the study area, and describes the visual effects of the proposed development.

In combination with professional judgement, the assessment on the significance of visual effects from the proposed development is reached using the matrix in Figure 4.1. The criteria for the term Nature of Receptor in regards to visual effect is defined in Table 4.8.

The Nature of Effect is also dependent on a number of factors:

- ◆ Distance of viewpoint from the development;
- ◆ Proportion of the field of view occupied by the development;
- ◆ Orientation or angle of view to the centre of development;
- ◆ Background to the development;
- ◆ Extent of other built development, especially vertical elements.

TABLE 4.8: DEFINITION OF CRITERIA USED TO DETERMINE NATURE OF RECEPTOR (VISUAL)

CRITERIA	DEFINITION
NEGLIGIBLE	VIEWS FROM TOWNS, CONURBATIONS AND HEAVILY INDUSTRIALISED AREAS.
Low	THOSE ENGAGED IN OUTDOOR SPORTS OR RECREATION, OTHER THAN FOR VIEWING; THOSE USING MAJOR ROADS OR MOTORWAYS IN THE REGION; THOSE ENGAGED IN COMMERCIAL ACTIVITY AND TRANSPORT OR IN EDUCATION, WHOSE ATTENTION IS FOCUSED ON THEIR WORK OR ACTIVITY RATHER THAN THE WIDER LANDSCAPE.
MEDIUM	RESIDENTIAL PROPERTIES WITH LESS SIGNIFICANT VIEWS FROM LIVING ROOMS/GARDENS; WALKERS USING LOCAL NETWORK OF FOOTPATHS AND TRACKS; TRANSPORT USERS OF LOCAL ROADS, TRAIN LINES, RIVERS AND CANALS.
HIGH	RESIDENTIAL PROPERTIES WITH PRINCIPLE VIEWS FROM LIVING ROOMS AND GARDENS; IMPORTANT LANDSCAPE FEATURES WITH PHYSICAL, CULTURAL OR HISTORIC ATTRIBUTES; BEAUTY SPOTS, PUBLIC VIEWING AREAS AND PICNIC AREAS; USERS OF STRATEGIC FOOTPATHS, CYCLE ROUTES OR RIGHTS OF WAY, WHERE ATTENTION IS FOCUSED ON THE LANDSCAPE.

The visual assessment additionally takes into account all of the approved and pending wind energy developments within an 8km radius of the proposed turbine. These are listed in Table 4.9 and are illustrated in Appendix 4.11.

TABLE 4.9: WIND ENERGY DEVELOPMENTS WITHIN 8KM OF PROPOSED TURBINE²⁶

NAME OF SITE/DEVELOPMENT	DISTANCE TO NEAREST TURBINE (KM)	NUMBER OF TURBINES	HEIGHT TO BLADE TIP (M)	STATUS IN PLANNING SYSTEM
WEST MORRISTON FARM	4.6	1	48.3	APPROVED
WHITSLAID FARM	5.6	2	37.5	APPROVED
NETHER HUNTLYWOOD FARM	6.7	2	34.2	PENDING
LARKHILL	7.2	1	27	APPROVED
MUIRCLEUGH FARM	7.4	7	110	PENDING
LONG PARK	7.6	19	100	APPROVED
RENNIESTON EDGE	7.6	1	15	APPROVED

4.5.2 Zone of Theoretical Visibility (ZTV)

The ZTV which illustrates screening from topography only (Appendices 4.1 and 4.2) provides an indication of the undulation of the study area, as the visibility of the proposed turbine is notably limited. Through comparing this ZTV with the one which shows screening from both topography and Semi-natural and Ancient Woodland (Appendices 4.3 and 4.4), the number of small and medium-sized woodlands in the landscape which further reduce available viewpoints becomes apparent.

²⁶ Data on approved and pending applications gathered on 03.11.14

Appendix 4.3 displays the topographic and woodland ZTV to 5km for a more detailed study of the area closest to the proposed turbine. Crucially, this shows that the turbine will not be visible from the Southern Upland Way, with the exception of a 175m section (maximum) which is explored through Viewpoint 3 below. In addition, the turbine will not be visible from Melrose and the surrounding settlements to the south, or much of the A68.

The most significant areas of theoretical visibility within 5km are at the houses closest to the proposal (to the east) and over the settlement of Earlston. When focussing on Earlston both through desk-based and on-site assessment, it is apparent that much of the village will not be visually impacted by the turbine due to screening from buildings and other vegetation which are not accounted for in the ZTV. This includes a lack of visual impact on the church and its spires which are important features of the village. The visual assessment below therefore focuses on the western boundary of the village, where no other intervening buildings obstruct views towards the proposal.

Between 5 to 15km (Appendix 4.4), the ZTV of the proposal taking into account topography and woodland is even more limited, with patches of visibility to the north, east and on very small areas of high land to the south. No settlements are affected, meaning that the turbine will only be visible from scattered dwellings and to travellers catching occasional glimpses from either roads or walking routes.

4.5.3 Photomontage Assessment

Visualisations have been created for this assessment to illustrate the predicted views of the proposed development from a number of significant viewpoints within the study area. Each visualisation illustrates the baseline view; a wireframe diagram clearly presenting and labelling the proposed turbine and any other visible wind energy developments within the 8km cumulative study area; and a photomontage illustrating the altered view with the addition of those turbines in the wireframe.

As referenced in the methodology, despite the use of a woodland ZTV, it was difficult to find the clear, unobstructed views sought for a photomontage in many areas; and in some instances this was not achievable. This was mainly due to the prominent vegetation in the local landscape, and within Earlston the buildings will also screen views of the turbine from many areas. Six of the original seven viewpoints agreed with the SBC Landscape Architect, J. Knight, have been completed for this assessment and are therefore discussed through Tables 4.10 to 4.16 and attached as Appendices 4.5 to 4.10.

TABLE 4.10: VIEWPOINT 1 - FROM LOCAL ROAD NEAR CLACKMAE FARM COTTAGES

GRID REFERENCE	E356049; N639325	APPENDIX	4.5
DIRECTION OF VIEW	SOUTHWEST	DISTANCE TO TURBINE	0.9KM
SELECTION CRITERIA: RESIDENTS CLOSEST TO THE PROPOSAL & TRAVELLERS USING THE LOCAL ROAD (MOST LIKELY TO BE NEARBY RESIDENTS).			
NATURE OF RECEPTOR		MEDIUM	
PREDICTED VIEW: THE RESIDENCES ALONG THIS ROAD DO NOT HAVE PRINCIPLE VIEWS TOWARDS THE PROPOSED TURBINE AND AS THE ROAD IS FREQUENTLY LINED BY VEGETATION, MANY SECONDARY AND TERTIARY VIEWS ARE SCREENED. FOR THOSE TRAVELLING ALONG THE ROAD, THIS VEGETATION WILL ALSO FREQUENTLY SCREEN VIEWS OF THE TURBINE. WHERE VISIBLE, THE TURBINE IS A CLEAR FEATURE IN THE FIELD, SITUATED BESIDE THE DAIRY SHED WHICH IS APPARENT TO THE NORTH-NORTHEAST.			
COMBINED CUMULATIVE EFFECTS: NO OTHER TURBINES ARE VISIBLE WITHIN THE SAME FIELD OF VIEW.			
SUCCESSIONAL CUMULATIVE EFFECTS: THE ONLY DEVELOPMENT THEORETICALLY VISIBLE IN 360 ⁰ IS WHITSLAID FARM (TWO APPROVED TURBINES). HOWEVER, ONLY THE UPPER BLADES ARE VISIBLE IN THE WIREFRAME AND AT A DISTANCE OF 5.4KM THESE WILL NOT BE VISIBLE FROM THE VIEWPOINT DUE TO INTERVENING LANDSCAPE FEATURES.			
NATURE OF EFFECT	MEDIUM	SIGNIFICANCE OF EFFECT	MODERATE

TABLE 4.11: VIEWPOINT 2 - FROM MILL ROAD TO THE WEST OF EARLSTON

GRID REFERENCE	E357244; N638419	APPENDIX	4.6
DIRECTION OF VIEW	NORTHWEST	DISTANCE TO TURBINE	1.7KM
SELECTION CRITERIA: RESIDENTS ON THE WESTERN EDGE OF EARLSTON AND RECREATIONAL USERS OF THE SPORTS FIELD.			
NATURE OF RECEPTOR		HIGH	
PREDICTED VIEW: THE PROPOSED TURBINE WILL BE VISIBLE ABOVE THE TREELINE ON THE RIDGE BORDERING THE SPORTS FIELD IN THIS SECTION OF EARLSTON. A NUMBER OF HOUSES BORDER THIS FIELD, SOME VIEWS ARE OBSTRUCTED BY VEGETATION, YET OTHERS WILL HAVE CLEAR VIEWS TOWARDS THE FIELD AND TURBINE. ALTHOUGH VISIBLE, THE TURBINE WILL NOT DOMINATE THIS VIEW DUE TO DISTANCE AND THE NUMBER OF OTHER FEATURES OF INTEREST IN THE AREA.			
COMBINED CUMULATIVE EFFECTS: NO OTHER TURBINES ARE VISIBLE WITHIN THE SAME FIELD OF VIEW.			
SUCCESSIONAL CUMULATIVE EFFECTS: NO OTHER TURBINES ARE VISIBLE WHEN TAKE ACCOUNT OF 360 ⁰ VIEWS.			
NATURE OF EFFECT	Low	SIGNIFICANCE OF EFFECT	MODERATE

TABLE 4.12: VIEWPOINT 3 - FROM THE SOUTHERN UPLAND WAY

GRID REFERENCE	E353867; N639364	APPENDIX	4.7
DIRECTION OF VIEW	EAST-SOUTHEAST	DISTANCE TO TURBINE	1.9KM
SELECTION CRITERIA: POPULAR LONG-DISTANCE WALKING ROUTE.			
NATURE OF RECEPTOR		HIGH	
<p>PREDICTED VIEW: THE ZTV (APPENDIX 4.3) SHOWS THAT THE TURBINE IS ONLY THEORETICALLY VISIBLE FROM A VERY SMALL AREA OF THIS ROUTE WITHIN A 5KM RADIUS. DURING THE SITE VISIT, A FEW PHOTOS WERE TAKEN FROM DIFFERENT POINTS WITHIN THIS AREA OF VISIBILITY, WITH THE ONE PRESENTED REPRESENTING THE WORST-CASE SCENARIO.</p> <p>DUE TO THE INTERVENING HILLS AND A SMALL, DENSE AREA OF WOODLAND, ONLY A SMALL SECTION OF THE TURBINE WILL BE VISIBLE AT THIS POINT. THE TURBINE'S PRESENCE WILL NOT INTERFERE WITH THE DISTINCTIVE HILLS VISIBLE IN THE DISTANCE AND NEITHER WILL IT CHALLENGE THE APPARENT SCALE OF THE LANDSCAPE IN THE FOREGROUND, BEING A SMALL FEATURE IN COMPARISON. AS THERE ARE WIDE, OPEN VIEWS ALONG THIS WALKING ROUTE, THIS SMALL AREA OF PARTIAL VISIBILITY WILL NOT HAVE A SIGNIFICANT IMPACT ON THOSE RECEPTORS TRAVELLING ALONG THE PATH.</p>			
COMBINED CUMULATIVE EFFECTS: NO OTHER TURBINES ARE VISIBLE WITHIN THE SAME FIELD OF VIEW.			
SUCCESSIONAL CUMULATIVE EFFECTS: THE BLADE TIPS OF THREE OF THE TURBINES ASSOCIATED WITH LONG PARK WIND FARM ARE THEORETICALLY VISIBLE TO THE WEST-NORTHWEST OF THIS VIEWPOINT; HOWEVER, THE INTERVENING WOODLAND IN THIS DIRECTION SCREENS ANY VIEWS OF THESE VERY SMALL FEATURES.			
NATURE OF EFFECT	LOW	SIGNIFICANCE OF EFFECT	MODERATE

TABLE 4.13: VIEWPOINT 4 - FROM THE SUMMIT OF BLACK HILL

GRID REFERENCE	E358550; N637008	APPENDIX	4.8
DIRECTION OF VIEW	NORTHWEST	DISTANCE TO TURBINE	3.6KM
SELECTION CRITERIA: THE ONLY SCENIC VIEWPOINT WITHIN 5KM OF THE PROPOSAL AND THERE IS ALSO A FORT WHICH IS A SCHEDULED ANCIENT MONUMENT. RECEPTORS IN THIS AREA ARE THEREFORE TRAVELLERS AND VISITORS.			
NATURE OF RECEPTOR		HIGH	
<p>PREDICTED VIEW: VIEWS FROM THIS HEIGHT ARE WIDE-RANGING IN ALL DIRECTIONS. THE PROPOSED TURBINE WILL BE VISIBLE AS A RELATIVELY SMALL FEATURE ASSOCIATED WITH THE BUILDINGS NEAR CLACKMAE AND THE SETTLEMENT OF EARLSTON WHICH CAN BE SEEN NEARBY, RATHER THAN IN AN AREA WHICH IS LESS AFFECTED BY HUMAN DEVELOPMENT. THE TURBINE WILL NOT SKYLINE OR AFFECT THE SCALE OF ANY HILLS IN THE VIEW.</p>			
<p>COMBINED CUMULATIVE EFFECTS: WITHIN THE SAME FIELD OF VIEW, THE EXISTING LONG PARK WIND FARM IS VISIBLE TO THE WEST-NORTHWEST. THIS IS A DISTANT, YET NOTICEABLE FEATURE. THE APPROVED TURBINES AT LARKHILL ARE THEORETICALLY VISIBLE FROM THE WIREFRAME, YET ARE NOT SIGNIFICANT FEATURES DUE TO THEIR SIZE AND THE INTERVENING TOPOGRAPHY.</p> <p>IF THE PENDING WIND FARM AT MUIRCLEUGH FARM IS APPROVED, A FURTHER NOTICEABLE WIND ENERGY FEATURE IS ADDED TO THIS VIEW, WHICH WHILST CLEARLY SEPARATE FROM LONG PARK, WILL INCREASE THE NUMBER OF TURBINES SEEN IN THE DISTANT HORIZON. HOWEVER, THE PROPOSED SINGLE WIND TURBINE AT CLACKMAE IS CLEARLY A SEPARATE, SMALLER DEVELOPMENT WHICH WILL NOT ADVERSELY IMPACT THE WIDE-RANGING VIEWS FROM THIS HILL.</p>			
<p>SUCCESSIONAL CUMULATIVE EFFECTS: WITHIN 360° VIEWS, FOUR TURBINE DEVELOPMENTS ARE VISIBLE. IN REGARDS TO THE TWO TURBINES AT WHITSLAID FARM AND THE SINGLE TURBINE AT RENNISTON EDGE, THESE ARE VERY SMALL FEATURES IN THE LANDSCAPE THAT ARE UNLIKELY TO BE NOTICEABLE DUE TO INTERVENING LANDSCAPE FEATURES SUCH AS VEGETATION.</p> <p>WEST MORRISTON FARM (ONE TURBINE) AND NETHER HUNTLYWOOD FARM (TWO TURBINES) TO THE NORTH-NORTHEAST, ARE BOTH LARGER FEATURES, YET LIKE CLACKMAE DO NOT SKYLINE OR DOMINATE VIEWS FROM BLACK HILL.</p>			
NATURE OF EFFECT	LOW	SIGNIFICANCE OF EFFECT	MODERATE

TABLE 4.14: VIEWPOINT 5 - FROM THE TRIG POINT AT SCOTT'S VIEW

GRID REFERENCE	E359347; N634256	APPENDIX	4.9
DIRECTION OF VIEW	NORTHWEST	DISTANCE TO TURBINE	6.1km
SELECTION CRITERIA: A SCENIC VIEWPOINT CLOSE TO MELROSE.			
NATURE OF RECEPTOR		HIGH	
PREDICTED VIEW: THE WOODLAND IN THE DIRECTION OF THE TURBINE IS TALL AND DENSE AND THE PROPOSED TURBINE AT CLACKMAE IS SCREENED FROM VIEW. EVEN IF VISIBLE, THE WIREFRAME ILLUSTRATES THAT CLACKMAE IS A VERY SMALL FEATURE WHICH DOES NOT CHALLENGE THE SCALE OF THE DOMINANT HILLS FURTHER EAST. IN ADDITION, THE PROPOSAL WILL NOT DIRECTLY AFFECT THE KEY VIEWS WEST TOWARDS THE TWEED VALLEY AND EILDON HILLS.			
COMBINED CUMULATIVE EFFECTS: THE WIND FARMS AT LONG PARK (APPROVED) AND MUIRCLEUGH FARM (PENDING), AND THE SINGLE TURBINE AT LARKHILL (APPROVED) CANNOT BE SEEN CLEARLY DUE TO THE WOODLAND IN THE FOREGROUND SCREENING THE MAJORITY OF THE DISTANT HORIZON.			
SUCCESSIONAL CUMULATIVE EFFECTS: THE ONLY OTHER VISIBLE WIND ENERGY DEVELOPMENT WITHIN THE STUDY AREA IS THE SINGLE TURBINE AT RENNISTON EDGE TO THE SOUTHWEST. HOWEVER THIS IS A SMALL FEATURE WHICH DOES NOT SKYLINE OR CREATE A CLEAR VERTICAL LANDSCAPE ELEMENT FROM THIS VIEWPOINT.			
NATURE OF EFFECT	NEGLECTIBLE	SIGNIFICANCE OF EFFECT	NEUTRAL

TABLE 4.15: VIEWPOINT 6 - FROM THE SOUTHERN UPLAND WAY NEAR LAUDER

GRID REFERENCE	E354798; E648188	APPENDIX	4.10
DIRECTION OF VIEW	SOUTH	DISTANCE TO TURBINE	9.1km
SELECTION CRITERIA: TO DETERMINE THE VISUAL IMPACT AT THIS DISTANCE ON A SECTION OF THE SOUTHERN UPLAND WAY, A POPULAR LONG-DISTANCE WALKING ROUTE.			
NATURE OF RECEPTOR		HIGH	
PREDICTED VIEW: THE WIREFRAME DIAGRAM ILLUSTRATES THAT THE PROPOSED TURBINE AT CLACKMAE IS A VERY SMALL FEATURE AT THIS DISTANCE. ALTHOUGH IT IS SCREENED FROM VIEW BY WOODLAND AT THE FOREGROUND OF THIS VIEWPOINT, IT IS HIGHLY LIKELY THAT EVEN WITH A CLEARER, MORE OPEN VIEW TO THE SOUTH OF THIS AREA; THE PROPOSED TURBINE WOULD STILL BE SCREENED BY OTHER INTERVENING, MORE DISTANT LANDSCAPE FEATURES DUE TO ITS SMALL SCALE. THE WIREFRAME SHOWS THAT THE PROPOSAL DOES NOT SKYLINE OR CHALLENGE THE SCALE OF THE DISTINCTIVE HILL PEAKS FURTHER SOUTH.			
COMBINED CUMULATIVE EFFECTS: WHITSLAID FARM TO THE SOUTH-SOUTHEAST, ALTHOUGH NOT VISIBLE IN APPENDIX 4.10, WILL BE VISIBLE WITHIN THE SAME FRAME OF VIEW AS THE CLACKMAE TURBINE. THE TWO APPROVED TURBINES ARE NOT LARGE FEATURES FROM THIS AREA, YET WOULD BE NOTICEABLE IF CLEAR VIEWS WERE OBTAINED TOWARDS THEM. HOWEVER, WHEN COMBINED WITH THE PROPOSAL AT CLACKMAE, NO ADDITIONAL VISUAL IMPACT WILL BE CREATED DUE TO THE INSIGNIFICANCE OF THE PROPOSED TURBINE IN THE LANDSCAPE.			
SUCCESSIONAL CUMULATIVE EFFECTS: WITHIN THE 8KM CUMULATIVE STUDY AREA, THREE TURBINE DEVELOPMENTS ARE VISIBLE IN A WESTERLY DIRECTION OF THIS PROPOSAL: LARKHILL, LONG PARK WIND FARM AND THE PROPOSED WIND FARM AT MUIRCLEUGH FARM. THE LATTER TWO ARE LARGE FEATURES AND ALL THREE COULD BE CONFUSED AS ONE MIXED DEVELOPMENT FROM THIS DIRECTION. ALTHOUGH CLEAR, UNOBSTRUCTED VIEWS ARE LIKELY FROM THIS VIEWPOINT TO THE WEST, THE PROPOSED TURBINE AT CLACKMAE TO THE SOUTH WILL ADD NO SIGNIFICANT ADDITIONAL CUMULATIVE IMPACT.			
NATURE OF EFFECT	NEGLECTIBLE	SIGNIFICANCE OF EFFECT	NEUTRAL

4.5.1 National Scenic Areas (NSAs)

NSAs are areas of exceptional landscape designated for their outstanding scenic interest for which special protection measures are required. There is one NSA within the 8km study area approximately 2km to the south of the proposal, called Eildon and Leaderfoot. This was noted by SNH through consultation as an area to consider within the LVIA.²⁷

Special qualities of this NSA include the Eildon Hills, views from hill summits, a colourful, richly wooded landscape, an array of historic structures and estates and the iconic River Tweed.²⁸

Figure 4.2 illustrates that the proposed turbine will not be visible from much of this valued landscape, with only patches of visibility to the northeast. This visibility includes the two Scenic Viewpoints within the NSA, the visual impact on which have been explored above through Tables 4.13 (Black Hill) and 4.14 (Scott’s View).

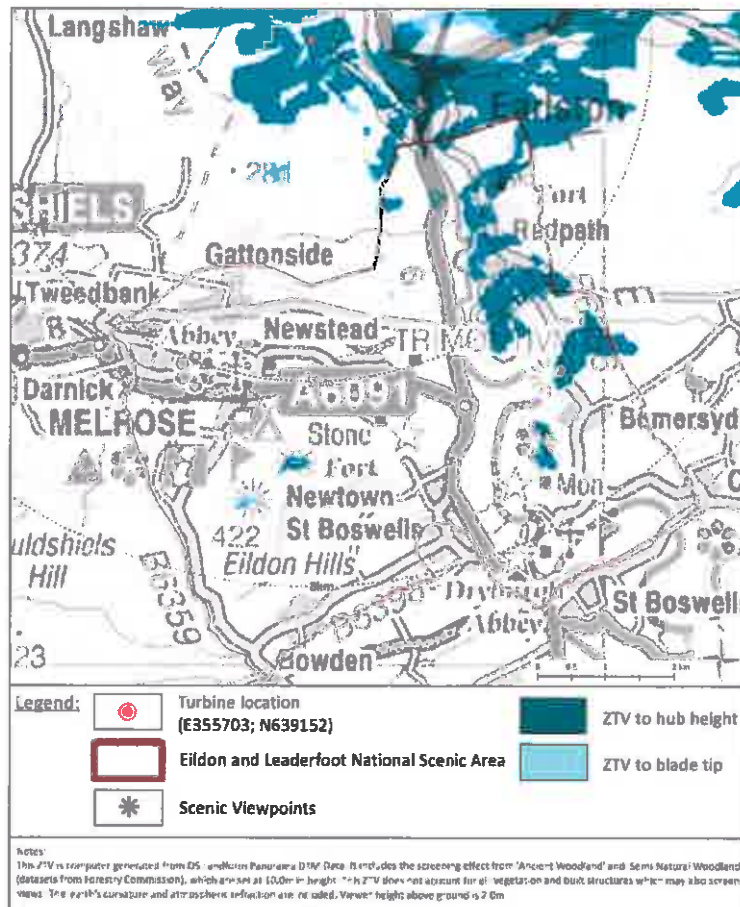


FIGURE 4.2: NATIONAL SCENIC AREA AND ZTV

²⁷ Consultation with SNH Operations Officer (Southern Scotland), Allison Phillip on 19.12.13.

²⁸ <http://www.snh.gov.uk/docs/B699718.pdf>

Taking into account cumulative impacts, the assessment above found that the proposed turbine will be a relatively small feature in the landscape that does not skyline or dominate views from the NSA. Due to its closer proximity the Significance of Effect on Black Hill is considered moderate, whereas the significance is neutral from Scott's View due to the minimal impact of the proposal at this distance and the vegetative screening from this particular viewpoint.

In conclusion, the turbine will not affect the scale of the distinctive hills visible from the NSA, nor will it adversely affect the views from these two important hill summits. The other features listed as important to the NSA will also be unaffected by this single turbine development.

4.5.2 Cultural Heritage

Within the 8km study area, there are five Garden and Designed Landscapes:

1. Carolside and Leadervale 0.5km northeast
2. Abbotsford 5.7km southwest
3. Bemersyde 6.1km south-southeast
4. Mellerstain 6.5km east
5. Dryburgh Abbey 7.1km south-southeast

The ZTV covers small areas within Bemersyde and Mellerstain only; from all others the proposed turbine is unlikely to be visible. This includes Carolside and Leadervale which, despite the proximity to the proposed turbine, is framed by thick belts of woodland that screens the proposal from view. Although the proposal will not visually impact this landscape, further assessment on Carolside and Leadervale can be found in Chapter 5.5 following advice from Historic Scotland.

Bemersyde is located close to Scott's View (Viewpoint 5; see Table 4.14 and Appendix 4.9). There is a possibility that the turbine will be visible from small areas within the eastern half of the landscape, however as the wireframe in Appendix 4.9 indicates, the turbine is a small feature from this distance which will not adversely impact views from, or of, this landscape.

Mellerstain is the largest Garden and Designed Landscape in SBC and there may be patches of visibility to the northwest and southeast of the site. However, no main feature (including Hundy Mundy Folly to the south; southern views of the Cheviots; the mansion, woods or lake; Mellerstain Hill; or Eden Water) will be impacted by the proposed turbine. Therefore, the turbine is unlikely to have a significant impact on the landscape.

4.5.3 Summary of Visual Impacts

The proposed turbine at Clackmae is situated at the edge of an existing farm track close to a dairy shed and will be associated with this building, the nearby farm and from some viewpoints, the settlement of Earlston. Although it will be visible in combination or succession with some other proposed and approved wind energy developments, it is clearly a stand-alone development at 4.6km from the nearest turbine. The proposed turbine is also an appropriate size for the area and does not affect the apparent scale of the surrounding landscape. The majority of important areas within the study area will not be significantly impacted by the proposal, including the Southern Upland Way, larger settlements such as Melrose, transport corridors such as the A68, and protected areas such as the Eildon and Leaderfoot NSA and local Gardens and Designed Landscapes. Whilst the turbine is visible from the western outskirts of Earlston, it is screened from view in the remainder of the village due to intervening buildings and vegetation, and important features of the settlement such as the church spires are unaffected.

4.6 Cumulative Impact

The combined cumulative impacts of this proposal with the other approved and proposed wind energy developments in the 8km study area were assessed in Chapter 4.5. It was found that the proposed turbine is unlikely to provide an additional adverse cumulative impact to the area due to its suitable size and distance from the nearest wind developments. The sequential cumulative impacts on important routes in the study area are considered below.

Appendices 4.12 and 4.13 have been created to demonstrate the cumulative ZTV of all wind energy developments in the 8km study area. This cumulative assessment is only focussed on the additional impact created by the proposal; therefore Appendix 4.12 illustrates only the cumulative ZTV in areas where the proposed turbine at Clackmae is visible. In order to contrast this for purposes of the sequential assessment, Appendix 4.13 illustrates the full cumulative ZTV of the area.

4.6.1 Sequential Impact: Southern Upland Way

The Southern Upland Way is approximately 340km in length and at its closest point, is situated 1.8km to the west of the proposed turbine. Within the 8km study area, the route is only visually affected for a maximum length of 175m by the proposed turbine, as indicated through Appendix 4.12. Viewpoint 3 (Table 4.12; Appendix 4.7) analysed the visual impact on this area and found that in addition to a small section of the proposed turbine which will not significantly impact the path, only the tips of a few of the turbines at Long Park Wind Farm were theoretically visible in succession to the west-northwest and these will be screened by intervening woodland.

Appendix 4.13 illustrates that more of the route will be affected by other turbine developments within the 8km study area, especially to the north of Clackmae when the path nears Long Park Wind Farm and the pending wind farm application at Muircleugh Farm.

Nevertheless, within the 8km study area this turbine proposal at Clackmae will add a minimal visual impact to a very small section of the route (175m). Outside this study area, Viewpoint 6 (Table 4.15; Appendix 4.10) illustrates that the proposed turbine will be a very small feature in the landscape which will not be a noticeable and will very likely be screened by intervening landscape features.

The cumulative impact will therefore not be increased significantly by the addition of the proposed turbine in the landscape and will create a minor to neutral Significance of Effect to the Southern Upland Way as a whole.

4.6.2 Sequential Impact: SBC Core Paths

There are a small number of SBC Core Paths close to the proposed turbine (including the Southern Upland Way, Core Path 189, investigated above).

Core Path 185

This is the nearest Core Path, circa 400m east of the turbine at its closest point. It is a circular route leading north from Earlston and running through part of the Carolside and Leadervale Garden and Designed Landscape, as well as the local road near Clackmae farmstead. Appendices 4.12 and 4.13 indicate that the majority of this path is not within the Cumulative ZTV; however sections of the path near Clackmae farmstead and to the north of Earlston may be visually impacted by between one and four wind turbines.

Viewpoints 1 and 2 (Tables 4.10 and 4.11; Appendices 4.5 and 4.6 respectively) are located close to two areas of visibility on the route and indicate that the cumulative impact in this area is not significant, as no other wind turbines are visible from these areas. This suggests that sequential views on the Core Path are not adversely impacted by wind energy developments and whilst occasionally visible, the addition of the proposal at Clackmae will not significantly affect the route.

Core Path 139

This is located circa 960m south of the proposed turbine. It leads from the A68 near Earlston westwards to the Southern Upland Way. The eastern section of the path is situated in a wooded area at a lower height in the landscape where it will not be visually impacted by any turbine development in 8km.

The western section of the path is more likely to have views of between one to nine turbines including the proposal (Appendix 4.12). There is also a small patch of higher visibility of anything up to seventeen wind turbines which has been investigated through desktop analysis.

Appendix 4.14 presents a wireframe diagram which shows those other turbines in combined visibility with Clackmae. In addition to these there are other developments available in 360° views: In the distance to the northeast the turbine at West Morriston Farm is visible, as well as the two proposed turbines at Nether Huntlywood Farm; and to the northwest the blade tips of two of the turbines at Long Park Wind Farm are just visible above the horizon (although these will be screened by intervening features). The location of the wireframe is at the worst point along the route for cumulative impact and the assessment shows that all other developments are fairly distant features which will not dominate the landscape. The proposal at Clackmae is the largest turbine visible, yet it is clearly separate from the others and does not skyline or dominate the wider landscape view. It will therefore have a moderate Significance of Effect to the Core Path.

4.6.3 Sequential Impact: A68

The A68 links Edinburgh to the North East of England. Within the 8km study area, it runs in a north-south direction to the west of Earlston. Appendix 4.12 illustrates that the proposed turbine is not visible from much of the road, with only patches of theoretical visibility near Earlston and further north. In addition to the turbine, up to three other wind turbines in the area may be visible on average. As the proposal is situated to the west of the road, it will not be in direct view of travellers and especially near Earlston, is likely to be at least partly screened by areas of the village and the woodland lining much of the road. The proposed turbine is therefore unlikely to provide a significant addition to the limited cumulative impact.

4.6.4 Sequential Impact: A6105

The A6105 is the other main road in the study area which is at least partly in the ZTV of the proposal (the A7 and A6091 to the south will not be visually impacted at all by the proposed turbine). The road runs in a north-easterly direction from Earlston towards Berwick. Appendix 4.12 illustrates that only a small section of this road near Earlston will be impacted by the proposed turbine plus up to three other turbines.

It has already been ascertained in Chapter 4.5 that unobstructed views of the proposed turbine could not be obtained from the A6105 in Earlston due to the surrounding buildings and vegetation within the village: This section of the road will therefore not experience any additional cumulative impact from the turbine at Clackmae, and due to these features is unlikely to be visually impacted by any other turbine development. The church spires, an important visual element of the village when entering on the A6105, are therefore safeguarded.

The proposal may be sporadically in view on approach to Earlston from the A6105 (travelling westwards only); however, as Earlston is not visible until the road enters the village, there are no distant village views from the road which will be impacted by the turbine.

The other turbine developments visible from the road are very likely to be the single approved turbine at West Morriston Farm and the two proposed turbines at Nether Huntlywood Farm.

These developments are located to the north and south of this road respectively to the east of the study area: Travellers are therefore unlikely to see both the proposed turbine at Clackmae and these other turbines at the same time. Instead, when heading westwards the turbines will be experienced at varying times; and when traveling eastwards Clackmae will not be visible except in rear views. As the views of Clackmae will occur only sporadically for a short time on nearing Earlston, the proposal will not add significantly to the sequential impact experienced on the A6105.

4.6.5 Summary of Cumulative Impacts

Whilst there is the potential for cumulative impacts within the study area, the proposed turbine does not add significantly to these due to its limited visibility in general. Key areas and routes within the study area will experience a minimal to neutral Significance of Effect from the addition of the proposal, including the Southern Upland Way, A68, Galashiels and Melrose. The main area affected will be the eastern section of Core Path 139; however this area of cumulative visibility will be brief and will end when nearing the Southern Upland Way. In addition, no visible wind energy development dominates the wide views available from here. The western edge of Earlston will have a moderate visual impact from the proposed turbine, which will be partly seen above the woodland on a ridge, yet there will be no cumulative impact here and no visual impact from the proposal on the remainder of the village.

4.7 Residual Impacts

The predicted lifespan of this model of wind turbine is 25 years. As such, the impact of the proposed development is likely to be of medium to long term. Upon completion of the turbine's working life the development will be decommissioned and the site returned to its previous use.

Consequently this development will be fully reversible, with any predicted impacts being reduced to neutral.

4.8 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"If turbines are proposed which exceed the turbine heights identified within figs ED9b-e the onus would be on the applicant to demonstrate how the impacts of the proposal on the key constraints and any significant adverse effects can be mitigated in an effort to show a proposal can be supported."

Those relevant to this proposal are Figures ED9b 'Wind Turbine Development Opportunities and Constraints' and Figure ED9c 'Inherent Landscape Capacity Medium (25m-50m)'. The former recognises the area in which the turbine is situated as having very limited capacity; while the

latter identifies the area as having a low capacity for developments of that size. As the proposed wind energy development is a single turbine with a blade tip height of 34.4m, this application complies with policy. In addition, although it borders an area of no capacity due to the Southern Upland Way, it has been shown through the assessment in this chapter that the turbine has been sited carefully in the landscape in order that there are no significant visual impacts on this important walking route.

- ◆ *“The landscape is capable of accommodating the proposal without significant detrimental impact on landscape character”*

Chapters 4.3 and 4.4 found that the proposed turbine will not adversely impact the landscape character.

- ◆ *“Views of the turbines including associated transmission lines, tracks, plant and buildings should demonstrate minimal effects on sensitive receptors... Assessment must take into account the effects of distance between the developer and the receptor;*
- ◆ *Locations will be preferred where there is surrounding landform which minimises the external visibility of the development and where there is no interference with prominent skylines.”*

This assessment found that there will be no severe or major Significance of Effect from the proposal from any of the sensitive viewpoints selected for this assessment. It was also shown that the turbine will not skyline when considering it from key views.

- ◆ *“Significant coincident cumulative landscape and visual impacts must be avoided where an existing wind farm development is present in an adjoining area and can be viewed together with the proposed development;*
- ◆ *Significant sequential cumulative landscape and visual impacts over a wider area must be avoided where a number of windfarm developments can be viewed in succession on a journey leading to adverse impacts on routes and long distance footpaths.”*

It was found through the assessment on cumulative effects that the proposed turbine will not significantly add to any existing cumulative impact, including sequential impacts on, for example, the Southern Upland Way.

SCOTTISH BORDERS COUNCIL (2013) ‘PROPOSED LOCAL DEVELOPMENT PLAN’: POLICY HD3 – PROTECTION OF RESIDENTIAL AMENITY

“Development that is judged to have an adverse impact on the amenity of existing or proposed residential areas will not be permitted. To protect the amenity and character of these areas, any developments will be assessed against: ...The level of visual impact.”

Visual assessments were conducted to represent those residents closest to the proposed turbine to the east (Viewpoint 1; Appendix 4.5) and those to the west of Earlston (Viewpoint 2; Appendix 4.6). The former found that no neighbour will have primary views towards the

turbine, and most will not be able to see the turbine from their property due to intervening vegetation. Where visible, the turbine will be a large feature; however it will not hinder valued landscape views or dominate any surrounding property.

A property to the northwest of the proposed turbine, named Cairney Mount, has not been represented in the visual assessment within this Chapter. This is because the turbine will not be visible from the residence due to intervening woodland, especially that to the immediate east of the property.

From areas to the west of Earlston, some residents will have views of the proposed turbine, although a number of views will be obstructed due to vegetation. Part of the turbine will be visible above woodland on higher land to the west of the village; however it will not have a significant impact due to its distance from the area.

Please note: This policy is the same as Policy H2 ‘*Protection of Residential Amenity*’ of the Scottish Borders (2011) ‘*Consolidated Local Plan*.’

SCOTTISH BORDERS COUNCIL (2013) ‘*PROPOSED LOCAL DEVELOPMENT PLAN*’: POLICY EP4 – NATIONAL SCENIC AREAS

“Development that may affect a National Scenic Area will only be permitted [in limited circumstances].”

It was found that there will be no significant impact on the Eildon and Leaderfoot NSA.

Please note: This policy is similar to Policy EP1 ‘*National Scenic Areas*’ of the Scottish Borders (2011) ‘*Consolidated Local Plan*.’

SCOTTISH BORDERS COUNCIL (2013) ‘*PROPOSED LOCAL DEVELOPMENT PLAN*’: POLICY EP10 – GARDENS AND DESIGNED LANDSCAPES

“The Council will support development that safeguards or enhances the landscape features, character or setting of... Gardens and Designed Landscapes.”

Analysis in Chapter 4.5 found that the turbine will not adversely impact any of these sites.

SCOTTISH BORDERS COUNCIL (2011) ‘*WIND ENERGY*’

“The seven identified Strategic Path routes [include]... Southern Upland Way; Borders Abbey Way; St Cuthbert’s Way... Three viewpoints have also been identified as being of strategic importance and are safeguarded with a 7km buffer area around them. [These include] Eildon Hills; Scott’s View.”

Those listed above are within the 8km study area of the proposal. The turbine will not significantly impact the Southern Upland Way as it is only partly visible for a very short section of the path. In regards to Borders Abbey Way and St Cuthbert’s Way, these are to the south

towards Melrose and as Appendix 4.12 indicates, there will be no visual impact from the proposal on this area.

Viewpoint 5 (Appendix 4.9) illustrates that even where visible, the turbine at Clackmae will have a very minor to neutral visual impact on Scott's View. The Eildon Hills are to the south of the 8km study area, yet will not be visually impacted by the proposal due to the size of the proposal and distance between the hills and turbine.

5. HISTORIC ENVIRONMENT

5.1 Background

The Historic Environment is a term which encompasses ancient monuments, archaeological sites and landscapes, historic buildings, townscapes, parks, gardens and designed landscapes, and our marine heritage. The importance of protecting this historic environment is widely recognised; however this protection is not about preventing change.²⁹

Modern wind energy, which has been developed partly to address climate change issues, can both threaten the historical landscape if sited inappropriately, and work towards protecting it in the long-term. This is because the threat of changing weather patterns from climate change, (higher winds, increased rain and other indirect effects), has been recognised as a significant risk to the fabric of the historic built environment.³⁰ Wind energy therefore has a positive role to play in regards to our cultural heritage and archaeology and is supported by Historic Scotland as long as the character of the historic building or place can be maintained.³¹

The addition of modern developments, including wind turbines, may have an effect on the historic environment, either directly through physical impacts (including shadow flicker and noise) or indirectly, by affecting the setting of the monument. As such, the impacts of renewable energy developments must be assessed thoroughly and, if necessary, be limited.

5.2 Historic Setting

The greatest impact from wind turbines on the historic environment is the visual effect they have on their surroundings. The introduction of a modern, moving vertical element into a landscape will affect the historic setting of any monument. Historic setting is a complicated issue and there is no singular definition of the term. Historic Scotland's guidance on setting explains:

*"Setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions, or the historical, artistic, literary, and scenic associations of places or landscapes."*³²

Historic Scotland also highlights the importance of viewing monuments as interactive parts of a wider historic landscape. The three key points in the importance of the setting of monuments are:

²⁹ Historic Scotland 'Scottish Historic Environmental Policy' July 2009

³⁰ Scottish Planning Policy (SPP) 23: Planning and the Historic Environment, 2008

³¹ Historic Scotland, Managing Change in the Historic Environment: Micro-Renewables, 2010

³² Historic Scotland, Managing Change in the Historic Environment, Setting, October 2010

- ◆ “Setting should be thought of as the way in which the surroundings of a historic asset or place contribute to how it is experienced, understood and appreciated;
- ◆ Monuments, buildings, gardens and settlements were not constructed in isolation. They were often deliberately positioned with reference to the surrounding topography, resources, landscape and other monuments or buildings. These relationships will often have changed through the life of a historic asset or place; and
- ◆ Setting often extends beyond the immediate property boundary of a historic structure into the broader landscape.”³³

5.3 Policy and Guidance

National planning policy and guidance aims to protect, conserve and enhance the historical environment. A number of policy and guidance documents, some geared towards proposed renewable energy developments, indicate how the planning system will achieve this. The documents taken into account within this analysis are listed in Table 5.1.

TABLE 5.1: RELEVANT GUIDANCE DOCUMENTS

POLICY/ GUIDANCE	RELEVANT SOURCES OF INFORMATION
POLICY	<ul style="list-style-type: none"> ◆ PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS)(SCOTLAND) ACT 1997; ◆ HISTORIC ENVIRONMENT (AMENDMENT) (SCOTLAND) ACT 2011; ◆ TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997; ◆ PLANNING ETC. (SCOTLAND) ACT 2006; ◆ SCOTTISH PLANNING POLICY (2014) ‘HISTORIC ENVIRONMENT;’ AND ◆ HISTORIC SCOTLAND (2008) SCOTTISH ENVIRONMENTAL POLICY (SHEP).
GUIDANCE	<ul style="list-style-type: none"> ◆ HISTORIC SCOTLAND (2010) ‘MANAGING CHANGE IN THE HISTORIC ENVIRONMENT: MICRO-RENEWABLES;’ ◆ HISTORIC SCOTLAND (2010) ‘MANAGING CHANGE IN THE HISTORIC ENVIRONMENT: SETTING;’ AND ◆ ENGLISH HERITAGE (2012) ‘WIND ENERGY AND THE HISTORIC ENVIRONMENT.’

Where the character of the historic building or place can be maintained, Historic Scotland support the development of renewable energy. The publication ‘*Managing Change in the Historic Environment: Micro-Renewables*’³⁴ sets out principles to be taken into consideration when planning a wind turbine development:

- ◆ Establish significance (determine what is important about the historic place and its setting);
- ◆ Identify potential physical and/or visual impacts;

³³ Historic Scotland, Managing Change in the Historic Environment, Setting, October 2010

³⁴ Historic Scotland, Managing Change in the Historic Environment: Micro-Renewables, 2010

- ◆ Siting and design of the turbine and its associated infrastructure;
- ◆ Cumulative effects.

5.4 Methodology

5.4.1 Initial Assessment

A thorough assessment of the historical environment local to the development site at Clackmae has been conducted to determine the potential impacts of the proposed turbine. The aim of this investigation is to identify the direct and indirect impacts of the turbine, cable trench and other infrastructural requirements within a targeted study area around the development.

This assessment was conducted via a desk-based assessment of historic records using a variety of resources: Table 5.2 details the historical designations considered. A map of the local historic environment to the development site is attached as Appendix 5.1. A ZTV overlay has been included to highlight whether there is the potential for views from the monuments or historic features of the proposed turbine.

TABLE 5.2: TABLE OF HISTORICAL DESIGNATIONS

DESIGNATION	DESCRIPTION
WORLD HERITAGE SITES (WHS)	THE 1972 UNESCO WORLD HERITAGE CONVENTION WAS RATIFIED BY THE UK IN 1984. THE CONVENTION PROVIDES FOR THE IDENTIFICATION, PROTECTION, CONSERVATION, AND PRESENTATION OF CULTURAL AND NATURAL SITES OF "OUTSTANDING UNIVERSAL VALUE." THE UK CURRENTLY HAS 28 WHS.
SCHEDULED ANCIENT MONUMENTS (SAMs)	MONUMENTS OF NATIONAL IMPORTANCE GIVEN PROTECTION UNDER THE ANCIENT MONUMENTS AND ARCHAEOLOGICAL AREAS ACT 1979 BY SCOTTISH MINISTERS.
LISTED BUILDINGS	LISTED BUILDINGS ARE STRUCTURES OF SPECIAL ARCHITECTURAL OR HISTORIC INTEREST PROTECTED UNDER THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997.
GARDENS AND DESIGNED LANDSCAPES	AN INVENTORY OF GARDENS AND DESIGNED LANDSCAPES CONSIDERED BY SCOTTISH MINISTERS (THROUGH HISTORIC SCOTLAND) TO BE OF NATIONAL IMPORTANCE. MAINTAINING AND ENHANCING THESE LANDSCAPES ARE IMPORTANT FUNCTIONS OF THE PLANNING SYSTEM.
CONSERVATION AREAS	SPECIAL ATTENTION MUST BE PAID TO THE DESIRABILITY OF PRESERVING OR ENHANCING THE CHARACTER AND APPEARANCE THROUGH PLANNING PROCESS. THE PLANNING (LISTED BUILDINGS AND CONSERVATION AREAS) (SCOTLAND) ACT 1997.
MONUMENTS RECORDS	THESE CONTAIN THE NATIONAL COLLECTION OF MATERIAL RELATING TO SCOTTISH ARCHAEOLOGICAL AND ARCHITECTURAL HERITAGE ORGANISED BY THE ROYAL COMMISSION ON THE ANCIENT AND HISTORICAL MONUMENTS OF SCOTLAND (RCAHMS).

The tables below have been designed to assist in measuring how sensitive a historical asset is and how extensive the magnitude of the impact is from the proposed development. These are

not all-encompassing, as they do not take into account all of the principles identified in Chapter 5.3, such as cumulative impact, which must still be assessed separately. Neither can they be used to provide an objective result, as professional judgement is still required;³⁵ however they remain a useful tool in order to easily take into account a number of important factors.

TABLE 5.3: SENSITIVITY: BUILT AND CULTURAL HERITAGE ON THE SITE³⁶

SENSITIVITY	DEFINITION
High	<ul style="list-style-type: none"> ◆ CATEGORY A AND B LISTED BUILDING; ◆ SCHEDULED ANCIENT MONUMENT (SAM); ◆ NON-STATUTORY LIST OF SITES LIKELY TO BE OF NATIONAL IMPORTANCE; ◆ DESIGNED GARDENS AND LANDSCAPES.
MEDIUM	<ul style="list-style-type: none"> ◆ CATEGORY C(S) LISTED BUILDING; ◆ ARCHAEOLOGICAL SITES ON THE SITES AND MONUMENTS RECORD (OF REGIONAL AND LOCAL IMPORTANCE); ◆ CONSERVATION AREAS.
Low	<ul style="list-style-type: none"> ◆ ARCHAEOLOGICAL SITES OF LESSER IMPORTANCE; ◆ NON-INVENTORY GARDENS AND DESIGNED LANDSCAPES.

TABLE 5.4: MAGNITUDE OF BUILT AND CULTURAL HERITAGE EFFECTS

MAGNITUDE OF IMPACT	DEFINITION
High	<p>ANY NUMBER OF WIND TURBINES AND/OR ANCILLARY DEVELOPMENT THAT WOULD RESULT IN:</p> <ul style="list-style-type: none"> ◆ THE REMOVAL OR PARTIAL REMOVAL OF KEY FEATURES, AREAS OR EVIDENCE IMPORTANT TO THE HISTORIC CHARACTER AND INTEGRITY OF THE SITE, WHICH COULD RESULT IN THE SUBSTANTIAL LOSS OF PHYSICAL INTEGRITY; AND/OR ◆ A SUBSTANTIAL OBSTRUCTION OF EXISTING VIEW BY THE ADDITION OF UNCHARACTERISTIC ELEMENTS DOMINATING THE VIEW, SIGNIFICANTLY ALTERING THE QUALITY OF THE SETTING OR THE VISUAL AMENITY OF THE SITE BOTH TO AND FROM. <p>WHERE THE MECHANICAL OR AERODYNAMIC NOISE FROM ANY NUMBER OF WIND TURBINES (OR FROM OTHER NEIGHBOURING WIND ENERGY DEVELOPMENTS) THAT ARE LIKELY TO DETRACT FROM SITE AMENITY OF A POPULAR BUILT OR CULTURAL HERITAGE SITE MANAGED AS A VISITOR ATTRACTION ADJACENT TO A WIND ENERGY DEVELOPMENT.</p>

³⁵ Historic Scotland (2007) *Environmental Impact Assessment (Scoping): Scoping of wind farm proposal; assessment of impact on the setting of the historic environment resource; some general considerations.*

³⁶ Use of Wind Energy in Aberdeenshire Guidance for Assessing Wind Energy Developments August 2005

MEDIUM	<p>ANY NUMBER OF WIND TURBINES AND/OR ANCILLARY DEVELOPMENT THAT WOULD RESULT IN:</p> <ul style="list-style-type: none"> ◆ THE REMOVAL OF ONE OR MORE KEY FEATURES, PARTS OF THE DESIGNATED SITE, OR EVIDENCE AT THE SECONDARY OR PERIPHERAL LEVEL, BUT ARE NOT FEATURES FUNDAMENTAL TO ITS HISTORIC CHARACTER AND INTEGRITY; AND/OR ◆ A PARTIAL OBSTRUCTION OF EXISTING VIEW BY THE ADDITION OF UNCHARACTERISTIC ELEMENTS WHICH, ALTHOUGH NOT AFFECTING THE KEY VISUAL AND PHYSICAL RELATIONSHIPS, COULD BE AN IMPORTANT FEATURE IN THE VIEWS, AND SIGNIFICANTLY ALTER THE QUALITY OF THE SETTING OR VISUAL AMENITY OF THE SITE BOTH TO AND FROM. <p>WHERE THE NOISE INTRUSION (MECHANICAL OR AERODYNAMIC) FROM ANY NUMBER OF WIND TURBINES (OR FROM OTHER NEIGHBOURING WIND ENERGY DEVELOPMENTS) MAY DETRACT FROM THE AMENITY OF A BUILT OR CULTURAL HERITAGE SITE ADJACENT TO A WIND ENERGY DEVELOPMENT.</p>
Low	<p>ANY NUMBER OF WIND TURBINES OR ANCILLARY DEVELOPMENTS THAT MAY RESULT IN:</p> <ul style="list-style-type: none"> ◆ A PARTIAL REMOVAL/MINOR LOSS, AND/OR ALTERATION TO ONE OR MORE PERIPHERAL AND/OR SECONDARY ELEMENTS/FEATURES, BUT NOT SIGNIFICANTLY AFFECTING THE HISTORIC INTEGRITY OF THE SITE OR AFFECT THE KEY FEATURES OF THE SITE; AND/OR ◆ AN INTRODUCTION OF ELEMENTS THAT COULD BE INTRUSIVE IN VIEWS, AND COULD ALTER TO A SMALL DEGREE THE QUALITY OF THE SETTING OR VISUAL AMENITY OF THE SITE BOTH TO AND FROM. <p>WHERE THE NOISE INTRUSION (MECHANICAL OR AERODYNAMIC) FROM ANY NUMBER OF WIND TURBINES (OR FROM OTHER NEIGHBOURING WIND ENERGY DEVELOPMENTS) IS UNLIKELY TO DETRACT FROM THE AMENITY OF A BUILT OR CULTURAL HERITAGE SITE ADJACENT TO A WIND ENERGY DEVELOPMENT.</p>
NEGLECTIBLE	<p>ANY NUMBER OF WIND TURBINES OR ANCILLARY DEVELOPMENTS THAT MAY RESULT IN:</p> <ul style="list-style-type: none"> ◆ A RELATIVELY SMALL REMOVAL, AND/OR ALTERATION TO SMALL, PERIPHERAL AND/OR UNIMPORTANT ELEMENTS/FEATURES, BUT NOT AFFECT THE HISTORIC INTEGRITY OF THE SITE OR THE QUALITY OF THE SURVIVING EVIDENCE; AND/OR ◆ AN INTRODUCTION OF ELEMENTS THAT COULD BE VISIBLE BUT NOT INTRUSIVE IN VIEWS, AND THE OVERALL QUALITY OF THE SETTING OR VISUAL AMENITY OF THE SITE WOULD NOT BE AFFECTED BOTH TO AND FROM. <p>WHERE THE NOISE INTRUSION (MECHANICAL OR AERODYNAMIC) FROM ANY NUMBER OF WIND TURBINES (OR FROM OTHER NEIGHBOURING WIND ENERGY DEVELOPMENTS) WOULD NOT HAVE ANY NOTICEABLE EFFECT ON THE AMENITY OF A BUILT OR CULTURAL HERITAGE SITE ADJACENT TO A WIND ENERGY DEVELOPMENT.</p>

5.4.2 Consultation

Feedback on this wind energy proposal was sought from organisations concerned with the protection of the historic environment in the Scottish Borders; those consulted are detailed in the table below.

TABLE 5.5: CONSULTATION RESPONSES

CONSULTEE	DATE OF CONSULTATION	DETAIL OF CONSULTATION
SCOTTISH BORDERS COUNCIL – CHRISTOPHER BOWLES, ARCHAEOLOGY OFFICER	16.12.13	<p><i>“THERE ARE POTENTIAL ARCHAEOLOGICAL IMPACTS FROM DEVELOPMENT. THESE INCLUDE POTENTIAL SETTING IMPACTS TO BLACK HILL FORT AS ACKNOWLEDGED IN THE APPLICANTS’ REPORT, AND POTENTIAL DIRECT IMPACTS TO THE LINE OF DERE STREET ROMAN ROAD. A WIREFRAME AND PHOTOMONTAGE FROM BLACK HILL SHOWING THE DEVELOPMENT IN LANDSCAPE WILL AID IN FORMING AN OPINION ON SETTING IMPACTS. POTENTIAL IMPACTS TO THE ROMAN ROAD, WHICH IS PROJECTED TO HAVE RUN NEAR THE DEVELOPMENT AREA, CAN BE DEALT WITH BY CONDITION ON ANY EVENTUAL CONSENT FOR THE SCHEME.”</i></p>
HISTORIC SCOTLAND – ROBIN CAMPBELL, SENIOR HERITAGE MANAGEMENT OFFICER	09.01.14	<p><i>“...THE CLOSEST ASSET WITHIN OUR STATUTORY REMIT TO THE PROPOSAL IS CAROLSIDE AND LEADERVALE INVENTORY GARDEN AND DESIGNED LANDSCAPE...HAVING REVIEWED THE SUBMITTED INFORMATION WE CONSIDER IT UNLIKELY THAT THE PROPOSED DEVELOPMENT SHALL HAVE A SIGNIFICANT ADVERSE IMPACT ON THE SITE OR SETTING... HOWEVER, DUE TO THE PROXIMITY OF ... [THE SITE]... WE WOULD REQUEST THE PROPOSED DEVELOPMENT ALSO TAKES THIS ASSET INTO ACCOUNT AND THAT ANY SUBMITTED PLANNING APPLICATION ALSO INCLUDES AN ASSESSMENT OF POTENTIAL IMPACT ON ITS SETTING.”</i></p>

5.5 Designated Historical and Archaeological Sites

Tables 5.6 to 5.10 detail designated historic and archaeological sites within the study area of the proposed turbine.

TABLE 5.6: SAMs WITHIN 5KM OF THE PROPOSED TURBINE³⁷

INDEX NO.	NAME	DISTANCE (~KM)	SENSITIVITY	MAGNITUDE
4463	BLACK HILL, FORT	3.5	HIGH	LOW
<p>DESCRIPTION: A FORT OF THE IRON AGE OCCUPYING THE SUMMIT OF BLACK HILL. IT IS COMPLEX, WITH THE DEFENCES SHOWING AT LEAST THREE PHASES OF CONSTRUCTION.</p> <p>IMPACT: AS NOTED IN TABLE 5.5, THE ARCHAEOLOGY OFFICER AT THE COUNCIL REQUESTED THAT THE IMPACT OF THE PROPOSED TURBINE ON THE SETTING OF THIS FORT BE INVESTIGATED. IN ORDER TO DO THIS, VISUALISATION 4 WAS CREATED (APPENDIX 4.8), WHICH IS BASED ON THE SUMMIT OF BLACK HILL.</p> <p>AS SHOWN THROUGH THE VISUALISATION, THERE ARE WIDE VIEWS FROM BLACK HILL OF THE SURROUNDING AREA, WHICH IN THE MODERN DAY COMPRISES MAINLY OF FIELDS, BLOCKS OF TREES, SETTLEMENTS AND SCATTERED FARMSTEADS. THE TURBINE WILL BE AN ADDITIONAL FEATURE IN THIS LANDSCAPE; HOWEVER WILL BE DWARFED BY THE SURROUNDING LANDSCAPE, AS OPPOSED TO BEING PROMINENT. WITH THE SETTING OF THE FORT ENCOMPASSING FAR-RANGING 360° VIEWS, THIS PROPOSAL WILL NOT SIGNIFICANTLY IMPACT THE TURBINE.</p> <p>CUMULATIVE IMPACT: IN THE DIRECTION OF CLACKMAE, THE WIND FARM AT LONG PARK IS VISIBLE ON THE HORIZON. THE PROPOSED WIND FARM AT MUIRCLEUGH FARM WILL ALSO BE VISIBLE ON THE HORIZON TO THE NORTHWEST IF APPROVED AND INSTALLED. ALTHOUGH VISIBLE ON THE WIREFRAME DIAGRAM, THE APPROVED TURBINE AT LARKHILL IS NOT A NOTICEABLE FEATURE FROM BLACK HILL DUE TO ITS SMALL SIZE AND THE INTERVENING LANDSCAPE FEATURES.</p> <p>THE TWO WIND FARMS ARE CLEARLY LARGER, SEPARATE FEATURES FROM THE PROPOSED TURBINE AT CLACKMAE. THE PROPOSAL WILL INSTEAD BE ASSOCIATED WITH THE MODERN SETTLEMENT CLOSER TO BLACK HILL DUE TO ITS RELATIVELY SMALL SCALE, AS OPPOSED TO ADDING A FURTHER ELEMENT TO THE LARGE WIND ENERGY DEVELOPMENTS ON THE HILLS IN THE HORIZON. THIS DEVELOPMENT WILL THEREFORE NOT CREATE A SIGNIFICANT ADDITIONAL CUMULATIVE IMPACT TO THE SETTING OF THIS FORT.</p>				
6829	LANGSHAW TOWER AND ASSOCIATED STRUCTURES*	4.0	HIGH	NEGLIGIBLE
<p>DESCRIPTION: THE FRAGMENTARY REMAINS OF A 16TH CENTURY L-PLANNED TOWER HOUSE WITH A 17TH CENTURY ADDITION. A LARGE WALLED GARDEN EXTENDS FROM THE WEST SIDE OF THE TOWER, WHILE TO THE EAST AND SOUTHEAST THERE ARE THE TURF-COVERED WALLS OF OUTBUILDINGS. THE MONUMENT IS SITUATED AT THE HEAD OF THE ALLAN OR ELWYN VALLEY.</p>				
2159	EASTER HILL, FORT*	4.1	HIGH	NEGLIGIBLE
<p>DESCRIPTION: PREHISTORIC DOMESTIC AND DEFENSIVE.</p>				
6828	COLMSLIE TOWER*	4.4	HIGH	NEGLIGIBLE
<p>DESCRIPTION: THE REMAINS OF A TOWER HOUSE OF 16TH CENTURY DATE, SITUATED AT THE EAST END OF THE STEADING OF COLMSLIE FARM.</p>				

³⁷ Descriptions for monuments in table obtained from Historic Scotland:
<http://data.historic-scotland.gov.uk/pls/htmldb/f?p=2300:30:0>

90214	MELROSE ABBEY & PRECINCT*	4.7	HIGH	NEGLIGIBLE
DESCRIPTION: THE REMAINS OF ONE OF THE FINEST CISTERCIAN MONASTERIES IN SCOTLAND. FOUNDED IN 1136 AS A DAUGHTER HOUSE OF RIEVAULX ABBEY, MELROSE, WHICH WAS THE FIRST CISTERCIAN ABBEY IN SCOTLAND.				
2903	NEWSTEAD, ROMAN FORT, BATH HOUSE, MANSION, WEST ANNEXE ENE OF*	4.7	HIGH	NEGLIGIBLE
DESCRIPTION: THE SITE OF A ROMAN FORT KNOWN AS TRIMONTIUM ROMAN FORT WITH THE SITES OF A BATH HOUSE, MANSION AND WEST ANNEX.				
2845	NEWSTEAD, ROMAN FORT, EAST ANNEXE, SOUTH ANNEX, ROMAN CAMPS E OF*	4.8	HIGH	NEGLIGIBLE
DESCRIPTION: THE SITES OF THE EAST AND SOUTH ANNEXES OF A ROMAN FORT AND THE SITE OF A COMPLEX OF MARCHING CAMPS.				
<i>*THESE SITES DO NOT FALL WITHIN THE ZTV AND ARE THEREFORE WILL NOT BE VISUALLY IMPACTED BY THE PROPOSED DEVELOPMENT DUE TO INTERVENING TOPOGRAPHY AND/OR ANCIENT AND SEMI-NATURAL WOODLAND. NO ARTIFICIAL ELEVATIONS NEED TO BE TAKEN INTO ACCOUNT FOR ANY OF THESE SITES. AS THE PROPOSAL WILL HAVE NO VISUAL IMPACT FROM THESE LOCATIONS, THEY WILL NOT BE DISCUSSED ANY FURTHER WITHIN THIS REPORT.</i>				

TABLE 5.7: CATEGORY A LISTED BUILDINGS WITHIN 5KM OF THE PROPOSED TURBINE³⁸

HBNUM	NAME	DISTANCE (~KM)	SENSITIVITY	MAGNITUDE
2120	COWDENKNOWES HOUSE*	2.9	HIGH	NEGLIGIBLE
DESCRIPTION: IN THE 16TH CENTURY THIS MANSION-HOUSE CONSISTED OF 3 DISTINCT PARTS: A TOWER; MANSION DATED 1574; AND A SMALL TOWER NOW IN RUINS. ALL WERE ORIGINALLY CONNECTED BY CURTAIN WALLS AND ENCLOSING A COURTYARD NOW OCCUPIED AS OPEN GARDENS. A MODERN WING NOW CONNECTS THE TOWER WITH THE MANSION HOUSE.				
15145	LEADERFOOT VIADUCT*	4.7	HIGH	NEGLIGIBLE
DESCRIPTION: CHARLES JOPP AND WYLIE & PEDDIE (ENGINEERS), 1865. OUTSTANDING FORMER RAILWAY VIADUCT SPANNING THE RIVER TWEED ON 19 TALL, SLENDER ARCHES AT A HEIGHT OF 126FT. RED SANDSTONE PIERS, WALLS AND ABUTMENTS. BRICKWORK ARCHES, EACH OF 43FT SPAN.				
15106	DRYGRANGE, OLD BRIDGE*	4.8	HIGH	NEGLIGIBLE
DESCRIPTION: ALEXANDER STEVENS SNR, 1778-80. LATE 18TH CENTURY ROAD BRIDGE WITH 105FT WIDE CENTRAL SEGMENTAL ARCHWAY FLANKED BY ROUND ARCHES OF 55FT, CROSSING THE RIVER TWEED.				
37811	MELROSE, WAVERLY ROAD, ST HELENS*	4.9	HIGH	NEGLIGIBLE
DESCRIPTION: 1806, 3-BAY, SINGLE STOREY AND BASEMENT. SOUTH FRONT; CENTRE BAY ADVANCED IN SEGMENTAL BOW AND CARRIED UP TO FORM ATTIC STOREY. ENTRANCE AT GROUND FLOOR, WITH FANLIGHT AND SIDELIGHTS IN CENTRE OF TUSCAN PILASTRADE, IS APPROACHED BY STEPS OVER PART-RAISED BASEMENT. 1ST FLOOR ATTIC HAS CENTRE TRIPARTITE WINDOW WITH CAST-IRON BALCONY RUNNING THE WIDTH OF THE BOW.				
<i>*THESE SITES DO NOT FALL WITHIN THE ZTV AND ARE THEREFORE WILL NOT BE VISUALLY IMPACTED BY THE PROPOSED DEVELOPMENT DUE TO INTERVENING TOPOGRAPHY AND/OR ANCIENT AND SEMI-NATURAL WOODLAND. AS THE PROPOSAL WILL HAVE NO VISUAL IMPACT FROM THESE LOCATIONS, THEY WILL NOT BE DISCUSSED ANY FURTHER WITHIN THIS REPORT.</i>				

³⁸ Details on listed buildings obtained from Historic Scotland: <http://data.historic-scotland.gov.uk/pls/htmlldb/f?p=2200:10:0>

TABLE 5.8: GARDENS AND DESIGNED LANDSCAPES WITHIN 5KM OF THE PROPOSED TURBINE³⁹

NAME	DISTANCE (~KM)	SENSITIVITY	MAGNITUDE
CAROLSIDE AND LEADERVALE	0.5	HIGH	NEGLIGIBLE
<p>DESCRIPTION: CAROLSIDE AND LEADERVALE ARE LINKED PARKLAND POLICIES WHICH ARE CONSIDERED AS MAKING AN OUTSTANDING SCENIC CONTRIBUTION TO THE LEADER VALLEY LANDSCAPE. THE LATE 18TH CENTURY TO EARLY 19TH CENTURY LANDSCAPE IS WELL-PRESERVED AND COMPRISES TWO MAIN HOUSES, WALLED GARDENS, LODGES AND DRIVES. THE HOUSES ARE SET IN CONTINUOUS PARKLAND FRAMED BY THICK BELTS OF WOODLAND. THIS WOODLAND SHELTERS AND FRAMES THE VALLEY PARKLAND LANDSCAPE AND HOSTS A VARIETY OF WOODLAND WHICH ADDS TEXTURE AND COLOUR TO THE AREA.</p> <p>THE SHORT MAIN DRIVE TO LEADERVALE DESCENDS TOWARDS THE HOUSE FROM THE MINOR ROAD THAT LEADS EAST FROM CLACKMAE. THE ROAD THEN PASSES THROUGH AN AREA OF WOODLAND BEFORE DESCENDING THROUGH PARKLAND TO THE HOUSE.</p>			
<p>IMPACT: APPENDIX 5.1 ILLUSTRATES THAT THE PROPOSED TURBINE IS NOT VISIBLE FROM THIS LANDSCAPE WHICH IS PARTLY DUE TO THE TOPOGRAPHY OF THE AREA: THE MIDDLE OF THE SITE IS SITUATED AT THE BOTTOM OF A FAIRLY STEEP VALLEY, WITH THE GARDENS EXTENDING UP EITHER SIDE OF THE EASTERN AND WESTERN SLOPES. THE TURBINE IS ALSO SCREENED BY THE THICK BELTS OF WOODLAND WHICH FRAME THE PARKLAND. THE PROPOSAL WILL THEREFORE HAVE NO VISUAL IMPACT WITHIN THE GARDEN AND DESIGNED LANDSCAPE.</p> <p>AS REFERENCED IN TABLE 5.5, THROUGH CONSULTATION HISTORIC SCOTLAND RECOGNISED THIS NEGLIGIBLE IMPACT, BUT ALSO REQUESTED THAT THE SETTING OF THE LANDSCAPE IS TAKEN INTO ACCOUNT. THE SURROUNDINGS OF THIS SITE COMPRISE MAINLY FARMLAND AND STRIPS OF WOODLAND, WITH EARLSTON SITUATED TO THE SOUTH. FROM OUTWITH THE LANDSCAPE, ONLY THE WOODLAND SURROUNDING CAROLSIDE AND LEADERVALE IS VISIBLE.</p> <p>AS FOUND THROUGH THE LVIA IN CHAPTER 4, THE TURBINE WILL HAVE A MINOR TO NEGLIGIBLE IMPACT ON MOST OF THIS AREA AS IT WILL BE SCREENED FROM MUCH OF THE SURROUNDING LANDSCAPE. HOWEVER, WHERE VISIBLE, FOR EXAMPLE BETWEEN THE TREES LINING THE ROAD NEAR CLACKMAE ON THE EASTERN APPROACH TO THE GARDEN AND DESIGNED LANDSCAPE, IT WILL HAVE A MODERATE IMPACT DUE TO ITS PROXIMITY (SEE VIEWPOINTS 1 AND 2, APPENDICES 4.5 AND 4.6, FOR AN EXAMPLE). NEVERTHELESS, THE RELATIONSHIP OF THE WOODLAND SETTING OF CAROLSIDE AND LEADERVALE WITH THE SURROUNDING LANDSCAPE WILL NOT BE SIGNIFICANTLY IMPACTED BY THE PROPOSAL AND SO THE OVERALL EFFECT ON ITS SETTING WILL BE NEGLIGIBLE.</p>			
<p>CUMULATIVE IMPACT: THE CUMULATIVE ZTV (APPENDIX 4.12) INDICATES THAT BETWEEN ONE TO FOUR TURBINES, INCLUDING CLACKMAE, ARE VISIBLE OUTWITH THE GARDEN AND DESIGNED LANDSCAPE TO THE WEST AND SOUTH. AS ESTABLISHED ABOVE, THE ADDITION OF THE TURBINE AT CLACKMAE WILL NOT IMPACT VIEWS FROM WITHIN THE LANDSCAPE AND THEREFORE WILL ALSO NOT CONTRIBUTE TO CUMULATIVE VIEWS OF OTHER WIND ENERGY DEVELOPMENTS. AS THE NEAREST WIND TURBINE TO CAROLSIDE AND LEADERVALE (EXCLUDING THE PROPOSAL AT CLACKMAE) IS THE SINGLE TURBINE AT WEST MORRISTON FARM, WHICH IS 3.4KM NORTHEAST OF THE NEAREST PATCH OF CUMULATIVE ZTV SURROUNDING THE SITE, THE SETTING OF THE LANDSCAPE WILL ALSO HAVE A NEGLIGIBLE CUMULATIVE IMPACT AS ANY OTHER VISIBLE TURBINE DEVELOPMENT WILL APPEAR AS A DISTANT FEATURE.</p>			

³⁹ Information on Garden and Designed Landscape obtained from Historic Scotland:
<http://data.historic-scotland.gov.uk/pls/html/db/f?p=2400:15:0::::GARDEN:GDL00088>

TABLE 5.9: CONSERVATION AREAS WITHIN 5KM OF THE PROPOSED TURBINE⁴⁰

NAME	DISTANCE (~KM)	SENSITIVITY	MAGNITUDE
GATTONSIDE*	4.1	MEDIUM	NEGLECTIBLE
DESCRIPTION: GATTONSIDE IS A SOUTH SLOPING SETTLEMENT LOOKING OVER THE RIVER TWEED TOWARDS THE EILDON HILLS.			
REDPATH	4.2	MEDIUM	LOW
DESCRIPTION: THIS CONSERVATION AREA HAS A DISTINCT APPEARANCE AND SETTING, WITH PROPERTIES MAINLY BEING SITUATED CLOSE TOGETHER IN A SINGLE ROW ON EITHER SIDE (NORTH AND SOUTH) OF A NARROW ROAD. REDPATH IS LOCATED ON SOUTH FACING SLOPES ABOVE A WOODED DEAN CONNECTED TO THE LEADER WATER.			
IMPACT: THE PROPOSED TURBINE IS ONLY VISIBLE FROM THE WESTERN HALF OF THE CONSERVATION AREA. IN ADDITION, DUE TO THE NATURE OF THE TIGHTLY PACKED RESIDENCIES, IT IS ONLY LIKELY TO BE VISIBLE FROM THE BACK GARDENS OR NORTH-FACING WINDOWS OF THE HOUSES ON THE NORTH-SIDE OF THE ROAD, AS WELL AS FROM A SMALL, OPEN AREA AT THE WESTERN END OF THE ROAD. MANY OF THE GARDENS HAVE ESTABLISHED GARDENS, WHICH WILL SCREEN MANY NORTHERLY VIEWS TOWARDS THE PROPOSAL. AS A RESULT, THE TURBINE AT CLACKMAE WILL HAVE LITTLE IMPACT ON THIS AREA, AND THE INTERVENING DISTANCE AND LANDSCAPE FEATURES MEAN IT WILL NOT DOMINATE LANDSCAPE VIEWS WHEN VISIBLE. THE CHARACTERISTICS AND SETTING OF THE VILLAGE WILL REMAIN UNAFFECTED.			
CUMULATIVE IMPACT: APPENDIX 4.12 INDICATES THAT BETWEEN ONE TO FOUR WIND TURBINES, INCLUDING CLACKMAE, ARE THEORETICALLY VISIBLE IN THE WESTERN END OF THE CONSERVATION AREA: A DESKTOP ASSESSMENT USING RESOFT™ WINDFARM SOFTWARE FOUND THAT ONLY THE PROPOSAL AT CLACKMAE IS VISIBLE FROM THE OPEN AREA OF THE CONSERVATION AREA TO THE WESTERN END OF THE ROAD; THERE WILL THEREFORE BE NO CUMULATIVE IMPACTS.			
MELROSE*	4.7	MEDIUM	NEGLECTIBLE
DESCRIPTION: INCORPORATES THE HISTORIC CORE OF THE SETTLEMENT, INCLUDING THE TOWN'S FAMOUS ABBEY.			
NEWSTEAD*	4.8	MEDIUM	NEGLECTIBLE
DESCRIPTION: LYING ON LAND STEEPLY RISING FROM THE SOUTH BANKS OF THE RIVER TWEED, THE VILLAGE OF NEWSTEAD IS REPORTEDLY THE OLDEST VILLAGE IN SCOTLAND.			
<i>*THESE SITES DO NOT FALL WITHIN THE ZTV AND ARE THEREFORE WILL NOT BE VISUALLY IMPACTED BY THE PROPOSED DEVELOPMENT DUE TO INTERVENING TOPOGRAPHY. AS THE PROPOSAL WILL HAVE NO VISUAL IMPACT FROM THESE LOCATIONS, THEY WILL NOT BE DISCUSSED ANY FURTHER WITHIN THIS REPORT.</i>			

⁴⁰ Descriptions of Conservation Areas obtained from SBC: http://www.scotborders.gov.uk/directory/69/conservation_areas

TABLE 5.10: MONUMENTS RECORDS WITHIN CLACKMAE LAND BOUNDARY⁴¹

CANMORE ID	NAME	DISTANCE (~KM)	SENSITIVITY	MAGNITUDE
55546	CLACKMAE	0.3	MEDIUM	NEGLIGIBLE
DESCRIPTION: TWO STONE BALLS FROM CLACKMAE ARE IN WILTON LODGE MUSEUM, HAWICK.				
IMPACT: THE AREA OF THIS FIND IS TO THE SOUTHEAST OF THE PROPOSAL, ON THE OTHER SIDE OF THE LOCAL ROAD WHICH SEPARATES THE FARMSTEAD OF CLACKMAE FROM THE MAIN AREA OF FARMLAND TO THE WEST OF THE ROAD. DUE TO THIS NOTABLE SEPARATION FEATURE (ROAD), THE USE OF THE EXISTING ACCESS TRACK TO CONSTRUCT AND MAINTAIN THE TURBINE, AND THE DESIGN OF THE CABLE TRENCH WHICH WILL RUN CLOSE TO THE ACCESS TRACK IN A NORTH-WESTERLY DIRECTION OF THE TURBINE TO THE DAIRY SHED, THERE WILL BE NO GROUND DISTURBANCE IN THE AREA OF THE FIND. AS THE STONE BALLS HAVE BEEN REMOVED TO A MUSEUM, VISUAL IMPACT IS NOT A CONCERN.				
55507	CLACKMAE*	0.4	MEDIUM	NEGLIGIBLE
DESCRIPTION: '75 FLINTS, 3 NON FLINT, 50 RETOUCHE' FROM CLACKMAE ARE LISTED AMONG CHIPPED STONE ARTEFACTS IN WILTON LODGE MUSEUM, HAWICK.				
IMPACT: THESE ARE LOCATED NEXT TO CLACKMAE FARM COTTAGES ON THE OPPOSITE SIDE OF THE LOCAL ROAD TO THE PROPOSED TURBINE; THEREFORE FOR THE SAME REASONS AS ABOVE, THE CONSTRUCTION, OPERATION AND MAINTENANCE OF THE TURBINE WILL NOT PHYSICALLY RISK THE FINDSPOT.				
55504	CHESTERLEE, CAIRNEYMOUNT**	0.6	MEDIUM	NEGLIGIBLE
DESCRIPTION: IN 1993 K. CLARK FROM THE NEWSTEAD RESEARCH PROJECT SURVEYED CHESTERLEE, CAIRNEYMOUNT. ALTHOUGH THE SURVEY PRODUCED NO EVIDENCE FOR ARCHAEOLOGICAL FEATURES, THE RESISTIVITY PLOTS SHOW ROUGHLY THE NORTHERN HALF OF A SINGLE DITCHED OVOID ENCLOSURE. NO EVIDENCE FOR AN ENTRANCE OR INTERNAL FEATURES WAS RECOVERED.				
159576	CAIRNEY MOUNT*	0.8	MEDIUM	NEGLIGIBLE
DESCRIPTION: A ROOFLESS BUILDING AND THE FOUNDATIONS OF A SECOND HAVE BEEN RECORDED BY OBLIQUE AERIAL PHOTOGRAPHY (RCAHMSAP 1996) 80M SE OF CAIRNEYMOUNT FARM-STEADING. THEY ARE DEPICTED AS ROOFED ON THE 1ST EDITION OF THE OS 6-INCH MAP AND ONE IS ANNOTATED AS A SMITHY (ROXBURGHSHIRE 1863, SHEET IV), BUT THEY ARE NOT SHOWN ON THE CURRENT EDITION OF THE 1:10 000 MAP SHEET (1983).				
IMPACT: THIS IS WITHIN THE ZTV, YET DUE TO AREAS OF WOODLAND BETWEEN THE RECORD AND TURBINE, ONLY A SMALL UPPER SECTION OF THE TURBINE WILL BE VISIBLE HERE. DUE TO THIS, AND THE LIKELIHOOD THAT ONLY BELOW-GROUND STRUCTURES REMAIN (IF ANY), THE VISUAL IMPACT AND CUMULATIVE VISUAL IMPACT FROM THIS PROPOSAL ARE NOT SIGNIFICANT.				
55503	RIDGEWALLS, CAIRNEYMOUNT**	0.9	MEDIUM	NEGLIGIBLE
DESCRIPTION: CAIRNEYMOUNT IS A PLOUGH-REDUCED EARTHWORK ENCLOSURE, SUB-RECTANGULAR IN PLAN, WITH AN INTERNAL AREA MEASURING 60M BY 45M. ON THE EASTERN SIDE, WHERE THE ENTRANCE LAY, FRAGMENTS OF THE OUTER EARTHWORKS SURVIVE UN-PLOUGHED IN A PLANTATION, WITH BANKS MORE THAN 1M HIGHER THAN THOSE IN THE ADJACENT IMPROVED LAND. EXCAVATIONS WERE CARRIED OUT ON THIS SITE AS PART OF THE NEWSTEAD PROJECT.				
159575	CAIRNEYMOUNT**	0.9	MEDIUM	NEGLIGIBLE
DESCRIPTION: A FARMHOUSE AND FARM-STEADING HAS BEEN RECORDED BY OBLIQUE AERIAL PHOTOGRAPHY (RCAHMSAP 1996). IT HAS A ROOFLESS TWO COMPARTMENT BUILDING, DEPICTED AS ROOFED AND NAMED CAROL SIDE MAINS ON THE 1ST EDITION OF THE OS 6-INCH MAP. THE CROPMARKS OF A SETTLEMENT HAS BEEN RECORDED IMMEDIATELY SE OF THE FARM-STEADING.				

⁴¹ Descriptions of monuments obtained from Canmore: <http://canmore.rcahms.gov.uk/en/search/>

71758	'DERE STREET;' BORDER – NEWSTEAD – ELGINHAUGH*	1.1	MEDIUM	LOW
<p>DESCRIPTION: ROMAN ROAD. SUGGESTION THAT DERE STREET CROSSED THE LINE OF THE ROAD THAT NOW RUNS BY CLACKMAE AND KEDSLIE TO STONYFORD BRIDGE, PRESUMABLY SOMEWHERE NEAR KEDSLIE (1956). NO TRACE (1975).</p>				
<p>IMPACT: THIS IS SHOWN TO BE LOCATED NORTH OF THE LOCAL ROAD RUNNING IN AN EAST-WEST DIRECTION TO THE NORTH OF THE PROPOSED TURBINE; HOWEVER THERE IS SOME UNCERTAINTY AS TO WHERE IT RAN EXACTLY. THIS WAS RECOGNISED THROUGH CONSULTATION WITH AN ARCHAEOLOGY OFFICER AT SBC (TABLE 5.5), ALTHOUGH IT WAS STATED THAT POTENTIAL IMPACTS CAN BE DEALT WITH THROUGH A PLANNING CONDITION.</p>				
<p><i>*THESE SITES DO NOT FALL WITHIN THE ZTV AND ARE THEREFORE WILL NOT BE VISUALLY IMPACTED BY THE PROPOSED DEVELOPMENT DUE TO INTERVENING TOPOGRAPHY. NO ARTIFICIAL ELEVATIONS NEED TO BE TAKEN INTO ACCOUNT FOR ANY OF THESE SITES. AS THE PROPOSAL WILL HAVE NO VISUAL IMPACT FROM THESE LOCATIONS, THEY WILL NOT BE DISCUSSED ANY FURTHER WITHIN THIS REPORT.</i></p>				
<p><i>*THESE SITES ARE LOCATED TO THE NORTH TO NORTHWEST OF THE PROPOSAL, CLOSE TO A LOCAL ROAD AND THE BUILDINGS ASSOCIATED WITH CAIRNEY MOUNT. THEY ARE SEPARATED FROM THE TURBINE BY CLACKMAE BURN AND WOODLAND. THIS SEPARATION, PLUS THE MINIMAL CONSTRUCTION METHODS PROPOSED FOR TURBINE INSTALLATION, MEANS THAT THERE WILL BE NO PHYSICAL RISK TO THE MONUMENTS RECORDS FROM THE TURBINE.</i></p>				

5.6 Physical Impacts

It is unlikely that there will be a direct physical impact on any designated site through construction relating to turbine installation (site access, ground works and drainage), as there does not appear to be any within the footprint of the proposed development. The only designated site in question is the Monument Record, Dere Street, which was a Roman Road which is projected to have run through this area; however the exact route is unclear. The remaining Monuments Records, which are the closest features to the proposed turbine, are all situated near to existing buildings and dwellings in the area (Clackmae farmstead and cottages, and Cairney Mount) and are separated from the proposed turbine by notable features, such as roads, woodland and water bodies.

5.7 Overall Impact on Historic Environment

The extent of the visual impact of this turbine proposal at Clackmae is limited due to the topography of the surrounding area, woodland coverage and the appropriate size of the turbine for the landscape. The cumulative impact of this turbine with others in the study area is also limited due to the sizeable distance between it and the nearest turbine at West Morrision Farm (4.6km). This limited visual impact is apparent through Appendices 5.1 and 4.12, and the result is a low to negligible impact on the historic environment.

As per advice from an Archaeology Officer at SBC (Table 5.5), a photomontage was created from a viewpoint on Black Hill, near the fort which is a SAM (Table 5.6). Viewpoint 4 (Appendix 4.8) shows that whilst the turbine will be visible from this area, it will not be a prominent feature and will not skyline. It is also a clearly separate feature from the distant wind farms on the

horizon (Long Park and Muircleugh). The significance of this impact on Black Hill, fort, will therefore be low.

The other two designated sites considered as receiving a low impact are Redpath Conservation Area (Table 5.9) and Dere Street, Roman Road (Table 5.10). There will be views of the turbine from the former, however it will be a distant feature and the character and setting of the Conservation Area will not be affected. There will also be no cumulative impact. The impact on the second is uncertain as the exact location of the Roman Road is unknown.

Overall, the predicted impact of the proposed turbine is very low and the historic environment within 5km will remain largely unaffected by the installation and operation of the development.

5.8 Mitigation Measures

The only designation within this study in which impacts are uncertain is Dere Street, a Roman Road which is projected to have run near the site. Nevertheless, as consultation with an Archaeology Officer at SBC confirmed, any potential impacts from this development can be dealt with through a condition of the planning approval. It is likely that an appropriate mitigation measure for this project will be a Watching Brief, where a suitably qualified archaeologist will monitor any site excavations and ground works associated with turbine installation.

It is also important to consider that this development is of a temporary nature and is presumed to only exist in the landscape for 25 years. At this point the turbine will be removed from the site, tracks will be reinstated through the use of topsoil, and underground cables cut.

5.9 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"Renewable energy developments will be approved provided that: ...There are no unacceptable adverse impacts which cannot be fully mitigated on the... archaeological heritage"

The assessment above found that there will be no adverse impacts on the historic environment which cannot be fully mitigated. The predicted visual and, where relevant, physical impacts of the proposed turbine were considered and there will only be low to negligible impacts on any site or its setting.

Please note: This policy is similar to Policy EP7 'Listed Buildings,' Policy EP8 'Archaeology,' Policy EP9 'Conservation Areas' and Policy EP10 'Gardens and Designed Landscapes' of SBC (2013) 'Proposed Local Development Plan' and Policy BE1 'Listed Buildings,' Policy BE2 'Archaeological Sites and Ancient Monuments' and Policy BE3 'Gardens and Designed Landscapes' of the Scottish Borders (2011) 'Consolidated Local Plan.'

6. TOURISM AND RECREATION

6.1 Tourism and the Impact of Wind Energy Developments

To date there is no evidence to suggest that wind turbines have an adverse effect on tourism. Wind farms have become increasingly popular, with tourists and locals alike visiting a number of wind farms across the UK.

In April 2012 VisitScotland published research on consumer attitudes to wind farms and their effect on tourism. The report found that 27.5% of respondents strongly disagreed with the notion that wind farms spoil the Scottish countryside, with only 9% strongly agreeing that wind developments ruined it. 83% of respondents said their decision to visit an area would not be affected by the presence of wind farms.

Nevertheless, although there is evidence to suggest the majority of tourists will not be deterred from visiting a site due to nearby wind energy developments, it is important that sensitive destinations are not adversely impacted by a development so as to spoil their amenity. Tourism near the proposal will therefore be explored below.

6.2 Tourism and Recreation in the Scottish Borders

The following are key tourist and recreational attractions within 5km of the proposed turbine:

- ◆ Carolside and Leadervale Garden and Designed Landscape

This Garden and Designed Landscape is the closest tourist attraction to the proposal, being situated 0.5km northeast. It was established through Chapters 4 and 5, and illustrated through Appendix 5.1, that there will be no visual impact from the proposed turbine on this attraction due to the screening effects from topography and woodland in the local area. This includes considering the cumulative impacts on the overall setting of the landscape.

- ◆ Southern Upland Way

The landscape of the Borders is considered crucial in attracting tourists due to its hilly nature.⁴² One of the main tourist attractions close to the proposed turbine at Clackmae is the long-distance path, the Southern Upland Way (1.8km west). The impact of the turbine on this path was investigated in detail within Chapter 4 and the results found that the proposal will have a very limited visual impact due to it only being partly visible for a very small section of the path. The value of this path as a tourist attraction will therefore be unaffected by the proposal.

⁴² Scottish Borders Council (2011) *'Wind Energy'*

◆ Melrose Abbey

One of the key tourist attractions in the Scottish Borders which is within 5km of the proposed turbine is Melrose Abbey. However, as shown through the ZTV (Appendix 4.3), neither Melrose nor the abbey will be visually impacted by the development.

◆ Scenic Viewpoint: Black Hill

This is the only SBC Scenic Viewpoint within 5km of the proposal and it is situated within the Eildon and Leaderfoot NSA, circa 3.6km southeast of Clackmae. Viewpoint 4 (Appendix 4.8) of the LVIA (Chapter 4) illustrates the cumulative visual impact of the proposed turbine with other wind energy developments in the same field of view. The proposed turbine is visible, yet does not overshadow the wide-ranging views from this viewpoint. In addition, it is appropriate to the scale of the surrounding landform, as it does not skyline or alter the apparent scale of the distinctive hills in this area, and is clearly separate from the larger developments visible in the distance (namely Long Park Wind Farm and the pending wind farm at Muircleugh Farm). The value of the Scenic Viewpoint as an attraction will therefore not be adversely impacted by the proposed turbine.

6.3 Policy Analysis

SCOTTISH BORDERS COUNCIL (2011) 'WIND ENERGY'

"Wind turbines within [2km]... from selected A and B class roads... and seven identified strategic walking routes will not be supported unless it can be proven they will have no unacceptable adverse impact from these routes.

Of those listed in the policy, only the A68 and Southern Upland Way are within 2km of the turbine proposal. These routes were analysed in full in Chapter 4 and it was found that the turbine will have no unacceptable impact.

"The viewpoints from the Eildon Hills, the Carter Bar and Scotts View are considered to be of strategic significance and have a 7km buffer area around them... Applications for turbines within these areas will not be supported unless the applicants can demonstrate such proposals will have no adverse impact from a viewpoint. Iconic viewpoints from identified walking routes have also been identified... as well as selected abbeys, castles, houses and gardens."

Scott's View and two of the three Eildon Hills are within 7km of Clackmae and in the ZTV of the proposed turbine. However, due to the medium size of the proposal and distance of the development, there will be no adverse impact from the proposal (see Chapter 4). Of those listed abbeys, castles, houses and gardens; the following are within 8km of the proposed turbine, yet not within the ZTV and therefore unaffected by the development: Melrose Abbey, Thirlestane Castle, Smailholm Castle, Gala House and Abbotsford House. Small areas of Mellerstain Garden and Designed Landscape are within the ZTV and so this sensitive site was considered in Chapter 4 where it was found there will be no significant impact from the proposed turbine.

7. NOISE ASSESSMENT

This section assesses whether the proposed turbine at Clackmae is likely to cause a noise disturbance at the nearest residential dwellings. The chapter will provide an overview of wind turbine noise, methodology, relevant policy and site context before assessing the extent of wind turbine derived noise at the nearest sensitive receptors.

7.1 Wind Turbine Noise Characteristics

Noise levels are normally expressed in decibels (dB). Noise in the environment is measured using the dB(A) scale, which includes a correction for the response of the human ear to noises with different frequency content. Table 7.1 below indicates the subjective effect of change in noise level.

TABLE 7.1: SUBJECTIVE EFFECT OF CHANGE IN NOISE LEVEL^{43,44}

CHANGE IN LEVEL, dB(A)	SUBJECTIVE EFFECT
3	MINIMUM PERCEPTIBLE CHANGE
5	CLEARLY PERCEPTIBLE
10	TWICE AS LOUD

Noise is generated by wind turbines as they rotate to generate power. This only occurs above the 'cut-in' and below the 'cut-out' wind speeds. Below the cut-in wind speed there is insufficient strength in the wind to generate efficiently and above the cut-out wind speed the turbine is automatically shut down to prevent any malfunctions from occurring. The cut-in speed at turbine hub height is normally between 3 and 5 metres per second (m/s) and the cut out wind speed is normally around 25 m/s.

The principal sources of noise are from the turbine blades rotating in the air (aerodynamic noise), the internal machinery (normally the gearbox) and, to a lesser extent, the generator (mechanical noise). The blades are carefully designed to minimise noise whilst optimising power transfer from the wind. The nacelle at the top of the tower is insulated to minimise noise radiation from the gearbox, generator and other components, which are also isolated from the tower and the blade assembly to prevent structure borne noise.

Wind generated background noise increases with wind speed at a faster rate than wind turbine noise increases with wind speed. The difference between the noise of the wind turbine and background noise is therefore liable to be greatest at low wind speeds. Varying the speed of the turbines in such conditions can, if necessary, reduce the sound output from modern turbines.

⁴³ Handbook of Noise and Vibration Control, Barber 1992; <http://onlinelibrary.wiley.com/doi/10.1002/9780470209707.fmatter/pdf>

⁴⁴ Scottish Government, PAN1/2011: Planning and Noise, <http://www.scotland.gov.uk/Resource/Doc/343210/0114180.pdf>

7.2 Relevant Legislation, Policy and Guidance

The documents listed in Table 7.2 were consulted in relation to wind turbine noise and the development:

TABLE 7.2: DETAILS OF POLICIES PERTAINING TO NOISE EMISSIONS

POLICY LEVEL	POLICY/GUIDANCE DOCUMENT
NATIONAL	ETSU-R-97 (1997) 'THE ASSESSMENT AND RATING OF NOISE FROM WIND FARMS.'
	INSTITUTE OF ACOUSTICS (IOA; 2013) 'GOOD PRACTISE GUIDE TO THE APPLICATION OF ETSU-R-97 FOR THE ASSESSMENT AND RATING OF WIND TURBINE NOISE.'
	SCOTTISH PLANNING POLICY (2014).
	PAN 1/2011 (2011) 'PLANNING AND NOISE' AND ACCOMPANYING TECHNICAL ADVICE NOTE.
	SCOTTISH GOVERNMENT (2013) PLANNING ADVICE SHEET - 'ONSHORE WIND TURBINES.'
	BSI (2008) BS 5228-1 'CODE OF PRACTICE FOR NOISE AND VIBRATION CONTROL ON CONSTRUCTION AND OPEN SITES – PART 1: NOISE.'
	BSI (2009) BS 5228-2 'CODE OF PRACTICE FOR NOISE AND VIBRATION CONTROL ON CONSTRUCTION AND OPEN SITES – PART 2: VIBRATION.'

Through the use of Government policy such as PAN 1/2011, the planning system is able to limit the adverse effects of noise. In considering the implications of low frequency and wind farm noise, the UK Government refers to the findings of a Salford University report called 'Research into Aerodynamic Modulation of Wind Turbine Noise,' which concludes that there is no evidence of health effects arising from infrasound or low frequency noise generated by wind turbines.

The Scottish Government's online guidance (October 2012) states:

"The Report 'The Assessment and Rating of Noise from Wind Turbines' (Final Report, Sept 1996, DTI), (ETSU-R-97), describes a framework for the measurement of wind farm noise, which should be followed by applicants and consultees, and used by planning authorities to assess and rate noise from wind energy developments, until such time as an update is available. This gives indicative noise levels thought to offer a reasonable degree of protection to wind farm neighbours, without placing unreasonable burdens on wind farm developers, and suggests appropriate noise conditions."

ETSU suggests that wind farm noise should be controlled through the application of noise limits at the nearest noise sensitive properties:

- ◆ A fixed limit of 43 dB(A) is recommended for night-time. This is based on a sleep disturbance criteria of 35 dB(A) with an allowance of 10 dB(A) for attenuation through

an open window (free field to internal) and 2 dB(A) subtracted to account for the use of $L_{A90, 10min}$ rather than $L_{Aeq, 10min}$.⁴⁵

- ◆ Noise limits should be applied to external locations and should apply only to those areas frequently used for relaxation or activities for which a quiet environment is highly desirable;
- ◆ Both day- and night-time lower fixed limits can be increased to 45 dB(A) to increase the permissible margin above background where the occupier of the property has some financial interest in the wind farm;
- ◆ In low noise environments the day-time level of the $L_{A90, 10min}$ of the wind farm noise should be limited to an absolute level within the range of 35-40 dB(A). The actual value chosen within this range should depend upon: The number of dwellings in the neighbourhood of the wind farm; the effect of noise limits on the number of kWh generated; and the duration of the level of exposure;
- ◆ For single turbines or wind farms with very large separation distances between the turbines and the nearest properties, a simplified noise condition may be suitable. If the noise is limited to an $L_{A90, 10min}$ of 35 dB(A) up to wind speeds of 10m/s at 10m height, then this condition alone would offer sufficient protection of amenity, and background noise surveys would be unnecessary.

Local Planning Authorities will usually consider this simplified noise condition (final bullet point) sufficient to protect neighbouring residents.

Table 7.3 compares typical levels of noise in the environment.

7.3 Methodology

Through a desk based survey, the turbine has been positioned at such a distance to create the appropriate separation between the development and any noise sensitive areas. To further demonstrate that any nearby properties will not be impacted by noise, a propagation model analysis has been conducted.

ETSU-R-97 does not prescribe a calculation method for predicting turbine noise emission or calculating propagation. The turbine noise emission⁴⁶ is calculated in accordance with ISO 9613-2: 'Acoustics – Attenuation of sound during propagation outdoors – Part 2: General method of calculation' and the published agreement between noise consultants working in the field called 'Prediction and Assessment of Wind Turbine Noise' (PAWTN).⁴⁷

⁴⁵ $L_{A90, 10min}$ is the dB(A) level exceeded 90% of the time over a 10 minute period, as opposed to $L_{Aeq, 10min}$, which is the continuous sound pressure levels over a 10 minute period.

⁴⁶ Turbine noise emission level is the noise levels to be experienced at receptor's location

⁴⁷ Acoustics Bulletin March/April 2009

TABLE 7.3: INDICATIVE NOISE LEVELS⁴⁸

SOURCE/ACTIVITY	INDICATIVE NOISE LEVEL DB(A)
THRESHOLD OF PAIN	140
JET AIRCRAFT AT 250M	105
PNEUMATIC DRILL AT 7M	95
TRUCK AT 30MPH AT 100M	65
BUSY GENERAL OFFICE	60
CAR AT 40MPH AT 100M	55
QUIET BEDROOM	35
RURAL NIGHT-TIME BACKGROUND	20-40
THRESHOLD OF HEARING	0

The ISO 9613-2 propagation model calculates the predicted sound pressure levels at the specified distance by taking the sound power level in octave frequency bands and subtracting or adding a number of factors according to the various losses and gains, including: Atmospheric attenuation; ground absorption or reflection effects; and meteorological conditions.

Assumed input factors for calculation:

- ◆ 10m/s downwind propagation;
- ◆ Ground absorption: G=0.5;
- ◆ Air absorption factor based on a temperature of 10°C and 70% relative humidity;
- ◆ The receptor height is set at 4m above ground level; and
- ◆ Barrier attenuation is not included within the predictions.

According to ISO 9613-2 “the attenuation of sound propagation outdoors between a fixed source and receiver fluctuates due to variations in the meteorological conditions along the propagation path.” Therefore the ISO 9613-2 calculation method allows plus or minus 3dB to moderate downwind propagation and take account of the variety of meteorological conditions that occur over time.

7.4 Site Assessment

The proposed development is surrounded by fields which are bordered to the north, west, south and partly to the east by belts of woodland. The closest noise sensitive receptor to the development is 3 Clackmae Farm Cottages, which is 367m northeast. Whilst the applicant owns Clackmae Farm Cottages, these are tenanted and so considered noise sensitive properties. The only property financially involved in the project is the applicant’s dwelling, Clackmae Farmhouse

⁴⁸ Adapted from PAN1/2011

(534m northeast). There are a number of other residential properties, mainly to the east, which have been taken into consideration and are detailed in Table 7.4.

7.5 Results

Wind turbine operational noise levels at the nearest noise sensitive receptors have been predicted using the noise emission characteristics of the NPS 100/24, which is detailed in the acoustic report attached as Appendix 7.1, in addition to the noise propagation model algorithm outlined in ISO 9613-2. The predicted noise levels were then compared with the ETSU simplified noise condition limits.

Table 7.4 shows the nearest residential dwellings, their distance from the proposed turbine and the predicted noise levels at these properties in relation to $L_{A90, 10min}$ (which was determined by subtracting 2 dB(A) from $L_{Aeq, 10min}$). A map illustrating the noise sensitive receptors and contours is attached as Appendix 7.2.

TABLE 7.4: PROPERTY NAME, DISTANCE FROM TURBINE TO NEAREST NOISE RECEPTORS & NOISE LEVEL

RECEPTOR	ADDRESS	DISTANCE TO WIND TURBINE (M)	PREDICTED DB(A) IN 10M/S WIND ($L_{A90, 10min}$)	NOISE LIMIT DB(A)	EXCEEDANCE DB(A)
H1	3-4 CLACKMAE FARM COTTAGES	367	29.40	35	-5.6
H2	1-2 CLACKMAE FARM COTTAGES	396	28.71	35	-6.29
H3	GLENBURNIE FARMHOUSE	490	26.57	35	-8.43
H4	CLACKMAE FARMHOUSE (FI)	534	25.79	45	-19.21
H5	WEST LODGE, CAROLSIDE	641	24.02	35	-10.98
H6	NETHER CAIRNIE	680	23.5	35	-11.5
H7	CAIRNEY MOUNT	918	20.19	35	-14.81

FI: FINANCIALLY INVOLVED

7.5.1 Assessment Summary

This noise propagation assessment has found that the proposed NPS 100/24 turbine at Clackmae will comply with noise policy and will not be a nuisance to neighbouring noise sensitive receptors.

7.6 Construction Noise

During the construction phases of development there will be a number of short-term noise impacts which includes:

- ◆ The transportation of equipment and materials to site will require the use of Heavy Goods Vehicles (HGVs). The majority of the route will be via motorways and other regional roads. The overall impact is therefore unlikely to be significant; and
- ◆ The construction and excavation of the foundations and ancillary structures is likely to have short term noise impacts higher than background levels. In accordance with best practice, this type of construction work will take place during daylight hours to ensure minimal disturbance to nearby residential dwellings.

Given the scale of the proposed development, there will only be a short-term noise impact from construction traffic and turbine components coming to and from site along local roads. These stages are therefore considered to have a negligible overall noise impact.

7.7 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"...proposals for all wind turbine proposals should be judged against the following considerations and will only be approved where the overall impact is judged acceptable by the Council: ... generation of noise..."

In all cases developers must demonstrate that they have considered options for minimising the operation impact of a turbine proposal including: ... Turbine specification and technical controls, including consideration of predicted noise levels at specific properties closest to the wind farm at wind speeds corresponding to cut-in, full rated power and maximum operational wind speed, along with background noise levels and wind speeds."

As demonstrated within this chapter, a noise propagation model was completed for this single, medium-sized turbine proposal and it was found to comply with the noise limits as per ETSU-R-97. The result has meant that there is no need for further detailed background noise testing. If necessary, NPS wind turbines can all be programmed to operate only at certain wind speeds or directions, and can be controlled remotely; however the outcome of the noise propagation has indicated this is unlikely to ever be required on the basis of noise.

Please note: This policy is similar to Policy D4 'Renewable Energy Development' of the Scottish Borders (2011) 'Consolidated Local Plan;' and Policy HD3 'Protection of Residential Amenity' of the SBC (2013) 'Proposed Local Development Plan;' and SBC (2011) 'Wind Energy'

8. SHADOW FLICKER

8.1 Introduction

This assessment examines the potential effects of shadow flicker produced by the proposed turbine at Clackmae. Shadow flicker is the term used to describe the effect on residential amenity produced by the intermittent casting of shadow upon a particular location by the rotating blades of a wind turbine.

This chapter quantifies the geographical area over which shadow flicker could potentially occur and sets out an assessment of the duration and timing of these effects under the ‘worst case scenario.’ This assessment aims to alleviate concerns among those residing in the local landscape surrounding the development site. It also seeks to identify measures that could be employed to mitigate any impacts, if deemed necessary, as a result of the assessment.

8.2 Relevant Legislation, Policy and Guidance

Current Scottish Planning Policy,⁴⁹ supplemented by online renewable advice note *Onshore Wind Turbines*,⁵⁰ describes shadow flicker as follows:

“Under certain combinations of geographical position, time of day and time of year, the sun may pass behind the rotor and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the effect is known as ‘shadow flicker.’ Shadow flicker occurs only within buildings where the flicker appears through a narrow window opening. The seasonal duration of this effect can be calculated from the geometry of the machine and the latitude of the potential site.”

The following describes the conditions in the UK where shadow flicker may occur:

- ◆ Only properties within 130 degrees either side of north of the proposed development can be affected at UK latitudes;
- ◆ Shadow flicker is very unlikely to occur at distances greater than ten rotor diameters of the turbine;
- ◆ The frequency of the flickering caused by the rotation of the turbine blades is such that it unlikely to cause any health effects or nuisance^{51, 52}

⁴⁹ Scottish Planning Policy: <http://www.scotland.gov.uk/Resource/0045/00453827.pdf>

⁵⁰ Online renewable advice note, Onshore Wind Turbines, <http://www.scotland.gov.uk/Resource/0040/00405870.pdf>

⁵¹ http://planningguidance.planningportal.gov.uk/blog/guidance/renewable-and-low-carbon-energy/particular-planning-considerations-for-hydropower-active-solar-technology-solar-farms-and-wind-turbines/#paragraph_020

⁵² Parsons Brinckerhoff Consultants, for DECC (2010): ‘Update of UK Shadow Flicker Evidence Base: Final Report’

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/48052/1416-update-uk-shadow-flicker-evidence-base.pdf

Furthermore, “mitigation measures which have been employed to operational wind farms, such as turbine shut down strategies, have proved very successful, to the extent that shadow flicker cannot be considered a major issue in the UK.”⁵³

8.3 Methodology

Planning guidance in the UK requires developers to investigate the impact of shadow flicker upon dwellings situated within ten rotor diameters of the proposed turbine, however no specific methodology is prescribed.

Currently within the UK, only Northern Ireland⁵⁴ stipulates legislative requirements for the minimisation of shadow flicker. On this basis, in order to define the significance of effects, this guidance has been adopted for this project. It states that in the worst case scenario shadow flicker should not exceed 30 hours per year or 30 minutes per day.

Any predicted shadow flicker effect that is less than this worst case scenario is deemed to be *negligible* and therefore not significant.

Computer modelling is used for an accurate assessment of shadow flicker, taking into account the dimensions of the development and the movement of the sun throughout the year. Resoft Windfarm[®] software was used for the modelling, with the following parameters:

- ◆ The location and dimensions of the proposed development;
- ◆ The location of properties within the vicinity of the development; and
- ◆ The estimated dimensions and orientations of windows facing the proposed development.

The ‘worst case scenario’ is assumed within this model, which is defined as:

- ◆ Continuous sunshine throughout daylight hours with no cloud cover;
- ◆ Continually rotating turbine blades;
- ◆ No vegetation or other obstacles are screening the receptor; and
- ◆ The wind turbine rotor plane is always perpendicular to the receptor and sun.

8.4 Baseline Information

The proposed development has a rotor diameter of 23.6m. There are no properties within the distance of ten rotor diameters (236m) from the proposed site and this turbine is therefore

⁵³ Parsons Brinckerhoff Consultants, for DECC (2010): ‘Update of UK Shadow Flicker Evidence Base: Final Report’

⁵⁴ Best Practice Guidance to Planning Policy Statement 18 ‘Renewable Energy’

http://www.planningni.gov.uk/index/policy/policy_publications/planning_statements/planning_policy_statement_18_renewable_energy_best_practice_guidance.pdf

highly unlikely to adversely affect its nearest receptors through shadow flicker, as per the guidance above.

However, in order to demonstrate that the development will not generate any shadow flicker impact, it has been modelled via Resoft Windfarm[®] software using the parameters detailed in Chapter 8.3.

8.5 Results

The assessment found that no properties will be affected by shadow flicker; this is shown through Appendix 8.1.

In practice it is likely that the effects of shadow flicker would occur for considerably less time than the 'worst case scenario' prediction as described, for the following reasons:

- ◆ Approximately 14.3% of total annual hours in the local area are recorded as sunshine;⁵⁵ at all other times of the year the shadows cast by the proposed development are unlikely to be sufficiently pronounced to illicit shadow flicker effects;
- ◆ At times when there is insufficient wind to move the turbine, the effects of shadow flicker cannot be produced;
- ◆ Receptors with screening elements (such as a tall fence) would see a further reduction of effects; and
- ◆ At times when the proposed development is not perpendicular to the receptor and sun, the duration of shadow flicker effects would be reduced due to the elliptical shape of the shadow cast.

8.6 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"...proposals for all wind turbine proposals should be judged against the following considerations and will only be approved where the overall impact is judged acceptable by the Council: ... shadow flicker."

The shadow flicker calculations map (Appendix 8.1) illustrate that no residential property will be affected by shadow flicker from this proposal.

Please note: This policy is similar to Policy D4 'Renewable Energy Development' of the Scottish Borders (2011) 'Consolidated Local Plan' and Scottish Borders Council (2011) 'Wind Energy.'

⁵⁵ This is calculated from the average total annual sunshine hours recorded at the nearest climate station (Galashiels) by the MET Office between 1981 and 2010. (<http://www.metoffice.gov.uk/public/weather/climate/gcvh617i6>). Total annual hours are 8765.81 (accounting for leap years)

9. ECOLOGY

9.1 Introduction

The quality of Scotland's natural heritage is recognised internationally and is an important asset to protect. Ultimately, wind turbines have a positive role to play in regards to this, as the purpose of wind energy is to help combat rising carbon emissions which will otherwise increasingly damage the natural environment. Yet in contrast, wind turbines can adversely impact the environment if at an inappropriate scale and location: Development must therefore be designed to prevent this.⁵⁶

Birds and bats are the main classes of fauna perceived to be vulnerable to wind energy developments, through risk of collision with turbine blades.⁵⁷ However, whilst further research is required in regards to bat mortality,⁵⁸ wind turbines are actually responsible for very few bird deaths caused by human activity (less than 0.01%). Nevertheless, poor turbine design and siting of large wind farms in the 1980s in California still affect the image of the modern wind energy industry today, which has greatly improved standards of design and is subject to far more robust planning control.

9.2 Methodology

9.2.1 Scottish Natural Heritage: Policy and Guidance⁵⁹

SNH is a statutory advisor to the Scottish Government and local planning authorities for wind energy planning applications such as this.⁶⁰ In 2014, SNH published a guidance document entitled '*Assessing the impact of small-scale wind energy proposals on the natural heritage.*' This document was designed so that planning authorities do not need to consult SNH for a small scale wind energy application (three or fewer turbines) unless a protected area will be affected by a proposal, or an EIA is required. Much of the ecological assessment to follow is structured around this guidance.

Policy pertaining to birds, bats and protected habitats will be explored in more detail below. However, in addition to considering these, it is important to note that SNH require attention to be paid to pathways, an example being pollutants leaving the development site through runoff during construction and entering freshwater sites. Other species must also be taken into consideration, such as the potential for disturbance to Badgers, which are protected by the Protection of Badgers Act 1992, as amended by the Nature Conservation (Scotland) Act 2004.

⁵⁶ SNH (2009) Strategic Locational Guidance for Onshore Wind Farms in respect of the Natural Heritage: <http://www.snh.gov.uk/docs/A247182.pdf>

⁵⁷ <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/>

⁵⁸ Research especially needed in UK - Natural England (2014) Bats and Onshore Wind Turbines – Interim Guidance

⁵⁹ <http://www.snh.gov.uk/planning-and-development/renewable-energy/onshore-wind/>

⁶⁰ SNH (2009) Strategic Locational Guidance for Onshore Wind Farms in respect of the Natural Heritage

Birds

The EU Birds Directive (2009/147/EC) creates a comprehensive scheme of protection for all wild bird species naturally occurring in the EU.

Great emphasis is placed on the protection of habitats for endangered or migratory species (listed in Annex I) through the establishment of a coherent network of Special Protection Areas (SPAs). Since 1994, all SPAs form an integral part of the EU wide Natura 2000 ecological network.

Bats

All species of bats are European protected species.⁶¹ Following best practice guidance referred to by SNH and produced by Natural England,⁶² a 50m buffer should be maintained between any linear features, (such as trees, walls, hedges, buildings and water bodies), into which no part of the turbine intrudes; in order to reduce the risk to bat populations. The edge of the rotor-swept area (blade tip) therefore needs to be at least 50m from the nearest part of the habitat feature. Figure 8.1 provides an illustration and the formula required to calculate this.

The majority of bat species within the UK are known to use echolocation calls which are only within a useful range of a few meters; they therefore tend to fly close to habitat features such as hedgerows, woodlands, walls, rivers and the tree canopy. UK bat activity has been found to decline at fixed intervals of 50m and varying intervals of 35m from treelines when both commuting and foraging. If the 50m buffer zone for wind turbines is maintained, the majority of UK bat species are unlikely to come into contact with blades.⁶³

If a proposed wind turbine does fall within 50m of suitable habitats or within sites designed for bats (Sites of Special Scientific Interest (SSSI) or Special Areas of Conservation (SACs)), a bat survey is automatically required.⁶⁴

Protected Habitats

The 1992 Habitats Directive (92/43/EEC) affords protection to certain habitats and species identified in the Directive, including those requiring strict protection (European protected species). These areas are known as SAC.

⁶¹ SNH (2012) Assessing the impact of small-scale wind energy proposals on the natural heritage

⁶² As per Natural England Technical Information Note 51 (TIN051): <http://publications.naturalengland.org.uk/publication/35010>

⁶³ Natural England (2014) Bats and Onshore Wind Turbines – Interim Guidance

⁶⁴ Natural England: www.naturalengland.org.uk

9.2.2 Desk-based Assessment Methodology

A desk-based assessment was conducted to:

- Identify all designated sites listed through Table 9.1 within a 20km radius of the proposed turbine in compliance with SNH guidance.⁶⁵ The online information service from SNH (SNHi)⁶⁶ was used to gather this; and
- Collect records on the bat species within the 10km grid square in which the turbine is located (NT53) through the NBN Gateway;⁶⁷

TABLE 9.1: PROTECTED AREAS TO BE TAKEN INTO CONSIDERATION

NAME	DESCRIPTION
SPECIAL PROTECTION AREAS (SPA)	EUROPEAN DESIGNATED SITES, PROTECTED UNDER THE WILD BIRDS DIRECTIVE (COUNCIL DIRECTIVE 2009/147/EC ON THE CONSERVATION OF WILD BIRDS) [PREVIOUSLY DIRECTIVE 79/409/EEC]. THESE SITES HAVE BEEN IDENTIFIED AS BEING OF INTERNATIONAL IMPORTANCE TO RARE OR VULNERABLE BIRD SPECIES.
SPECIAL AREAS OF CONSERVATION (SAC)	EUROPEAN DESIGNATED SITES, PROTECTED UNDER THE 1992 HABITATS DIRECTIVE (92/43/EEC), WHICH, TOGETHER WITH SPAS, AIM TO FORM A EUROPEAN COMMUNITY-WIDE NETWORK OF PROTECTED AREAS (NATURA 2000) FOR THOSE HABITATS AND SPECIES WHICH ARE ENDANGERED, VULNERABLE, RARE, OR OTHERWISE REQUIRE SPECIAL ATTENTION.
SITES OF SPECIAL SCIENTIFIC INTEREST (SSSI)	AREAS OF LAND THAT REPRESENT A WIDE RANGE OF NATURAL FEATURES, FROM VULNERABLE PLANTS OR ANIMALS, TO HIGH-QUALITY HABITAT EXAMPLES, SUCH AS WETLANDS OR MEADOWS. LEGALLY PROTECTED THROUGH A NUMBER OF ACTS INCLUDING THE COUNTRYSIDE AND RIGHTS OF WAY (CROW) ACT 2000.
OTHER PROTECTED AREAS	INCLUDES: RAMSAR SITES - WETLANDS OF INTERNATIONAL IMPORTANCE DESIGNATED UNDER THE RAMSAR CONVENTION (1971); NATIONAL AND LOCAL NATURE RESERVES (NNRS AND LNRS) - IMPORTANT SITES FOR WILDLIFE, GEOLOGY, EDUCATION OR PUBLIC ENJOYMENT; NATIONAL PARKS; COUNTRY PARKS; AND RSPB RESERVES.

9.2.3 Consultation

Feedback on this wind energy proposal was also sought from organisations concerned with the protection of the natural environment in the Scottish Borders and is detailed in the table below. This has influenced the structure of this ecological assessment.

⁶⁵ SNH (February 2012): <http://www.snh.gov.uk/docs/A669283.pdf>

⁶⁶ <http://www.snh.gov.uk/publications-data-and-research/snhi-information-service/>

⁶⁷ NBN Gateway, grid square HU36: <https://data.nbn.org.uk/Reports/Sites/HU36/Groups>

TABLE 9.2: CONSULTATION RESPONSES

CONSULTEE	DATE OF CONSULTATION	DETAIL OF CONSULTATION
ALISON PHILLIP, SNH OPERATIONS OFFICER, SOUTHERN SCOTLAND	19.12.13	<p style="text-align: center;">GREENLAW MOOR SPA</p> <p>WITHIN THE FORAGING RANGE FOR PINK-FOOTED GEESE AT GREENLAW MOOR SPA "WE KNOW FROM LOCAL STUDIES THAT THE LOCATION OF THE PROPOSED TURBINE IS NOT IN AN AREA KNOWN TO BE REGULARLY USED BY PINK-FOOTED GEESE FOR FEEDING DURING THE AUTUMN AND WINTER MONTHS, AND THAT THE SITE IS NOT LOCATED ALONG THE ROUTE OF REGULAR FLIGHT LINES USED BY GEESE TO ACCESS OTHER FEEDING AREAS. WE THEREFORE CONSIDER IT UNLIKELY THAT A TURBINE AT CLACKMAE FARM WILL HAVE A SIGNIFICANT EFFECT ON THE QUALIFYING INTEREST OF THIS SPA, DIRECTLY OR INDIRECTLY. INFORMATION TO INFORM AN APPROPRIATE ASSESSMENT IS THEREFORE NOT REQUIRED."</p> <p style="text-align: center;">RIVER TWEED SAC & SSSI</p> <p>THE TURBINE IS SUFFICIENTLY DISTANT FROM BOTH SITES AND IS UNLIKELY TO HAVE A SIGNIFICANT EFFECT. FURTHER INFORMATION IS NOT REQUIRED.</p> <p style="text-align: center;">OTHER DESIGNATED SITES</p> <p>NO CONNECTIVITY BETWEEN PROPOSAL AND OTHER DESIGNATED SITES, NO FURTHER INFORMATION REQUIRED.</p>

9.3 Results

9.3.1 Designated Sites

All of the designated environmental sites within a 20km radius of the proposed turbine are mapped in Appendix 9.1.

Table 9.3 details the SPAs within the 20km study area and the bird species associated with each area. The table also identifies, where applicable, whether any bird species may have connectivity with the proposed turbine using data provided by SNH.⁶⁸

Other designated environmental sites within 5km are detailed in Table 9.4; with Appendix 9.1 showing all to 20km.

TABLE 9.3: SPAs WITHIN 20KM

SITE NAME & DISTANCE FROM TURBINE	QUALIFYING FEATURE	CORE RANGE	TURBINE IN RANGE?
GREENLAW MOOR 17.6KM	AGGREGATIONS OF NON-BREEDING BIRDS: PINK-FOOTED GOOSE (<i>ANSER BRACHYRHYNCHUS</i>).	15 TO 20KM	YES

⁶⁸ SNH (2013) *Assessing Connectivity with Special Protection Areas (SPAs)*

TABLE 9.4: OTHER DESIGNATED ENVIRONMENTAL SITES WITHIN 5KM

SITE NAME & DISTANCE FROM TURBINE (KM)	SITE CATEGORY	QUALIFYING FEATURE
RIVER TWEED 0.8KM	SAC	FISH: RIVER LAMPREY (<i>LAMPETRA FLUVIATILIS</i>), BROOK LAMPREY (<i>LAMPETRA PLANERI</i>), SEA LAMPREY (<i>PETROMYZON MARINUS</i>), ATLANTIC SALMON (<i>SALMO SALAR</i>); MAMMALS: OTTER (<i>LUTRA LUTRA</i>); RIVERS & STREAMS: RIVERS WITH FLOATING VEGETATION OFTEN DOMINATED BY WATER-CROWFOOT.
CENTRAL BORDERS 1.8KM	ENVIRONMENTALLY SENSITIVE AREA (ESA)	NON-HABITAT PAYMENT, WOODLAND.
GATTONSIDE MOSS 2.5KM	SSSI	FEN, MARSH AND SWAMP (WETLAND): BASIN FEN; OTHER INVERTEBRATES: BEETLE ASSEMBLAGE.
AVENEL HILL & GORGE 3.3KM	SSSI	BROAD-LEAVED, MIXED AND YEW WOODLAND: UPLAND OAK WOODLAND; BUTTERFLIES: GREEN HAIRSTREAK (<i>CALLOPHRYS RUBI</i>).
RIVER TWEED 4.2KM	SSSI	FISH: RIVER LAMPREY (<i>LAMPETRA FLUVIATILIS</i>), BROOK LAMPREY (<i>LAMPETRA PLANERI</i>), SEA LAMPREY (<i>PETROMYZON MARINUS</i>), ATLANTIC SALMON (<i>SALMO SALAR</i>); MAMMALS: OTTER (<i>LUTRA LUTRA</i>); OTHER INVERTEBRATES: FLY ASSEMBLAGE, BEETLE ASSEMBLAGE; RIVERS & STREAMS: TROPIC RANGE RIVER/STREAM; VASCULAR PLANTS: ASSEMBLAGE.
TWEEDWOOD -- GATEHEUGH 4.5KM	SSSI	BROAD-LEAVED, MIXED AND YEW WOODLAND: UPLAND OAK WOODLAND; OTHER INVERTEBRATES: BEETLE ASSEMBLAGE.
THREEPWOOD MOSS 4.7KM	SAC	BOGS (WETLAND): ACTIVE AND DEGRADED RAISED BOG.
	SSSI	BOGS (WETLAND): RAISED BOG.
COLMSLIEHILL JUNIPERS 5.0KM	SSSI	BROAD-LEAVED, MIXED AND YEW WOODLAND (UPLAND): JUNIPER SCRUB.

9.3.2 Bat Species

Table 9.5 details the bat species recorded within the 10km grid square in which the proposed turbine is located. It also describes the typical habitat of each species, if individual bats are at risk from wind turbines, and if the species as a whole are at risk.

TABLE 9.5: RECORDED BAT SPECIES WITHIN 10KM GRID SQUARE (NT53) OF PROPOSAL⁶⁹

SPECIES	STATUS	HABITAT (SCOTLAND)	LIKELY RISK TO BAT FROM WIND TURBINES	LIKELY THREAT TO POPULATION FROM WIND TURBINES
BROWN LONG-EARED BAT (<i>PLECOTUS AURITUS</i>)	POPULATION: COMMON/ WIDESPREAD UK STATUS: NOT THREATENED	SUMMER ROOST – LARGE, OLD, OCCUPIED BUILDINGS CLOSE TO WOODLAND; WINTER – POSSIBLY TREE HOLES; FORAGING – MAINLY DECIDUOUS WOODLAND, ALSO MIXED WOODLAND AND EDGE OF CONIFER PLANTATIONS; TRAVEL – USE FLYWAYS (HEDGES, TREELINES).	LOW	LOW
DAUBENTON'S BAT (<i>MYOTIS DAUBENTONII</i>)	POPULATION: COMMON/ WIDESPREAD UK STATUS: NOT THREATENED	SUMMER ROOST – MAINLY TREES, PREFERRING OAK TO BEECH ON THE EDGE OF WOODLAND, ALWAYS CLOSE TO WATER; WINTER – MAINLY CAVES, MINES; FORAGING – ALMOST EXCLUSIVELY OVER WATER WITH CANOPY TREES ON BANKS; TRAVEL – FLYWAYS (HEDGES, OVERGROWN BURNS), AVOID OPEN SPACE EXCEPT OVER WATER.	LOW	LOW
NATTERER'S BAT (<i>MYOTIS NATTERERI</i>)	POPULATION: COMMON/ WIDESPREAD UK STATUS: NOT THREATENED	SUMMER ROOST – BUILDINGS OR TREES; WINTER – MINES, LIMESTONE QUARRIES; FORAGING – NUMBER OF LOCATIONS, MOSTLY MEDIUM LENGTH GRASS UNDER WIDELY SPACED CONIFEROUS TREES (E.G. LARCH, SCOTS PINE).	LOW	LOW
COMMON PIPISTRELLE (<i>PIPISTRELLUS PIPISTRELLUS</i>)	POPULATION: COMMON/ WIDESPREAD UK STATUS: NOT THREATENED	SUMMER ROOST – MOSTLY RIVER VALLEYS, DEPENDENT ON OCCUPIED BUILDINGS; WINTER – PROBABLY BUILDINGS; FORAGING – MAINLY RIPARIAN WOODLAND AND PARKLAND, BUT BROAD PREFERENCES.	MEDIUM	LOW
WHISKERED BAT (<i>MYOTIS MYSTACINUS</i>)	POPULATION: RARE/ RESTRICTED DISTRIBUTION UK STATUS: VULNERABLE; SCARCE	SUMMER ROOST – USUALLY BUILDINGS, UNDER SLATES OR RIDGE TILES; WINTER – UNDERGROUND SITES FORAGING – MAINLY LIGHTLY WOODED HABITAT, ALONG HEDGEROWS.	LOW	LOW

⁶⁹ Table created from 3 documents: Swift (2004) *Bat Species in Scotland: SNH Commissioned Report*: <http://www.snh.gov.uk/docs/C208532.pdf>; Hundt L (2012) *Bat Surveys: Good Practice Guidelines, 2nd Edition*, Bat Conservation Trust; Natural England (2014) *Bats and Onshore Wind Turbines – Interim Guidance*

9.3.3 Habitat on Proposed Site

The proposed turbine is located within an arable field on Clackmae, used for a rotation of grain and grass. It is sited 108m from a belt of semi-natural woodland to the west, and 175m from a belt of Ancient Woodland to the north. Clackmae Burn runs through this northern belt of woodland, 206m from the turbine at its nearest point. As there is also woodland to the south (360m) and east (305m) of the turbine, the fields in which the turbine is situated are relatively enclosed.

9.4 Discussion

9.4.1 Designated Sites

As detailed in Table 9.3, there is one SPA 17.6km northeast of the proposed turbine. This is within the range of the Pink-footed goose. Nevertheless, this species roost in estuaries, larger lakes, and reservoirs and usually feed close to their roost sites in large, open areas. Native coastal food plants and agricultural crops are eaten and journeys of up to 20km for foraging are only occasionally taken.⁷⁰ Due to the relatively enclosed habitat at Clackmae as described in Chapter 9.3.3, and the distance of the site from the SPA, this species is unlikely to feed at Clackmae and therefore is at low risk from this wind turbine proposal.

This low risk has been confirmed through consultation with SNH (Table 9.2), where it is confirmed this is not an area known to be regularly used by Pink-footed geese for feeding in autumn and winter; further assessment is therefore considered unnecessary.

The other designated sites listed in Table 9.4 have also been established as not being at risk from the proposal through consultation with SNH and therefore no further investigation is required. This is because there is sufficient distance between these protected sites and the turbine and no connectivity through pathways exist. For example, the nearest site is the River Tweed SAC (800m west; the nearest section of which is Leader Water, which runs into the River Tweed 4.5km to the south). However, there are patches of woodland and minor roads separating the river from the turbine. In addition, although the turbine is situated closer to Clackmae Burn (206m north) and a stream to the south (380m), which both run into the SAC, these two smaller watercourses are situated within woodland which will prevent run-off.

9.4.2 Bats

The desktop study found records of five bat species within the 10km grid square of Clackmae (NT53) – details on these species were summarised in Table 9.5. It was found that these species have a low risk to wind energy development, with the exception of the Common Pipistrelle. As individuals, these have a medium risk to a turbine, yet there is a low risk to the population as a whole. In addition, the proposed turbine is located 108m from the nearest woodland, in excess

⁷⁰ Pink-footed Goose (*Anser brachyrhynchus*) <http://jncc.defra.co.uk>

of the minimum 50m distance from blade tip recommended for the protection of bats. The woodland habitat around Clackmae Burn to the north may be suitable for these pipistrelles; however, the proposed turbine is again situated a suitable distance from this so as to reduce risk to this bat species.

9.4.3 Habitat

The proposed turbine is situated on arable land which has limited value as habitat. Furthermore, the development will have a minimal footprint as it is situated beside an existing access track on the farm, removing the need for the construction of a new track.

9.5 Recommendations

From the analysis above, it has been found that there is a very small risk to the overall ecology of the surrounding area from this proposed turbine. The mitigation measures required at the site are therefore minimal.

Those measures implemented concern the installation and decommissioning of the turbine with the aim to protect invertebrates such as badgers. This includes covering foundations overnight, capping the end of any pipes and erecting suitable fencing.

9.6 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"Renewable energy developments will be approved provided that: ... There are no unacceptable adverse impacts which cannot be fully mitigated on the natural heritage including the water environment... [and] biodiversity."

The analysis presented in this chapter has demonstrated that there will be little risk of impact on the ecology of the surrounding area from this wind turbine.

Please note: This policy is similar to Policy D4 'Renewable Energy Development,' Policy NE1 'International Nature Conservation Sites' and Policy NE2 'National Nature Conservation Sites' of SBC (2011) 'Consolidated Local Plan,' Policy EP1 'International Nature Conservation Sites and Protected Species,' Policy EP2 'National Nature Conservation and Protected Species' and Policy EP3 'Local Biodiversity' of SBC (2013) 'Proposed Local Development Plan,' and SBC (2011) 'Wind Energy.'

10. SOIL AND HYDROLOGICAL ASSESSMENT

10.1 Introduction

An assessment of the potential effects on soil and hydrology has been carried out through a desk-based assessment. Effects on the soils and hydrology of the site can occur as a result of the various stages of development, namely construction and decommissioning.

10.2 Relevant Legislation, Policy and Guidance

Best practice legislation and guidance notes were consulted when conducting the hydrological assessment, including SPP (2014) and Scottish Environmental Protection Agency (SEPA) Policies and Pollution Prevention Guidelines (PPGs).

10.3 Consultation Response

Table 10.1 details the feedback received from SEPA through consultation on this development.

TABLE 10.1: CONSULTATION RESPONSE

CONSULTEE	DATE OF CONSULTATION	DETAIL OF CONSULTATION
DIARMUID O'CONNOR, SENIOR PLANNING OFFICER, SEPA	17.12.13	SATISFIED THAT INTERESTS CAN BE ADEQUATELY ADDRESSED THROUGH STANDARD GUIDANCE ('SEPA STANDING ADVICE FOR PLANNING AUTHORITIES ON SMALL SCALE LOCAL DEVELOPMENT MANAGEMENT CONSULTATIONS').

10.4 Land Capability

As per the Macaulay Land Use Research Institute's Land Capability Map,⁷¹ the development area within Clackmae is categorised as land capable of supporting mixed agriculture. It is categorised as Class 3.2 which is "capable of producing a moderate range of crops with an increasing trend towards grass within the rotation."

The site is therefore not categorised as prime agricultural land (which are classes 1, 2 and 3.1 in the classification system).

⁷¹ The Macaulay Land Use Research Institute: http://www.macaulay.ac.uk/explorescotland/lca_map.pdf

10.5 Hydrology

The nearest water system to the proposed turbine is Clackmae Burn, which is 206m north. This distance is significantly more than the 50m minimum distance recommended for watercourses and so will avoid any risk to the local hydrology. The woodland surrounding Clackmae Burn further reduces any risks, preventing runoff.

10.6 Flood Risk

In order to establish whether the site is at risk of flooding, SEPA's online Indicative River and Coastal Flood Map⁷² was consulted. Flood risk areas are defined as areas at risk of flooding from rivers, surface water, and/or the sea.

The map shows that the site of the proposed turbine, which is located at 189m AOD, is not at risk from flooding. The closest at risk area is the eastern section of Clackmae Burn, approximately 360m northeast of the turbine.

As there is little risk of flooding at the proposed turbine location, the potential impacts on hydrology in the vicinity of the development are considerably lowered. This is especially significant during the construction phase of the development.

10.7 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"Proposals for all wind turbine proposals should be judged against the following considerations and will only be approved where the overall impact is judged acceptable by the Council: ...protection of carbon rich soils including peat land and protection of prime quality agricultural land."

The proposed development site is not located on carbon rich soil or prime agricultural land.

Please note: This policy is similar to SBC (2013) 'Proposed Local Development Plan': Policy ED10 'Protection of Prime Quality Agricultural Land and Carbon Rich Soils.'

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY EP15 – DEVELOPMENT AFFECTING THE WATER ENVIRONMENT

"Where a proposal would result in a significant adverse effect on the water environment through impact on its natural or physical characteristics... it will be refused."

⁷² SEPA, Indicative River & Coastal Flood Map, http://www.sepa.org.uk/flooding/flood_extent_maps/view_the_map.aspx

This chapter has considered whether the hydrology of the surrounding area will be affected by the installation of the proposed turbine and found that it will provide no risk in regards to runoff or pollution. Flood risk has also been assessed as low.

Please note: This policy is similar to Policy NE5 '*Development Affecting the Water Environment*' of SBC (2011) '*Consolidated Local Plan*' and Policy IS8 '*Flooding*' of SBC (2013) '*Proposed Local Development Plan*.'

11. EXISTING INFRASTRUCTURE

11.1 Introduction

When designing a new development, it is important to consider the existing infrastructure within the area, including infrastructure related to utilities (such as electricity, gas and water mains), telecommunication facilities and television networks. Construction activities such as excavation have the potential to damage subterranean infrastructure, therefore consultation with relevant authorities is important.

Wind turbines have the potential to interfere with electro-magnetic signals passing above ground or existing infrastructure below ground. Interference can occur with communication networks for civil aviation and radar safeguarding, as well as other types of infrastructure such as seismic monitoring stations. Various types of civilian and military communication that can be affected include microwave and cellular radio communications and various navigational control systems. This study addresses the potential for impact to ensure that the proposed turbine at Clackmae does not generate unwanted 'noise' on existing infrastructure.

11.2 Relevant Legislation, Policy and Guidance

Various guidance documents are available for the assessment of the potential impact of turbines on electromagnetic infrastructure and aviation interests. Guidance which has been utilised within this application is outlined in Table 11.1.

TABLE 11.1: RELEVANT GUIDANCE

GUIDANCE / LEGISLATION	RELEVANT SOURCES OF INFORMATION
ELECTRO-MAGNETIC INFRASTRUCTURE	SCOTTISH GOVERNMENT (2014) ' <i>ONSHORE WIND TURBINES;</i> ' OFCOM (2009) ' <i>TALL STRUCTURES AND THEIR IMPACT ON BROADCAST AND OTHER WIRELESS SYSTEMS;</i> ' AND BACON (2002) ' <i>FIXED-LINK WIND TURBINE EXCLUSION ZONE METHOD.</i> '
AVIATION ACTIVITIES	SCOTTISH GOVERNMENT (2014) ' <i>ONSHORE WIND TURBINES;</i> ' BWEA (2002) ' <i>WIND ENERGY AND AVIATION INTERESTS, INTERIM GUIDELINES;</i> ' CAA (2013) ' <i>CAP 764: CAA POLICY AND GUIDELINES ON WIND TURBINES;</i> ' CAA (2013) ' <i>CAP 670: AIR TRAFFIC SERVICES SAFETY REQUIREMENTS</i> ' (GEN 01: WIND FARMS); AND CAA (2014) ' <i>CAP 168: LICENSING OF AERODROMES: EDITION 10.</i> '

11.3 Electromagnetic Infrastructure

VG Energy aim to ensure that the proposed development at Clackmae does not impact negatively on the electromagnetic infrastructure within the area. Wind turbines can impact

television reception primarily through the ‘scattering’ of signals emitted as a result of the movement of the turbine blades. However, digital signals are less susceptible to these effects and interference from turbines compared to the old, now redundant analogue signals. The impact to properties with satellite television will be negligible, as the transmission to satellite dishes is largely unaffected by wind turbines. Generally, the potential for interference to television reception is predictable, with consultations taking place with the relevant authorities during the planning stage.

11.3.1 Consultation Response

Table 11.2 references the feedback which has been received from relevant telecommunication and utilities providers in regards to the proposed development.

TABLE 11.2: CONSULTATION RESPONSES

CONSULTEE	DATE OF CONSULTATION	DETAIL OF CONSULTATION
ALESSANDRA LEES, WIND FARM TEAM, JRC	16.10.14	DOES NOT FORESEE ANY POTENTIAL PROBLEMS BASED ON KNOWN INTERFERENCE SCENARIOS.
WINDFARM SUPPORT, ATKINS	05.09.14	NO OBJECTION ON BASIS OF UHF RADIO SCANNING TELEMETRY COMMUNICATIONS.
OFCOM SPECTRUM LICENSING	13.09.14	CONTACT EE, VODAFONE, BT AND AIRWAVE SOLUTIONS (R4TELECOM).
BRIAN JOHNSON, R4TELECOM	24.09.14	NO INFORMATION PROVIDED.
DALE AITKENHEAD, BT	25.09.14	TURBINE SHOULD NOT CAUSE ANY INTERFERENCE.
JOE WILKINSON, VODAFONE	25.09.14	NO OBJECTION TO THE PROPOSED TURBINE.
SIMON MITCHELL, SPECTRUM ASSIGNMENT & COORDINATION TEAM, OFCOM	09.10.14	IF WISHING TO CONTACT EE, TRY: TECH.SERVICES-TX@ERICSSON.COM
TECH.SERVICES-TX@ERICSSON.COM	03.11.14	NO RESPONSE.

Based on the information available and the consultation responses listed in Table 11.2, it is unlikely that the proposed turbine will have an adverse effect on television and communication links.

11.3.2 Potential Mitigation

Although it is unlikely that objections will be raised during the consultation period for this planning application, if necessary there are a number of measures that can be taken to reduce or overcome any interference with electromagnetic infrastructure. Mitigation measures which could be implemented include, but are not limited to, the following:

- ◆ The re-positioning of the turbine within the applicant's land boundary to eliminate the impact to links;
- ◆ Affected households can be fitted with a more sensitive receiver antenna;
- ◆ Affected antenna can be re-positioned to receive signals from a different transmitter; or
- ◆ An alternative means of transmission, such as a satellite or cable, can be installed.

11.4 Aviation, Radar and MOD

11.4.1 Air Traffic Control Radar

Wind turbines can at times interfere with Air Traffic Control Radar. The blade movement can cause intermittent detection by radars whilst in operation. This problem occurs when the wind turbine blades are in the line of sight of the radar antenna. Due to their height, they can also impact upon airports and airfields if they project into the safeguarding surface above and around them.

VG Energy has a suite of GIS based maps for MOD, NATS en-route and ATC line of sight. These maps show that the turbine development should not be in the line of sight to any of these installations, although we understand that consultation with the relevant parties will also be required.

11.4.2 Eskdalemuir

Eskdalemuir is a seismic monitoring site safeguarded by the MOD. It is used to monitor compliance with the Comprehensive Nuclear Test Ban Treaty (CTBT) and the UK is bound not to compromise its detection capabilities.

Wind turbines can produce seismic ground vibrations and as a result there is a 50km Consultation Zone in which the proposed turbine at Clackmae falls within. However, the most recent guidance regarding Eskdalemuir issued on the 22nd May 2014 recognises that there is some headroom for further wind farm consents which would not breach the seismic ground vibration threshold.

A new model has been created which calculates the seismic noise from wind turbines using the hub height, rotor diameter and distance from the array. The model only deals with large turbines and so any smaller turbines such as this one at Clackmae (22.6m hub height) are represented as 40m to hub, triple bladed and as utilising upwind technology.

On submission of this planning application to SBC, the Council will advise the MOD; developments are then considered in chronological order as they are notified. It is not possible to determine whether this application will be calculated as complying with the seismic noise threshold before the planning application is submitted.

11.5 Other Infrastructure

11.5.1 National Grid Gas Pipeline

Consultation with SGN Connections has been undertaken during the design stage of development to ensure no gas mains within the area will be affected by the proposed turbine.⁷³ It was confirmed through this that there are no gas mains in the area and so there is no risk from the proposed turbine.

11.5.2 Electricity Infrastructure

There are no electricity pylons which are at risk from the proposed turbine. The closest is 385m northeast of the proposal.

11.5.3 Water Supplies

As discussed in detail in Chapter 10: Soil and Hydrological Assessment, the water supplies surrounding the development site have been taken into account during the design stage of the proposal. Due to careful site design and suitable buffers being adhered to, no water supplies will be adversely affected by the proposed turbine development and associated infrastructure at Clackmae.

11.6 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"Proposals for all wind turbine proposals should be judged against the following considerations and will only be approved where the overall impact is judged acceptable by the Council: ...interference with radio telecommunications and aviation."

Our analysis in this chapter has shown that the proposed turbine will not interfere with Air Traffic Control radar and is unlikely to impact communications facilities. Until this planning application is submitted and consultation has taken place with the MOD, it is not possible to ascertain whether this application will be calculated as complying with the seismic noise threshold in regards to Eskdalemuir.

Please note: This policy is similar to Policy D4 'Renewable Energy Development' of the Scottish Borders (2011) 'Consolidated Local Plan.'

⁷³ Consultation with Maureen Smith, SGN Connections, 26.09.14.

12. TRAFFIC AND TRANSPORT

12.1 Introduction

This chapter addresses the logistical concerns associated with the installation of a single NPS wind turbine at Clackmae. This includes the delivery route, construction program, and development and vehicle specifications.

The proposed development includes the turbine, foundation, crane pad, associated infrastructure, an on-site control unit system, and a meter house. The existing access track on the farm will be used for construction and maintenance, therefore no new track is necessary.

12.2 Proposed Route

12.2.1 Delivery of Turbine Components

It is likely that the proposed turbine will be delivered into the Port of Leith. From here, the turbine components will be delivered via the following route:

- ◆ On exiting the Port of Leith, the A199 will be taken in a south-easterly direction out of Leith and past Portobello;
- ◆ Following this, the delivery will continue as the A199 merges into A1;
- ◆ The A720 ramp to Glasgow/Stirling/A90/M8/M9 will then be taken;
- ◆ The delivery will continue on the A720 until the A68 exit towards Jedburgh;
- ◆ The A68 will then be followed until a right turn is taken close to the south of Lauder marked 'Blainslie 2'
- ◆ This local road then runs to Clackmae, where a right turn will be taken onto the existing track leading towards the dairy shed and then turbine location.

From initial inspection, it is not foreseen that the development will require any upgrades to the road network. The final delivery route will be outlined within the Traffic Management Plan composed by the Haulage Company and submitted to the relevant authorities prior to any works taking place.

12.2.2 Access Track

No new access track will be required for this proposal, as the turbine is located next to an existing track on the farm which is suitable for construction and maintenance. As shown through Appendix 12.1, only a small linking section between the existing track and new crane pad will be required. The dimensions of the crane pad are displayed in Table 12.1.

TABLE 12.1: CRANE PAD DIMENSIONS

	DEPTH	WIDTH	LENGTH
DIMENSIONS OF CRANE PAD	0.3M	10M	10M
CONSTRUCTION MATERIAL	TYPE 1 AGGREGATE		

A meter house will be required at the base of the wind turbine, on the foundation. The location of the meter house is illustrated in Appendix 12.1 and the specifications are detailed in Table 12.2 and Appendix 12.2.

TABLE 12.2: METER HOUSE DIMENSIONS

	HEIGHT	WIDTH	LENGTH
DIMENSIONS OF METER HOUSE	2.5M	2.5M	5M

12.2.3 Micro-siting

It is normal practise to allow a small margin for adjustment of the wind turbine and equipment positions to accommodate any unusual ground conditions encountered during excavations. A 5m micro-siting allowance has therefore been added to the application site, as illustrated in Appendix 12.1.

12.1 Construction Process

12.1.1 Construction Program

The start date for the construction programme will depend on a number of factors including the procurement of components. It is anticipated that on-site construction will take up to one month and be completed in three main phases:

TABLE 12.3: CONSTRUCTION PROGRAM

CONSTRUCTION	WORKS CARRIED OUT	APPROXIMATE DURATION
GROUND WORKS	CABLE TRENCHING AND LAYING EXCAVATE AND POUR CONCRETE FOR TURBINE FOUNDATION	2 DAYS ON SITE
WIND TURBINE INSTALLATION	DELIVER TURBINE COMPONENTS (TOWER SECTIONS, NACELLE AND BLADES) EMPLOY CRANES ERECT WIND TURBINE	21 DAYS ON SITE

COMMISSIONING	ELECTRICAL CONNECTIONS COMMISSIONING TURBINE SITE REINSTATEMENT	12 DAYS ON SITE
----------------------	---	-----------------

12.1.2 Working Times

The proposed normal working times of construction activities are 8am to 6pm Monday to Friday and 8am to 1pm on Saturdays. Although unlikely, during the installation of the wind turbine there may be a requirement to extend working hours to take advantage of suitable weather conditions, as some critical elements of installation must be completed once started.

12.2 Development Specifications

12.2.1 Specifications of Proposal

The weight and dimensions of the NPS components which will be transported to the site are outlined in Table 12.4.

TABLE 12.4: SIZE AND WEIGHT OF NPS 100/24 COMPONENTS

TURBINE COMPONENT	LENGTH (M)	WIDTH (M)	HEIGHT (M)	NET WEIGHT (TONNES)
NACELLE, HUB AND 3 BLADES IN CONTAINER	12.2	2.5	2.6	8.8
HUB	12.2	2.5	2.6	16.1

12.2.2 Width, Length and Weight Allowances

The length, width and weight allowances for vehicles using the public road network are set out in the Roads and Vehicles (Authorisation of Special Types) (General) Order 2003. The general allowances are outlined in Table 12.5.

TABLE 12.5: VEHICLE ALLOWANCES

VEHICLE DIMENSIONS	ALLOWANCE
OVERALL LENGTH	18M (EXCEEDANCE OF 30M REQUIRES A SPECIAL ORDER)
OVERALL WIDTH	3M
OVERALL WEIGHT	44 TONNES

For this proposed development at Clackmae, no vehicles utilised will be in excess of the allowances noted in Table 12.5.

12.3 Delivery Vehicles

With the delivery of a single NPS 100/24 turbine and the associated materials required for the construction of the development, a number of vehicular movements will be necessary. The likely specifications of vehicles to be used in conjunction with this project are detailed in Table 12.6. Component delivery schedules will be confirmed in detail a minimum of 5 weeks prior to the date of construction, with the haulage company composing and submitting an agreed Traffic Management Plan.

‘Vehicle Movement’ is a singular movement; from an external point to the development site. The return journey of the vehicle is then considered as an additional movement.

TABLE 12.6: VEHICLE INVENTORY FOR DELIVERY OF TURBINE COMPONENTS

COMPONENTS/ REQUIREMENTS	MATERIALS	DELIVERY SPECIFICATIONS	VEHICLE DIMENSIONS	VEHICLE MOVEMENTS
CRANE PAD	STONE (TYPE 1 MOT)	67.5 TONNES DELIVERED BY 20 TONNE LORRIES	6.2M L x 2.5M W x 3.4M H	4
FOUNDATIONS	CONCRETE	95M ³ CONCRETE DELIVERED BY 6M ³ WAGONS	8.2M L x 3.0M W x 3.8M H	32
	REBAR	12 TONNES REBAR DELIVERED BY FLATBED LORRY	17.5M L x 2.5M W x 2.5M H	2
EXCAVATION	EXCAVATOR	DELIVERY ON LOW LOADER	17.5M L x 2.5M W x 3.5M H	2
		DUMP TRUCK	7.5M L x 2.5M W x 2.9M H	2
WORK AND PLANT FOR FOUNDATIONS	TRANSPORTING WORKMEN TO/FROM SITE	TRANSIT VANS	STANDARD	18
	MOBILE WELFARE UNIT	FLATBED	17.5M L x 3.0M W x 4.0M H	2
	ANCILLARY PLANT/MATERIALS	4 x 20 TONNE FLATBEDS	17.5M L x 2.5M W x 3.0M H	4
	STORAGE CONTAINER	FLATBED	17.5M L x 2.5M W x 4.0M H	2
ELECTRICAL WORKS	METER HOUSES/ TRANSFORMERS	20 TONNE LORRY	6.2M L x 2.5M W x 3.4M H	2

	ELECTRICAL CABLING	20 TONNE LORRY	6.2M L x 2.5M W x 3.4M H	2
	EXCAVATOR FOR CABLE TRENCH	FLATBED	17.5M L x 2.5M W x 3.5M H	2
TURBINE ERECTION	100 TONNE CRANE	FLATBED	20M L x 2.6M W x 4.5M H	2
	TOWER SECTION IN CONTAINER	ARTICULATED LORRY	17.5M L x 2.5M W x 4M H (LOADED WEIGHT 19.5 TONNES)	2
	NACELLE, HUB AND 3 BLADES IN CONTAINER	ARTICULATED LORRY	17.5M L x 2.5M W x 4.0M H (LOADED WEIGHT 12.5 TONNES)	2

12.4 Decommissioning

The decommissioning of the turbine at the end of its life will follow a reversed construction process. Prior to decommissioning, a further traffic assessment will be carried out and traffic management procedures agreed with the appropriate authorities. The levels of traffic associated with decommissioning are however likely to be lower than those required during construction.

As the disassembled turbine parts can mostly be recycled, they will either be taken to a suitable recycling plant, or another option is for the turbine to be refurbished and sold on the second hand market. At this time the foundation of the turbine will be removed and the area reinstated. The cables, which will be laid inside ducting, can be easily pulled out the ground leaving only the ducting in-situ. Once again, the cabling can be recycled at a suitable recycling plant.

12.5 Policy Analysis

SCOTTISH BORDERS COUNCIL (2013) 'PROPOSED LOCAL DEVELOPMENT PLAN': POLICY ED9 – RENEWABLE ENERGY DEVELOPMENT

"Proposals for all wind turbine proposals should be judged against the following considerations and will only be approved where the overall impact is judged acceptable by the Council: ... Traffic generation, including access during construction"

As only a single, medium-sized turbine is being proposed at Clackmae, the traffic generated is fairly limited as referenced above.

Please note: This policy is similar to Policy D4 'Renewable Energy Development' of the Scottish Borders (2011) 'Consolidated Local Plan.'

13. GENERAL SAFETY

13.1 Introduction

A number of health and safety considerations have been taken into account during the design and development of this proposal such as:

- ◆ Health and safety during construction;
- ◆ Public safety and access;
- ◆ General turbine safety; and
- ◆ Extreme weather.

Each of these topics will be explored below.

13.2 Health and Safety during Construction

Construction projects have a potential to create hazards for the general public and contractors. For this proposal, the greatest hazards will occur during the construction, repair works and decommissioning of the turbine; however the risks will be minimised by ensuring work complies with the regulations listed in Table 13.1.

TABLE 13.1: RELEVANT POLICIES AND GUIDANCE

LEGISLATION / GUIDANCE	RELEVANT SOURCES OF INFORMATION
UK LEGISLATION	HEALTH AND SAFETY AT WORK ACT 1974; THE MANAGEMENT OF HEALTH AND SAFETY AT WORK REGULATIONS 1999; WORK AT HEIGHT REGULATIONS 2005; LIFTING OPERATIONS & LIFTING EQUIPMENT REGULATIONS 1998; CONTROL OF SUBSTANCES HAZARDOUS TO HEALTH REGULATIONS 1999; AND PROVISION AND USE OF WORK EQUIPMENT REGULATIONS 1998.
GUIDANCE	SEPA PUBLICATIONS RELATING TO CONSTRUCTION ⁷⁴ RENEWABLEUK (2010A) 'HEALTH & SAFETY IN THE WIND INDUSTRY SECTOR.'

RenewableUK has also produced the Wind Turbine Safety Rules (WTSR) for the purpose of formalising a safe system of work for operational wind turbines. When implemented correctly the WTSR will:

- ◆ Represent industry good practice for safeguarding employees from the inherent dangers that exist from installed electrical and mechanical equipment in wind turbines;

⁷⁴ Links to many SEPA guidance publications found: http://www.sepa.org.uk/customer_information/construction.aspx

- ◆ Assist in the development and application of safe systems of work in a consistent manner; and
- ◆ Provide a robust approach to demonstrating legal compliance with relevant health and safety regulations⁷⁵

If planning is permitted, construction of the proposed turbine will be planned to be completed within normal working hours, as specified Table 13.2; with noise levels limited where possible.

All works will be done by suitably trained and competent staff, to established methodologies which have been risk assessed in advance. During the construction period the site supervisor will ensure that safety is paramount. Public safety and access during construction is detailed in the following sub-chapter.

13.3 Public Health, Safety and Access

During the construction and decommissioning phase of the development there will be no access to the public onto the development site. Furthermore, appropriate warning signs will be in place to prevent people entering restricted areas.

Table 13.2 refers to further mitigation measures imposed in order to reduce the impacts of the proposal on the public and ensure their health and safety.

TABLE 13.2: MITIGATION MEASURES RELATING TO PUBLIC HEALTH AND SAFETY

CONCERN	MEASURES
NOISE EMITTED DURING CONSTRUCTION	WORKING TIMES WILL FALL WITHIN THE NORMAL WORKING HOURS: MON - FRI: 8AM - 6PM SAT: 8AM - 1PM
ROAD SAFETY	THE CONSTRUCTION OF THE PROPOSED TURBINE WILL RESULT IN A SMALL TEMPORARY INCREASE IN TRAFFIC LEVELS ON THE PUBLIC ROADS USED FOR THE DELIVERY ROUTE; HOWEVER NOT TO LEVELS WHICH WOULD BE TO THE DETRIMENT OF PUBLIC SAFETY.
AIR QUALITY	<ul style="list-style-type: none"> ◆ THE CONTRACTOR WILL ENSURE THAT THE NUMBERS OF VEHICLES USED FOR THE CONSTRUCTION OF THIS DEVELOPMENT ARE KEPT TO A MINIMUM; ◆ TO ENSURE THAT THE GENERATION OF DUST IS MINIMISED, THE CONTRACTOR WILL IMPLEMENT A DUST CONTROL PROGRAMME TO MAINTAIN A SAFE WORKING ENVIRONMENT, MINIMISING NUISANCE FOR THE SURROUNDING AREA, AND REDUCING IMPACT TO THE NATURAL VEGETATION NEAR THE SITE.

⁷⁵ RenewableUK <http://www.renewableuk.com/en/our-work/health-and-safety/wind-turbine-safety-rules.cfm>

13.4 General Turbine Safety

Modern wind turbines are designed to operate to high standards of safety and reliability, and have an excellent safety record. The proposed NPS 100/24 turbine has a certification of safe operation (CE compliant: CEI 0-21).

Furthermore, the NPS 100/24 includes a fully automatic control system that safely operates the turbine in all conditions. The communication interface for the controller is housed in the base of the tower. This system monitors the turbine, ensuring it is working efficiently and safely, with the ability to detect any problems which have arisen.

Each NPS also allows internet communication with supervisory control and data acquisition using Northern Power's SmartView® SCADA system. Any problems which cannot be resolved by the automatic control system are referred to the operator via the computer's modem link and addressed as soon as possible.

Regular maintenance will be required for the turbine to ensure it continues to be a safe feature.

13.5 Extreme Weather

13.5.1 Ice Throw

Ice can build up on the turbine blades, nacelle and towers during cold weather conditions. Wind turbines can continue to operate with a very thin accumulation of snow or ice, but will shut down automatically as soon as there is sufficient build up to cause aerodynamic or physical imbalance of the rotor assembly. Potential light icing conditions affecting turbines can be expected over two to seven days per year in Scotland.⁷⁶ If these conditions occur it is possible to experience the risk of ice throw. Monitoring systems and protocols are in place to ensure the turbines are stationary during icy conditions and are restarted in a controlled manner to ensure safety. There were no recorded incidences of ice throw injuries at any wind turbine site in the UK in recent winters.

The NPS will automatically safely stop operating if weather conditions are non-standard. Following extended periods of low temperatures, a time allowance for warm-up will also occur. As the NPS turbines were originally developed in Antarctica and the company has tested their technology in harsh conditions in partnership with NASA, the manufacturer has operational experience in icy conditions.

⁷⁶ Wind Energy Production in Cold Climate: <http://cordis.europa.eu/documents/documentlibrary/47698271EN6.pdf>

13.5.2 Lightning Strike

Wind turbines can be inclined to lightning strikes due to their height, with blades being most vulnerable. Modern wind turbine blades are now protected with an inbuilt lightning protection system (LPS) which means that if struck by lightning, the turbine will automatically shut down.⁷⁷ The NPS 100/24 turbine model has lightning receptors in its blades, a nacelle lightning rod and electrical surge protection.

13.5.3 Extreme Wind

Extreme wind speeds may occur due to severe weather conditions such as storms. Such events can lead to damage or failure of wind turbine components. However, modern turbines are programmed to switch off during high wind speeds in order to prevent damage to the development. The NPS 100/24 generates power at wind speeds between 3m/s (6 miles per hour; mph) and 25m/s (56mph). It can withstand extreme wind speeds of up to 54m/s (120mph). To compare, on average January to March are the windiest months in this area of Scotland, with a mean wind speed between 1981 and 2010 of 11.5mph.⁷⁸

⁷⁷ Supergen Wind:

http://www.supergen-wind.org.uk/docs/presentations/2010-09-24_8_1_Peesapati_Lightning%20Protection%20of%20WT.pdf

⁷⁸ Average wind speeds are calculated using the Edinburgh/Gogarbank climate station, due to the lack of available wind data from the Galashiels climate station. <http://www.metoffice.gov.uk/public/weather/climate/gcww5vmsn>

14. APPENDICES

Appendix 2.1	Site Layout
Appendix 2.2	Site Constraints
Appendix 2.3	Turbine Elevation
Appendix 4.1	ZTV to 5km
Appendix 4.2	ZTV to 15km
Appendix 4.3	ZTV to 5km (Including Screening from Woodland) and Viewpoints 1 to 4
Appendix 4.4	ZTV to 15km (Including Screening from Woodland) and Viewpoints 5 to 6
Appendix 4.5	Viewpoint 1 - From local road near Clackmae Farm Cottages
Appendix 4.6	Viewpoint 2 - From Mill Road to the west of Earlston
Appendix 4.7	Viewpoint 3 - From the Southern Upland Way
Appendix 4.8	Viewpoint 4 - From the summit of Black Hill
Appendix 4.9	Viewpoint 5 - From the trig point at Scott's View
Appendix 4.10	Viewpoint 6 - From the Southern Upland Way near Lauder
Appendix 4.11	Proposed and Approved Wind Energy Developments to 16km
Appendix 4.12	Cumulative ZTV where the Proposal is Visible to 8km
Appendix 4.13	Cumulative ZTV to 8km
Appendix 4.14	Wireframe Diagram from Core Path 139
Appendix 5.1	Historic Environment
Appendix 7.1	Arcus (2013) Northern Power Systems 100-24 Noise Information
Appendix 7.2	Noise Propagation Map
Appendix 8.1	Shadow Flicker
Appendix 9.1	Designated Environmental Sites within 20km
Appendix 12.1	Detailed Site Drawing
Appendix 12.2	Meter House

Carlos Clarke,
Development Management,
Planning and Regulatory Services,
Scottish Borders Council Headquarters,
Newton St. Boswells,
Melrose, TD6 0SA

16/04/2015

Reference: 15/00179/FUL

Dear Carlos Clarke,

I write in response to the queries you emailed to me on 02/04/2015 in regards to the planning application for a single wind turbine at Clackmae. I will address each query in turn below.

1. Visual Impact on Earlston

Following the examination of Viewpoint 2, concerns were raised regarding the proposed turbine's impact on the settlement of Earlston. Viewpoint 2 is a visualisation of the proposal from the west of Earlston (Mill Road). It was selected as this western edge of the village has a clear view of the proposal to the northwest, in contrast to the remainder of the village where views are screened by intervening buildings and vegetation. It therefore represents a worst case visual impact from the settlement.

There are two key aspects to the Council's concerns in relation to Earlston:

(i) A breach of skyline from the area surrounding Viewpoint 2 which has a number of key receptors

As identified within Table 4.11 of the Environmental Report, the receptors in this area are residents and recreational users of the sports field. The sequential cumulative impact on the A68 which runs through the west of Earlston close to this location was also considered within the report (page 32).

The turbine will be visible from some of the properties in this area, including primary views; however through the site visit we also found that views from a number of others will be screened by vegetation (for example, bushes within the garden of the property) and/or other buildings. In regards to the receptors involved in outdoor recreation at the sports field close to Viewpoint 2, they are considered less sensitive to change as their activities do not depend on appreciation of the

landscape.¹ This is also the case for travellers on the A68, who will only experience occasional oblique views towards the development as described in the Environmental Report.

Viewpoint 2 illustrates that the upper section of the turbine will be visible above the treeline on a ridge 1.7km northwest. The ridge forms a backdrop to the views in this direction from Earlston, yet as shown there are a number of elements within this view, both in the foreground and background, which create a mixture of foci. Whilst the turbine will be visible from this section of Earlston, it does not overwhelm the skyline and simply adds another feature to the view.

It is therefore not the case that the proposed wind turbine at Clackmae will create a significant adverse effect that will lead to a notable degree of harm on even the most sensitive receptors in this area (residents with primary views). The outlook from some properties will be altered, however due to the distance between the proposal and Earlston, the turbine will not be an overbearing feature on the skyline. It must also be noted that no public objection has yet been received in regards to this planning application.

(ii) The extent to which the breach of skyline could be visible from other areas within the ZTV

Firstly, a ZTV indicates theoretical visibility only; localised screening is not taken into account and it represents a worst case scenario. Although one of the two ZTVs attached to the Environmental Report included the screening effects of woodland, this woodland was only that classified as semi-natural or Ancient Woodland by the Forestry Commission and was assumed to have a modest height of 10m. Neither ZTV accounted for vegetation or buildings within Earlston. It is not good practice to assume that all areas within a ZTV will have the same visual impact as Viewpoint 2, which is the impact on the western edge of Earlston closest to the proposal.

Secondly, it was detailed within the Environmental Report that following pre-application discussions with the Planning Service at Scottish Borders Council, other areas of Earlston were investigated. This primarily focussed on the eastern section of the village, where there were theoretical views from the area around High Street of the turbine which would also encompass the distinctive church spires. As stated in the report, it was not possible for us to find a location where this visibility was possible, which led us to consider other areas of the settlement where the same conclusions were drawn. This was primarily due to localised screening (buildings and vegetation).

As best practice dictates that visualisations which show no actual visibility of the proposal should not normally be included in an application,² we only submitted a visualisation from Viewpoint 2.

It is noted within your comments emailed on 02.04.2015 that *"your environmental report suggests limited visibility from Earlston and beyond. However, this breach of skyline is a significant concern."* Our report indeed presented the findings of our site survey and desk-based research which found that the majority of Earlston, including the distinctive skyline of the church spires, would not be impacted by the proposal. Nevertheless, if this concern remains significant, we will provide further visual assessment from any viewpoint selected by the Planning Service.

¹ Paragraph 6.34, page 114 of the Landscape Institute and Institute of Environmental Management & Assessment (2013) 'Guidelines for Landscape and Visual Impact Assessment: Third edition' (GLVIA3)

² Scottish Natural Heritage (SNH; December 2014) 'Visual Representation of Wind Farms.'

Due to the concerns of the Planning Service, it was suggested in your email that the proposed turbine be relocated or reduced in size.

In regards to the former, the Environmental Report includes a constraints map (Appendix 2.2) which clearly shows the restrictions on the site due to woodland, water bodies, noise sensitive receptors and the Southern Upland Way. The only option for relocation further from Earlston would be to move the turbine closer to the Southern Upland Way. This is a less appropriate option, as the receptors on this route are more sensitive to modern elements such as wind turbines than those living within a settlement such as Earlston. The SNH report '*Visual Representation of Wind Farms*' states:

"It is inappropriate to make design modifications to change the visual effects of the proposed wind farm from a single viewpoint because this may have negative 'knock-on' effects from other viewpoints. A more holistic approach considers the wind farm from a range of viewpoints in relation to the design objectives."

Relocation based purely on the visual impact of Viewpoint 2 is therefore inappropriate for this proposal, which currently has minimal impact on the Southern Upland Way.

As for reducing the turbine in size, this may be possible, yet it is not believed necessary as the impact on Earlston will not be significant. As well as siting the proposal close to the applicant's dairy shed, the scale of the turbine has been selected carefully so that it meets the applicant's energy requirements. The running of the farm, including milking operations, is an energy-intensive process and a reduction in turbine size will reduce the amount of renewable electricity produced at the site. It is therefore more prudent to install a turbine at Clackmae which balances the energy needs of the farm with the overall impact of the development.

Furthermore, the robotic milkers used in Clackmae are very sensitive to power fluctuations, which are more likely to occur with smaller turbines operating in the more turbulent air found at lower levels. The applicant has done much research into this issue through speaking to other farmers who power their robotic milkers with wind energy and this advice led to the careful selection of this 100kW wind turbine with a blade tip height of 34.4m.

2. Questions Regarding Noise Assessment

Due to its length, our response to the seven questions raised by the Amenity and Pollution Officer, Mary Rose Fitzgerald, is provided separately to this letter.

3. Meter House Relocation / Finish

There was a query as to whether the meter house can be moved from the area immediately beside the turbine to a steading building (approximately 180m northwest). This is possible and we can confirm that there will be no meter house at the base of the turbine.

Although the meter house can be moved and therefore the question on the finish of the cabinet is obsolete, just to note we can finish these in any way specified by the Council in the planning conditions.

Please do not hesitate to contact me if you have any further questions or concerns. This includes requesting further analysis from certain viewpoints or any further visual analysis.

Yours Sincerely,

Siobhan Wolverson

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Mary Rose Fitzgerald,
Development Management,
Planning and Regulatory Services,
Scottish Borders Council Headquarters,
Newton St. Boswells,
Melrose, TD6 0SA

16/04/2015

Reference: 15/00179/FUL

Dear Mary Rose Fitzgerald,

Please find a response below to your queries relating to the acoustic assessment for the proposed wind turbine at Clackmae, Earlston.

Some of this information can be found in the two Appendices to Chapter 7: Noise Assessment of the Environmental Report and as such these documents are referenced throughout this response:

- [Appendix 7.1](#) Arcus (2013) Northern Power Systems 100-24 Noise Information
- [Appendix 7.2](#) Noise Propagation Map

1. Turbine coordinates

These are provided within Appendix 7.2 and are: E355703; N639152


2. Receptor coordinates

RECEPTOR	ADDRESS	COORDINATES (EASTINGS, NORTHINGS)
H1	3-4 CLACKMAE FARM COTTAGES	356061, 639247
H2	1-2 CLACKMAE FARM COTTAGES	356069, 639307
H3	GLENBURNIE FARMHOUSE	356051, 638802
H4	CLACKMAE FARMHOUSE (FI)	356187, 639377
H5	WEST LODGE, CAROLSIDE	355998, 639714
H6	NETHER CAIRNIE	355969, 639764
H7	CAIRNEY MOUNT	354977, 639704

3. Turbine sound power levels utilised in the noise predictions

The sound power levels used have been based on the ARCUS report (Appendix 7.1); extract below:

Noise Information
NPS 100-24 Wind Turbine



1 INTRODUCTION

This document has been prepared by Arcus Consultancy Services Ltd (Arcus) on behalf of Northern Power Systems (NPS). It presents a summary of current (December 2013) noise emission data¹ for the Northwind NPS 100-24 wind turbine with a hub height of 36.8 m, and an interpretation of this information for the purposes of supporting UK planning applications.

2 NOISE MEASUREMENT TEST RESULTS

Measurements of the noise emissions of the NPS 100-24 wind turbine located at Ft. Yates, North Dakota were carried out in December 2013 by The Cadmus Group Ltd (Cadmus) in accordance with IEC 61400-11. The results of these measurements are summarised in Tables 1 and 2.

Table 1: Summary of Noise Measurement Test Results, NPS 100-24, 36.8 m hub height

Standardised 10 m Integer Wind Speed, ms ⁻¹	6	7	8	9	10
Apparent Sound Power Level, L _{WA} , dB	87.9	89.4	90.3	90.9	91.3
Total Uncertainty of Apparent Sound Power Level, dB	0.6	0.6	0.6	0.6	0.5
Tonal Audibility for Tone with Highest Audibility ² , ΔL _{aud} , dB	6.0	5.4	4.1	3.0	1.1
Frequency of Tone, Hz	5024	5024	5024	5024	4976

Table 2: Worst Case Octave Band Sound Power Spectrum for Wind Speed of 12.5 ms⁻¹, 36.8 m hub height

Octave Band Centre Frequency, Hz	31.5	63	125	250	500	1000	2000	4000	8000
Sound Power Level, L _{WA} , dB	55.2	69.5	77.8	83.4	86.3	86.0	82.4	77.3	71.0

The noise propagation has been predicted based on the ISO 9613-2 algorithms with the Resoft™ WindFarm software. The octave band spectra used are shown below:

Wind speed m/s	4.00	5.00	6.00	7.00	8.00	9.00	10.00	12.00
Broadband SPL dB(A)	88.11	88.90	90.40	91.31	91.90	92.10	92.89	93.68
Tonal penalty (dB(A))	0.00	4.60	4.10	3.10	2.30	0.00	1.00	0.00

Turbine octave data specified	Yes <input type="checkbox"/>								
Hz	Check total octave noise								
dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)	dB(A)
63	66.30	67.09	68.59	69.50	70.09	70.29	71.08	71.08	
125	74.60	75.39	76.89	77.80	78.39	78.59	79.38	80.17	
250	80.20	80.99	82.49	83.40	83.99	84.19	84.98	85.77	
500	83.10	83.89	85.39	86.30	86.89	87.09	87.88	88.67	
1000	82.80	83.59	85.09	86.00	86.59	86.79	87.58	88.37	
2000	79.20	79.99	81.49	82.40	82.99	83.19	83.98	84.77	
4000	74.10	74.89	76.39	77.30	77.89	78.09	78.88	79.67	
8000	67.80	68.59	70.09	71.00	71.79	71.79	72.58	73.37	

4. How was uncertainty applied?

As per Appendix 7.1:

With regards to uncertainty, the GPG states that 'the results of a test made in accordance with the IEC 61400-11 standard, including a reported test uncertainty σ ...with the addition of a margin equal to 1.645 σ can be used.' Therefore, in accordance with the GPG, the uncertainties specified in Table 1 have been multiplied by 1.645.

Table 3: Tonal Penalties and Effective Sound Power Levels

Standardised 10 m Integer Wind Speed, ms^{-1}	6	7	8	9	10
Apparent Sound Power Level, L_{WA} dB	87.9	89.4	90.3	90.9	91.3
Total Uncertainty, dB, (1.645 σ)	1.0	1.0	1.0	1.0	0.8
Tonal Audibility ⁷ for Tone with Highest Audibility ¹ , ΔL_{A1} dB	6.0	5.4	4.1	3.0	1.1
Applicable Tonal Penalty, dB	4.6	4.1	3.1	2.3	0
Effective Sound Power Level, L_{WA} dB	93.5	94.5	94.4	94.2	92.1

5. Where was the octave band spectrum obtained from and was it scaled

The spectra at 10m/s wind speeds were used to assess the noise immissions at the nearest identified noise sensitive receptors. The spectra were scaled based on the worst case octave band (Table 2 shown for question 3 above). The fixed wind shear correction of 1m/s has been accredited by adding 1dB to the 10m/s value in the "tonal penalty" cell.

6. I note that the hub height of the turbine in the Arcus report is 36.8 and the hub height for the proposed turbine is 22.6m. A correction should be carried out to account for wind shear

The values have been corrected accordingly; i.e. from the 10m hub height to 22.6m with a fixed 1m/s wind shear correction.

7. A table of turbine noise immissions (at noise sensitive premises) at integer wind speeds

The predicted noise immissions at the nearest identified noise sensitive receptors are shown in the following table. The overall values have been rounded to the nearest decibel:

RECEPTOR	ADDRESS (COORDINATES)	4M/s	5M/s	6M/s	7M/s	8M/s	9M/s	10M/s	11M/s	12M/s
H1	3-4 CLACKMAE FARM COTTAGES (356061, 639247)	24	29	30	30	30	28	29	29	29
H2	1-2 CLACKMAE FARM COTTAGES (356069, 639307)	23	28	29	29	29	27	29	29	29
H3	GLENBURNIE FARMHOUSE (356051, 638802)	21	26	27	27	27	25	27	26	26
H4	CLACKMAE FARMHOUSE (FI) (356187, 639377)	20	25	26	26	26	24	26	26	26
H5	WEST LODGE, CAROLSIDE (355998, 639714)	18	24	25	25	24	22	24	24	24
H6	NETHER CAIRNIE (355969, 639764)	18	23	24	24	24	22	24	23	23
H7	CAIRNEY MOUNT (354977, 639704)	15	20	21	21	21	19	20	20	20

FI = FINANCIALLY INVOLVED PROPERTY

The summary of results shown above indicate that the predicted noise immission levels meet the ETSU-R-97 fixed simplified LA90,t 35dB criterion and therefore no further assessment or ambient noise survey is necessary to verify compliance.

Please also find attached a copy of the calculation results entitled: '*Clackmae - accompanying data for Q7 on noise assessment.*'

Please do not hesitate to contact me if you have any further questions.

Yours Sincerely,

Siobhan Wolverson

Senior Environmental and Planning Consultant

VG Energy Ltd.

Unit 7 Ground Floor

Thainstone Agricultural Centre

Inverurie

AB51 5WU

Direct Dial: 01467 410 056

Office No: 01467 410 050

Email: siobhan@vgenergy.co.uk

Website: www.vgenergy.co.uk



Project name :	Clackmae Farm	Receptor	Address	Coordinates (eastings, northings)	4m/s	5m/s	6m/s	7m/s	8m/s	9m/s	10m/s	11m/s	12m/s
Layout name :	DIANA NOISE.WFL	H1	3-4 Clackmae Farm Cottages	356061, 639247	24	29	30	30	30	28	29	29	29
Noise data file name :	INDIANANOISE.WFN	H2	1-2 Clackmae Farm Cottages	356069, 639307	23	28	29	29	29	27	29	29	29
Created :	13/04/2015 12:00	H3	Glenburnie Farmhouse	356051, 638802	21	26	27	27	27	25	27	26	26
Revised :	13/04/2015 12:02	H4	Clackmae Farmhouse (F1)	356187, 639377	20	25	26	26	26	24	26	26	26
Revision :	2	H5	West Lodge, Carolside	355996, 639714	18	24	25	25	24	24	24	24	24
NOISE MODEL	ISO 9613	H6	Neither Calmie	355969, 639764	18	23	24	24	24	24	24	24	23
Noise standard :	Octaves	H7	Calrney Mount	354977, 639704	15	20	21	21	21	19	20	20	20
Noise spreading model :	Yes												
Use line-of-sight distance :	Yes												
ATMOSPHERIC ATTENUATION	ISO 9613												
Source of attenuation :	70%												
Humidity :	10 deg C												
Temperature :	0.00012												
Attenuation coefficients	0.00041												
63 Hz :	0.00104												
125 Hz :	0.00199												
250 Hz :	0.00366												
500 Hz :	0.00966												
1000 Hz :	0.0328												
2000 Hz :	0.117												
4000 Hz :													
8000 Hz :													
GROUND ATTENUATION	ISO 9613												
Formulation :	0.5												
Source porosity :	0.5												
Middle porosity :	0.5												
Receiver porosity :	4												
Receiver height :													
WIND SPEED	Yes												
Turbine reference :	4												
Wind speed :	4												
House ID	Easting	Northing	Altitude	L _{eq,t} (dB)	Noise (dB)	L _{90,t} (dB)							
1	356061	639247	158	25.66	23.66								
2	356069	639307	158	24.97	22.97								
3	356051	638802	163	22.82	20.82								
4	356187	639377	147	22.03	20.03								
5	355998	639714	160	20.25	18.25								
6	355969	639764	163	19.73	17.73								
7	354977	639704	236	16.58	14.58								
Wind speed :	5												
House ID	Easting	Northing	Altitude	Noise (dB)									
1	356061	639247	158	31.05	29.05								
2	356069	639307	158	30.36	28.36								
3	356051	638802	163	28.21	26.21								
4	356187	639377	147	27.42	25.42								
5	355998	639714	160	25.64	23.64								
6	355969	639764	163	25.12	23.12								
7	354977	639704	236	21.97	19.97								
Wind speed :	6												
House ID	Easting	Northing	Altitude	Noise (dB)									
1	356061	639247	158	32.05	30.05								
2	356069	639307	158	31.36	29.36								
3	356051	638802	163	29.21	27.21								
4	356187	639377	147	28.42	26.42								
5	355998	639714	160	26.64	24.64								
6	355969	639764	163	26.12	24.12								
7	354977	639704	236	22.97	20.97								

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00179/FUL

APPLICANT : Mr Alex Wilson

AGENT : VG Energy

DEVELOPMENT : Erection of wind turbine 34.4m high to tip and associated infrastructure

LOCATION: Land South West Of Clackmae Farmhouse
Earlston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
06450/024/B	Location Plan	Refused
06450/015/B	Location Plan	Refused
06450/016/B	Site Plan	Refused
06450/017/A	Elevations	Refused
06450/018/A	General	Refused

NUMBER OF REPRESENTATIONS: 0

SUMMARY OF REPRESENTATIONS:

Consultations

Joint Radio Company: Cleared with respect to radio infrastructure operated by Scottish Power and Scotia Gas Networks

NERL: Does not conflict with safeguarding criteria

Transport Scotland: Recommend conditions on route, signing and advisory notes

Roads Planning Service: Limited size of the turbine will not create abnormal loads or significant traffic generation. Confirm the existing junction onto the minor road is suitable and the unmade track is of adequate construction. No objections

Community Council: No reply

Environmental Health Service: Initially sought further information. Following receipt, have now confirmed that the proposal meets ETSU simplified noise criterion. Recommend conditions

Access Officer: No known routes directly affected. There are paths that may be indirectly affected from a visual perspective and should be accounted for in any decision

Ministry of Defence: No objections. Require safety lighting and notification

Archaeology Officer: No implications

Landscape: Initially raised a concern regarding the skyline effect of the development as illustrated in viewpoint 2 (incorrectly noted as viewpoint 1) and probable skylining from other areas of Earlston. Queried if the applicant could consider an alternative location that would not be quite so prominent and elevated. This matter was raised with the applicants and, in response to their reply to this concern, the landscape architect advises the following: The turbine would be outwith environmental designations.

Guidance suggests a turbine of this typology in a small-medium scale landscape would normally be acceptable, and it is not out of scale with the landscape when seen from either Black Hill or the SUW. There will be increased sequential cumulative effects as a turbine here will increase the area of the Leader Valley from which a turbine can be seen. It will extend sequential effects on the A68. However, this is not deemed to be significant as the turbine will only be potentially visible for relatively short sections of the road.

Viewpoint 2 clearly indicates that the turbine when viewed from here and perhaps other locations on the western edge of the village appears as a relatively prominent skyline feature, despite the relatively busy foreground captured in the photomontage. At just over 1.7km from a sizeable settlement, the turbine may be perceived as relatively prominent by receptors that are resident in the area, which is a serious concern. Having considered the further correspondence from the agent, advises that concerns remain about the skylining effect when seen from Earlston and, for that reason, does not support the proposal in the current form.

PLANNING CONSIDERATIONS AND POLICIES:

Consolidated Local Plan 2011

G1, BE1, BE2, BE3, BE4, NE1, NE4, EP1, EP2, H2, INF2, INF4, IN F6, D4

SPG Wind Energy 2011

Recommendation by - Carlos Clarke (Principal Planning Officer) on 23rd April 2015

Proposal and site description

This application seeks consent for a single turbine on agricultural land, associated with an existing farm complex (Clackmae), and designed to support its energy needs. The site is located approximately 1.3km to the north-west of Earlston. The proposal is for a 34.4m high turbine (to blade tip), with 2.5m high meter house and associated hard standings. It would be accessed from an existing track that leads from a minor public road to the east.

The application is supported by an Environmental Report and supporting visual presentations including photomontages and ZTVs.

Principle

The proposal principally requires assessment against Policy D4 which generally supports small scale turbine development subject to environmental implications being acceptable. Related policies in the Local Plan that are relevant are also noted above. Assessment is also guided by our SPG on Wind Energy. The issues relevant to these policies are considered in this assessment under each heading.

Landscape and visual effects (including on cultural heritage designations)

The turbine would be below the skyline viewed from the National Scenic Area, with no significant visibility from Special Landscape Areas. The nearest Scheduled Monument is 3.5km distant. There would be theoretical visibility over the Carolside GDL which is 0.5km to the east, however, when accounting for screening effects of woodland, the application report predicts there to be no visibility, including to Listed Buildings within the GDL. That being the case, there would appear to be no likely adverse impact. Given the size of the turbine, and its offset position away from the designation, beyond intervening farm sheds and stabling, I would accept this conclusion. There would be no adverse impacts on other Listed Buildings or on any Conservation Area.

The site is on a gently sloping hill, with limited physical works. The application includes a freestanding meter house which the applicant's agent has since agreed can be relocated closer to the farm stabling, rather than contributing to the visual impact of this proposal. If consent were granted for the turbine, it is recommended it excludes the meter house in the current location.

The site is in a transitional landscape between upland fringe and valley. The scale of the turbine is reasonably (though not completely) comfortable in this landscape setting generally, and its visual implications on routes and properties would not, on the whole, be significantly negative. The nearest neighbouring properties would not be significantly affected as a result of intervening distance, orientation, topography and tree screening. Views from the Southern Upland Way are sufficiently screened and the turbine would be set down below the skyline from that direction in any case. The proposal would add to the scattering of single turbines in the general area, but would not do so to any adverse degree given the distances and intervening screening/landscape changes between it and the nearest turbines.

However, of significant concern is the skylining effect of the turbine from the east. This is illustrated in the photomontage from Viewpoint 2, which is taken from Mill Road. As our landscape architect notes, this image forms part of a broader, busier skyline than is represented in the photomontage but the turbine clearly stands proud of the hillside and tree coverage when viewed from this position. The applicant's agents have acknowledged that the turbine will be visible from residential properties, but contend that the turbine will not overwhelm the skyline, and will simply add another feature to the view. To some extent, their conclusion is fair. However, I would not, ultimately share the view that the resulting landscape effect is acceptable in terms of the relationship between the turbine and its landscape context. The visibility of the turbine would affect a range of residential receptors and road users travelling through and into/out of Earlston. The turbine would amount to a moving feature on the skyline, at a distance where our landscape architect describes it as being relatively prominent. The resulting effect is one which is difficult to endorse in this case. The resulting landscape and visual impacts are considered contrary to Policies G1 and D4 as these require that developments relate comfortably to their landscape setting.

The ZTV information supporting the application also suggest visibility further into Earlston and beyond. There is a risk that this skyline effect would be experienced from elsewhere within and to the east of the village, in addition to the area that would share a similar experience to that illustrated in Viewpoint 2. The applicant's agents advise, however, that it has not been possible to identify an area where visibility is actually possible, due to localised screening. They advise that the 'majority' of Earlston would be unaffected. This is inconclusive and does not provide significant comfort that this breach of the skyline will not be apparent from other areas within and approaching the village. Nonetheless, putting this aside, the potential for a breach of the skyline like that illustrated in Viewpoint 2 is sufficient in itself to conclude that the scale of this turbine, in this particular location, would lead to adverse landscape and visual impacts as noted above.

The applicants have advised that reducing the turbine size may be possible, but not believed to be necessary. The applicants do not appear to be amenable to relocation below the skyline because of other evident constraints.

Ecology

The site does not directly affect any ecological designation and the development would affect no trees or hedges. Its positioning complies with guidance (TIN051) with respect to proximity to features potentially supporting bat habitat

Archaeology

No implications are anticipated

Traffic

The development will use an existing track, with a short spur into a field. Transport Scotland note a number of requirements with respect to the route for the delivery of the turbine. It is understood that no abnormal loads are required so the conditions recommended by TS are arguably not required. An informative note can cover their advisory notes and liaison directly with them/their operating company. Our Roads Planning Service are content with the site access and track.

Communications

Adverse effects on domestic radio and television are unlikely, particularly given current digital coverage. No radio interference is anticipated by the JRC.

Aviation

No consultees have raised objections. MOD requirements for safety lighting and notification can be covered by conditions

Access routes

No public routes would be directly affected. Visual implications are considered elsewhere in this report

Noise

No properties would experience noise impacts above the simplified criterion of 35dba applied by ETSU according to the applicant's submission. Our EHS did ask for further information to support the conclusions of their assessment and have since received the necessary confirmation. No background studies are required in this case, and conditions can be applied to enforce noise limits as per ETSU.

Shadow Flicker

Applying current guidance (where flicker is most likely for narrow openings within 130 degrees due north of the turbine and within a 10xblade diameter distance), this proposal will not lead to any impacts, according to the submitted report.

Drainage

There is very little hardstanding involved in this development, and treatment of run-off should not be a difficulty in this open farmland.

Decommissioning

If consented, a time-limited consent should be applied by condition

Conclusion

It is accepted that the turbine is required to support the energy needs of the farm, and this is a beneficial impact that is a legitimate material consideration. It is also accepted that most policy requirements are satisfied. However, the breach of the skyline as viewed from the east and illustrated at Viewpoint 2 would amount to an adverse landscape impact that would be visually unsympathetic, and would be viewed by a relatively high number of receptors. Having balanced these considerations, this impact is considered of overriding concern.

REASON FOR DECISION :

The development would fail to comply with Policies G1 and D4 of the Consolidated Local Plan 2011 as a result of its adverse landscape and visual effects, most specifically on the setting of Earlston and receptors within the village, due to its prominent positioning above the skyline when viewed from the east of the application site

Recommendation: Refused

- 1 The development would fail to comply with Policies G1 and D4 of the Consolidated Local Plan 2011 as a result of its adverse landscape and visual effects, most specifically on the setting of Earlston and receptors within the village, due to its prominent positioning above the skyline when viewed from the east of the application site

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.

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Dear Sir/Madam,

Planning Ref: 15/00179/FUL

Name/Location: Clackmae Farmhouse

Turbine at NGR/IGR: 355703 639152

Micro-siting Allowance: 5m

Hub Height: 23m Rotor Radius: 12m

(defaults used if not specified on application)

Cleared with respect to radio link infrastructure operated by:-

Scottish Power and Scotia Gas Networks

JRC analyses proposals for wind farms etc. on behalf of the UK Fuel & Power Industry and the Water Industry in north-west England. This is to assess their potential to interfere with radio systems operated by utility companies in support of their regulatory operational requirements.

In the case of this proposed wind energy development, JRC does not foresee any potential problems based on known interference scenarios and the data you have provided. However, if any details of the wind farm change, particularly the disposition or scale of any turbine(s), it will be necessary to re-evaluate the proposal.

In making this judgement, JRC has used its best endeavours with the available data, although we recognise that there may be effects which are as yet unknown or inadequately predicted. JRC cannot therefore be held liable if subsequently problems arise that we have not predicted.

It should be noted that this clearance pertains only to the date of its issue. As the use of the spectrum is dynamic, the use of the band is changing on an ongoing basis and consequently, developers are advised to seek re-coordination prior to considering any design changes.

Regards

Wind Farm Team

The Joint Radio Company Limited
Dean Bradley House,

52 Horseferry Road,
LONDON SW1P 2AF
United Kingdom

NOTICE:

This e-mail is strictly confidential and is intended for the use of the addressee only. The contents shall not be disclosed to any third party without permission of the JRC.

JRC Ltd. is a Joint Venture between the Energy Networks Association (on behalf of the UK Energy Industries) and National Grid.
Registered in England & Wales: 2990041

The proposed development has been examined from a technical safeguarding aspect and does not conflict with our safeguarding criteria. Accordingly, NATS (En Route) Public Limited Company ("NERL") has no safeguarding objection to the proposal.

However, please be aware that this response applies specifically to the above consultation and only reflects the position of NATS (that is responsible for the management of en route air traffic) based on the information supplied at the time of this application. This letter does not provide any indication of the position of any other party, whether they be an airport, airspace user or otherwise. It remains your responsibility to ensure that all the appropriate consultees are properly consulted.

If any changes are proposed to the information supplied to NATS in regard to this application which become the basis of a revised, amended or further application for approval, then as a statutory consultee NERL requires that it be further consulted on any such changes prior to any planning permission or any consent being granted.

Yours faithfully,

Sarah Allen
Technical Administrator
On behalf of NERL Safeguarding Office

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Response On Development Affecting Trunk Roads and Special Roads

The Town and Country Planning (Scotland) Act 1997

**The Town and Country Planning (Development Management Procedure)
(Scotland) Regulations 2008 S.I. 2008 No 432 (S.25)**

Town and Country Planning (Notification of Applications) (Scotland) Direction 2009

To Scottish Borders Council Environment and Infrastructure Newtown St Boswells Melrose TD6 0SA	Council Reference:-	15/00179/FUL
	TS TRBO Reference:-	SE/20/2015

Application made by Mr Alex Wilson per VG Energy, Per Siobhan Wolverson Thainstone Agricultural Centre Unit 7 Ground Floor Thainstone Agricultural Centre Inverurie AB51 5WU and received by Transport Scotland on 25 February 2015 for planning permission for erection of wind turbine 34.4m high to tip and associated infrastructure located at A68 Land South West Of Clackmae Farmhouse, Earlston affecting the A68 Trunk Road.

Director, Trunk Roads Network Management Advice

1. The Director does not propose to advise against the granting of permission
2. The Director advises that planning permission be refused (see overleaf for reasons).
3. The Director advises that the conditions shown overleaf be attached to any permission the council may give (see overleaf for reasons).

To obtain permission to work within the trunk road boundary, contact the Route Manager through the general contact number below. The Operating Company has responsibility for co-ordination and supervision of works and after permission has been granted it is the developer's contractor's responsibility to liaise with the Operating Company during the construction period to ensure all necessary permissions are obtained.

TS Contact:-	Route Manager (A68) 0141 272 7100 Network South, Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
Operating Company:-	SOUTH EAST
Address:-	6a Dryden Road, Bilston Glen Industrial Estate, Loanhead, Edinburgh, EH20 9LZ
Telephone Number:-	0800 0420188
e-mail address:-	OCCR.SESCOTLAND@amey.co.uk

DETAILS of works necessary within the trunk road boundary:-

Any temporary improvement of trunk road junctions to allow transportation of exceptional loads.

CONDITIONS to be attached to any permission the council may give:-

1	The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.
2	Any additional signing or temporary traffic control measures deemed necessary due to the size or length of loads being delivered must be undertaken by a recognised Quality Assured traffic management consultant, to be approved by the trunk road authority before delivery commences.

REASON(S) for Conditions (numbered as above):-

1	To maintain safety for both the trunk road traffic and the traffic moving to and from the development
1	To ensure that the transportation of abnormal loads will not have any detrimental effect on the trunk road network
2	To minimise interference with the safety and free flow of the traffic on the trunk road.

ADVISORY NOTES (to be passed to applicant):-

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Any works required and contact details are provided on Transport Scotland's response to the planning authority and is available on the Council's planning portal

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

Transport Scotland Response Date:- 05-Mar-2015
Transport Scotland Contact:- Fred Abercrombie

Transport Scotland Contact Details:-
 Trunk Road and Bus Operations, Network Operations - Development Management
 Buchanan House, 58 Port Dundas Road, Glasgow, G4 0HF
 Telephone Number: 0141 272 7382
 e-mail: development_management@transportscotland.gsi.gov.uk

NB - Planning etc. (Scotland) Act 2006

Planning Authorities are requested to provide Transport Scotland, Trunk Road and Bus Operations, Network Operations - Development Management with a copy of the decision notice, and notify Transport Scotland, Trunk Roads Network Management Directorate if the recommended advice is not accepted.

To: **Development Management Service**
FAO Stuart Herkes

Date: 4th March 2015

From: **Roads Planning Service**

Contact: **Ashley Hogg**

Ext: **5396**

Ref: **15/00179/FUL**

**Subject: Erection of wind turbine 34.4m high to tip and associated
infrastructure
Land South West of Clackmae Farmhouse Earlston**

The limited size of the turbine will not create any abnormal loads, nor will it create any significant traffic generation which concerns me. To access the site, I can confirm the existing junction onto the minor public road is suitable, and that the unmade track to the site is of adequate construction.

No roads objections.

DJI

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00179/FUL
Uniform Ref	15/00331/PLANCO
Proposal	Planning Application. Erection of wind turbine 34.4m high to tip and associated infrastructure
Address	Land South West Of Clackmae Farmhouse Earlston Earlston Scottish Borders
Date	10 th March 2015
Amenity and Pollution Officer	Mary Rose Fitzgerald
Contaminated Land Officer	Reviewed No Comment

Amenity and Pollution

Assessment of Application

The application is for single turbine with a hub height of 22.6m.

A non site specific report has been provided from ARCUS. A VG Energy report has been provided but relates to a turbine in Stirling.

In order to carry out a noise assessment I require the following information as a minimum:

1. Turbine co-ordinates.
2. Receptor co-ordinates and distances to receptors.
3. Turbine sound power levels utilised in the noise predictions including use of octave band data and uncertainty should be clearly highlighted.
4. The turbine model to be used for the assessment.
5. Reference to the Institute of Acoustics *Good Practice Guide on the application of ETSU-R-97*
6. Noise model input parameters.
7. A table of turbine noise immissions (at noise sensitive premises) at integer wind speeds.
8. Cumulative noise
9. An explanation should also be regarding the financially involved properties, what involvement do they have in this proposed wind turbine.

Recommendation

Further Information Required Before Application is Determined

Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00179/FUL
Uniform Ref	15/00331/PLANCO
Proposal	Planning Application. Erection of wind turbine 34.4m high to tip and associated infrastructure
Address	Land South West Of Clackmae Farmhouse Earlston Earlston Scottish Borders
Date	13 th March 2015 – 2 nd Response
Amenity and Pollution Officer	Mary Rose Fitzgerald

Amenity and Pollution

Assessment of Application

Following my response on 10th March the applicant has provided an report for the proposed turbine at Clackmae. This has been prepared by VG Energy and the noise assessment is contained in Chapter 7 of the Environmental Report.

The application is for single NPS 100/24 turbine with a hub height of 22.6m.

The report does not provide all of the information I requested in order to assess the noise ans has raised other questions.

Below I provided a list of information required so that I can verify that the calculations carried out were done in line with best practice and are accurate.

1. Turbine co-ordinates
2. Receptor co-ordinates
3. Turbine sound power levels utilised in the noise predictions
4. How was uncertainty applied
5. Where was the octave band spectrum obtained from and was it scaled
6. I note that the hub height of the turbine in the Arcus report is 36.8 and the hub height for the proposed turbine is 22.6m. A correction should be carried out to account for wind shear
7. A table of turbine noise immissions (at noise sensitive premises) at integer wind speeds

It appears that there are no other wind energy developments in the area that need to be considered in this assessment.

Recommendation

Further Information Required Before Application is Determined



**Defence
Infrastructure
Organisation**

Miss Rachel Evans
Assistant Safeguarding Officer
Ministry of Defence
Safeguarding – Wind Energy
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Your Reference: 15/00179/FUL

Telephone [MOD]:

Facsimile [MOD]:

Our Reference: DIO/SUT/43/10/1/20306

E-mail:



Mr Stuart Herkes
Scottish Borders Council
Council Headquarters
Newtown St Boswells
Melrose
Scottish Borders
TD6 0SA

16th March 2015

Dear Mr Herkes

Please quote in any correspondence: 20306

Site Name: Land South West Of Clackmae Farmhouse

Proposal: Erection of 1 Wind Turbine

Planning Application Number: 15/00179/FUL

Site Address: Earlston, Scottish Borders

Thank you for consulting the Ministry of Defence (MOD) on the above Planning Application in your communication dated 25th February 2015.

I am writing to tell you that the MOD has no objection to the proposal.

The application is for 1 turbine at 34.4 metres to blade tip. This has been assessed using the grid references below as submitted in the planning application or in the developers' or your pro-forma.

Turbine	100km Square letter	Easting	Northing
1	NT	55703	39152

In the interests of air safety the MOD will request that the development should be fitted with aviation safety lighting. The turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

The principal safeguarding concern of the MOD with respect to the development of wind turbines relates to their potential to create a physical obstruction to air traffic movements and cause interference to Air Traffic Control and Air Defence radar installations.

Defence Infrastructure Organisation Safeguarding wishes to be consulted and notified of the progression of planning applications and submissions relating to this proposal to verify that it will not adversely affect defence interests.

If planning permission is granted we would like to be advised of the following prior to commencement of construction;

- the date construction starts and ends;
- the maximum height of construction equipment;
- the latitude and longitude of every turbine.

This information is vital as it will be plotted on flying charts to make sure that military aircraft avoid this area.

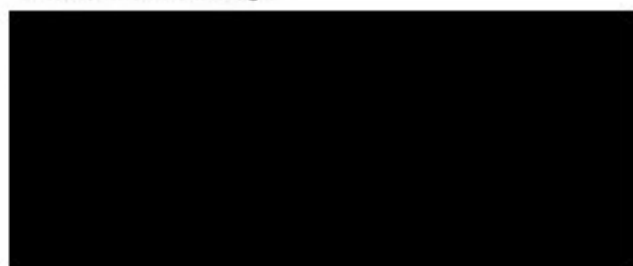
If the application is altered in any way we must be consulted again as even the slightest change could unacceptably affect us.

I hope this adequately explains our position on the matter. If you require further information or would like to discuss this matter further please do not hesitate to contact me.

Further information about the effects of wind turbines on MOD interests can be obtained from the following websites:

MOD: <https://www.gov.uk/government/publications/wind-farms-ministry-of-defence-safeguarding>

Yours sincerely



Miss Rachel Evans
Assistant Safeguarding Officer – Wind Energy
Defence Infrastructure Organisation

SAFEGUARDING SOLUTIONS TO DEFENCE NEEDS

PLANNING CONSULTATION

To: Rights Of Way Officer

From: Development Management

Date: 25th February 2015

Contact: Stuart Herkes ☎ 01835 825039

Ref: 15/00179/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 18th March 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 18th March 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Mr Alex Wilson

Agent: VG Energy

Nature of Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure
Site: Land South West Of Clackmae Farmhouse Earlston Scottish Borders

OBSERVATIONS OF: Rights Of Way Officer

CONSULTATION REPLY

ACCESS OFFICER REPLY:

Thank you for your request to receive an outdoor access consultation response. You should note the following:

LEGISLATION

National Access Legislation

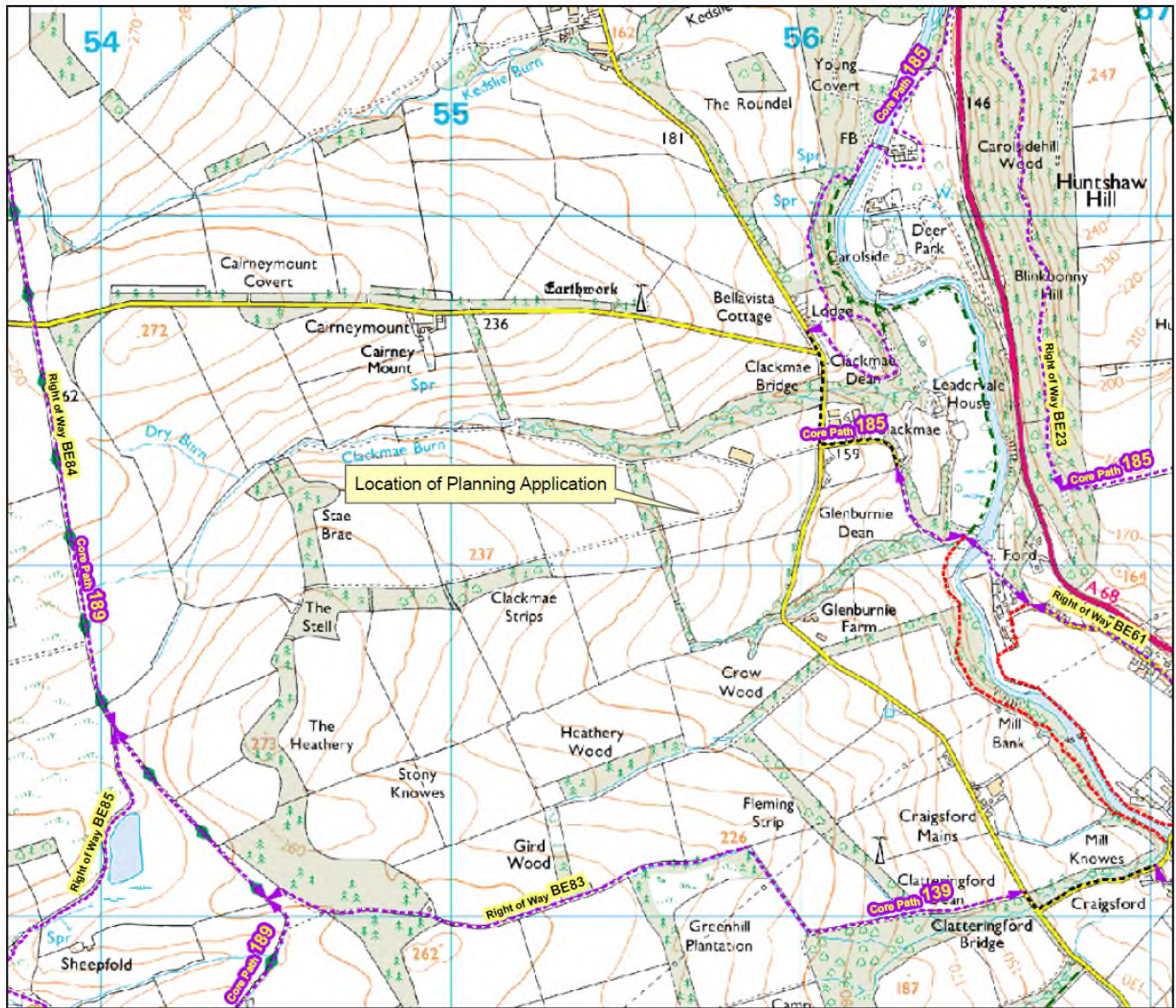
It is the duty of local authority to uphold access rights, under the [Land Reform \(Scotland\) Act 2003](#), in doing so to, protect and keep open and free from obstruction or encroachment any route, waterway or other means by which access rights may reasonably be exercised.

Rights of Way are specifically protected by law under the [Countryside \(Scotland\) Act 1967](#) sec. 46 *'It shall be the duty of a, planning authority to assert, protect, and keep open and free from obstruction or encroachment any public right of way which is wholly or partly within their area.'*

COMMENTS

According to our records, as outlined on the enclosed plan, there are no known Core Paths / Promoted Paths / Rights of Way that are directly affected by this proposal. There are however core paths, rights of way and promoted routes which may be indirectly affected from a visual perspective, which should be accounted for in any decision.

Please note that Scottish Borders Council does not have a definitive record of every claimed right of way within its area. The Scottish Rights of Way and Access Society, the community council and local residents may have evidence of existence of claimed rights of way that have not yet been recorded by SBC.



**Clackmae,
Scottish Borders
Ref: 15/00179/FUL**

- Legend**
- Managed Path (Local Community)
 - Managed Path SBC (Core Path, Promoted Route; Aspirational Core Path)
 - Other (Right of Way; Permissive/ Customary Path; Longer-term Aspirational Path)
 - - - - Path Link on SBC Adopted Road (No Pavement) (Core Path Link and Promoted routes)

Scale: 1:14,426

This map has been prepared by the Countryside Access Ranger Service of Scottish Borders Council.

For further details contact: outdooraccess@scotborders.gov.uk
01835 826509

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PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 25th February 2015

Contact: Stuart Herkes ☎ 01835 825039

Ref: 15/00179/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 18th March 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 18th March 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Mr Alex Wilson

Agent: VG Energy

Nature of Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure

Site: Land South West Of Clackmae Farmhouse Earlston Scottish Borders

OBSERVATIONS OF: Archaeology Officer

CONSULTATION REPLY

Thank you for requesting an archaeology consultation. There are no known implications for this proposal.

From: McDermott, Siobhan
Sent: 01 April 2015 16:43
To: Clarke, Carlos
Subject: 15/00179/FUL 34.5m turbine SW of Clackmae Farm, Earlston

Carlos,

I have been able to review the photomontage information supplied in support of the above application and have visited the various viewpoints. despite this been a small/ medium turbine in what is a medium scale landscape. I really only have concerns about the visibility from Viewpoint 1 - from Earlston - as the turbine clearly 'skylines' from this viewpoint and probably from other areas of the settlement. At only 1.7km from the settlement I consider this might appear as 'fairly prominent' in many views from Earlston, and I wonder if the applicant could consider an alternative location on the farm that would not be quite so prominent and elevated on the valley side.

Hope this is helpful .

regards

Siobhan McDermott
Landscape Architect

Built and Natural Heritage
Regulatory Services
Scottish Borders Council
Newtown St Boswells, Melrose TD6 0SA
tel: 01835 824000 ext 5425
fax: 01835 825071
email: smcdermott@scotborders.gov.uk



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Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00179/FUL
Uniform Ref	15/00331/PLANCO
Proposal	Planning Application. Erection of wind turbine 34.4m high to tip and associated infrastructure
Address	Land South West Of Clackmae Farmhouse Earlston Earlston Scottish Borders
Date	22 nd April 2015 – 4 th Response
Amenity and Pollution Officer	Mary Rose Fitzgerald

Amenity and Pollution

Assessment of Application

Following my response on 13th March the applicant has provided updated information in the form of a letter and spreadsheet dated 16th April 2015

1. Turbine co-ordinates – have now been provided and verified
2. Receptor co-ordinates – have now been provided and verified
3. Turbine sound power levels utilised in the noise predictions - provided
4. How was uncertainty applied – provided and applied correctly
5. Where was the octave band spectrum obtained from and was it scaled – it has been scaled
6. I note that the hub height of the turbine in the Arcus report is 36.8 and the hub height for the proposed turbine is 22.6m. A correction should be carried out to account for wind shear – wind shear correction has been applied
7. A table of turbine noise immissions (at noise sensitive premises) at integer wind speeds - this has now been provided and reproduced below.

RECEPTOR	ADDRESS (COORDINATES)	4m/s	5m/s	6m/s	7m/s	8m/s	9m/s	10m/s	11m/s	12m/s
H1	3-4 CLACKMAE FARM COTTAGES (356061, 639247)	24	29	30	30	30	28	29	29	29
H2	1-2 CLACKMAE FARM COTTAGES (356069, 639307)	23	28	29	29	29	27	29	29	29
H3	GLENBURNIE FARMHOUSE (356051, 638802)	21	26	27	27	27	25	27	26	26
H4	CLACKMAE FARMHOUSE (FI) (356187, 639377)	20	25	26	26	26	24	26	26	26
H5	WEST LODGE, CAROLSIDE (355998, 639714)	18	24	25	25	24	22	24	24	24
H6	NETHER CAIRNIE (355969, 639764)	18	23	24	24	24	22	24	23	23
H7	CAIRNEY MOUNT (354977, 639704)	15	20	21	21	21	19	20	20	20

FI = FINANCIALLY INVOLVED PROPERTY

The proposed turbine meets the criteria specified in the ETSU simplified condition. In the proposed condition below the higher limit for financially involved properties has not been afforded to Glenburnie farmhouse, this is due to properties closer to the turbine having a lower limit.

The figures in table 1 below are the figures from the noise immission table provided by VG Energy with 2dB added to ensure the turbine can comply with the condition. By including a table like this it will be easier to assess cumulative noise should there be more applications in this area in the future.

Recommendation

Agree with application in principle, subject to conditions

1. At wind speeds not exceeding 10m/s at rotor centre height, the wind turbine noise level at each noise sensitive property shall not exceed the levels in table 1

Table 1

Location		Wind speed at rotor height in m/s averaged over 1 minute periods. Sound pressure levels in dB LA90, 10mins						
Property Name	Map ref	4	5	6	7	8	9	10
3-4 CLACKMAE FARM COTTAGES	356061, 639247	26	31	32	32	32	30	31
1-2 CLACKMAE FARM COTTAGES	356069, 639307	25	30	31	31	31	29	31
GLENBURNIE FARMHOUSE	356051, 638802	23	28	29	29	29	27	29
CLACKMAE FARMHOUSE	356187, 639377	22	27	28	28	28	26	28
WEST LODGE, CAROLSIDE	355998, 639714	20	26	27	27	26	24	26
NETHER CAIRNIE	355969, 639764	20	25	26	26	26	24	26
CAIRNEY MOUNT	354977, 639704	17	22	23	23	23	21	22

2. At the request of the Planning Authority, following a complaint to Scottish Borders Council relating to noise immissions from the wind turbine, the wind turbine operator shall shut down the turbine not later than 24 hours after receipt of the request and at his own expense employ an independent consultant, approved by the Planning Authority, to assess the level of noise emissions from the wind turbines (inclusive of existing background noise). The background noise level shall also be measured without the wind turbine operating. The noise of the turbine alone can then be calculated by logarithmic subtraction. If requested by the Planning Authority the assessment of noise immissions shall include an investigation of amplitude modulation in a manner agreed with the Authority.
3. Should the wind turbine sound pressure level exceed the level specified in the above conditions the turbine shall cease operation until such time as it has been demonstrated to the Planning Authority that the sound pressure level, referred to in condition 1, can be achieved.

residential receptors in the Earlston settlement and have also looked at the viewpoints on Black Hill and Southern Upland Way (SUW). I suggest that the turbine is not out of scale with the receiving landscape when seen from either Black Hill or this section of the SUW.

- 5(i) This criterion deals with impact on landscape character and areas exhibiting remote qualities. The scale of the turbine is not inappropriate to the scale of the landscape and the features that give it its particular character nor could the site be regarded as in any way remote. I therefore consider this criterion satisfied.
- 5(ix) This deals with cumulative impact of turbine development. Although there are a number of single turbines within the 5km study area there is relatively few locations where more than one or two are seen coincidentally. This turbine will generally be seen in isolation. However there will be increased sequential cumulative effects as a turbine in this location will increase the area of the Leader valley from which a turbine can be seen. The A68 follows travels the length of the Leader valley and a turbine at this location will extend the sequential cumulative effects that currently receptors on the A68 experience. While this is the case, the additional sequential cumulative effect is not deemed to be significant as the proposed turbine will be only potentially visible for relatively short sections of the road within the 5km study area.

Consultation Summary

Having considered the further correspondence from the agent, I must advise that while a turbine of this typology largely fits with our current guidance, I continue to have concerns about the skylining effect when seen from the Earlston settlement. For that reason I am not happy to support this proposal in its current form.

Siobhan McDermott
LANDSCAPE ARCHITECT

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**Defence
Infrastructure
Organisation**

Your Ref. 15/00018/RREF
DIO Ref. DE/C/SUT/43/10/1/20306

Ministry of Defence
Safeguarding
Kingston Road
Sutton Coldfield
West Midlands B75 7RL
United Kingdom

Telephone [MOD]: +44 (0)121 311 3781
Facsimile [MOD]: +44 (0)121 311 2218
E-mail: DIOSEE-EPSSG3@mod.uk

Via Email

Scottish Borders Council
Newtown St Boswells
Melrose
TD6 0SA

7 August 2015

Dear Sirs,

Local Review Body reference – 15/00018/RREF
Planning Application reference – 15/00179/FUL
Proposed wind turbine 34.4m high to tip and associated infrastructure at Land South West of Clackmae Farmhouse, Earlston, Scottish Borders

The Ministry of Defence (MOD) has received notification from the Scottish Borders Council stating that the above planning application will be reviewed by the Council's Local Review Body.

The MOD submitted a response dated 16th March 2015 raising no objection to the proposal. The MOD has reviewed this response in light of the Review and I can confirm that the MOD raises no objection to the proposal. The MOD requests that the turbine is fitted with aviation lighting of the following specification; the turbine should be fitted with 25 candela omni-directional red lighting or infrared lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point.

If planning permission is granted, the MOD would like to be advised of the following information;

- The date construction starts and ends;
- The maximum height of construction equipment;
- The latitude and longitude of the turbine erected

I trust that the above will be taken into account during the Review consideration. Should you require any additional information, please do not hesitate to contact me.

Yours faithfully

A handwritten signature in cursive script, appearing to read 'M. Neenan'.

Marie Neenan
Senior Safeguarding Officer

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List of Policies

Local Review Reference: 15/00018/RREF

Planning Application Reference: 15/00179/FUL

Development Proposal: Erection of wind turbine 34.4m high to tip and associated infrastructure

Location: Land south west of Clackmae Farmhouse, Earlston

Applicant: Mr A Wilson

SESPLAN 2013:

POLICY 10 - SUSTAINABLE ENERGY TECHNOLOGIES

The Strategic Development Plan seeks to promote sustainable energy sources. Local Development Plans will:

- a. Support the future development and associated infrastructure requirements of Longannet and Cockenzie power stations in relation to their role as non-nuclear baseload capacity generators and the reuse of waste heat from these developments. Support Energy Park Fife at Methil and developments connected with offshore renewable energy at Leith and Rosyth; and
- b. Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks.

POLICY 1B - THE SPATIAL STRATEGY: DEVELOPMENT PRINCIPLES

Local Development Plans will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations and classifications, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species;
- Ensure that there are no significant adverse impacts on the integrity of international and national built or cultural heritage sites in particular World Heritage Sites, Scheduled Ancient Monuments, Listed Buildings, Royal Parks and Sites listed in The Inventory of Gardens and Designed Landscapes;
- Have regard to the need to improve the quality of life in local communities by conserving and enhancing the natural and built environment to create more healthy and attractive places to live;
- Contribute to the response to climate change, through mitigation and adaptation; and
- Have regard to the need for high quality design, energy efficiency and the use of sustainable building materials.

Consolidated Scottish Borders Local Plan 2011:

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

POLICY BE1 - LISTED BUILDINGS

1. The Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings.
2. All Listed Buildings contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting.
3. Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:
 - i) must be of the highest quality,

- ii) must respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design,
 - iii) must maintain, and should preferably enhance, the special architectural or historic quality of the building,
 - iv) must demonstrate an understanding of the building's significance.
- Applications for Listed Building Consent or applications affecting the setting of Listed Buildings may be required to be supported by Design Statements.
- 4. New development that adversely affects the setting of a Listed Building will not be permitted.
 - 5. The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.
 - 6. Decisions on proposals for any alterations or demolition of a Listed Building will be made in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland and in consultation with the appropriate heritage bodies.

POLICY BE2 - ARCHAEOLOGICAL SITES and ANCIENT MONUMENTS

Where development proposals impact on a Scheduled Ancient Monument, other nationally important sites not yet scheduled, or any other archaeological or historical site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.

Structure Plan Policy N14

Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,
- (ii) there are no reasonable alternative means of meeting that development need, and
- (iii) the proposal includes a mitigation strategy acceptable to the Council.

Structure Plan Policy N15

Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.

Structure Plan Policy N16

Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:

- (i) the preservation of remains in situ and in an appropriate setting,

- (ii) surface or geophysical survey,
- (iii) archaeological excavation,
- (iv) study of the excavated evidence and publication of the results.

The preferred solution will be influenced by the value of the site in national, regional or local terms.

POLICY BE3 – GARDENS AND DESIGNED LANDSCAPES

Development will be refused where it has an unacceptable adverse impact on the landscape features, character or setting of:

1. sites listed in the Inventory of Gardens and Designed Landscapes,
2. any additional sites that may be included in any revised Inventory in course of preparation by Historic Scotland or other designator bodies, or
3. historic gardens and designed landscapes recorded in the Council's Sites and Monuments Record.

Where development is approved, it should enhance the design and setting of the garden or designed landscape. All development should be carefully sited, of the highest standards of design using appropriate finishing materials and planting, to fit in with the existing landscape structure and boundary enclosures.

POLICY BE4 – CONSERVATION AREAS

1. Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.
2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials, and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.
3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and
 - iii) the proposal will preserve or enhance the Conservation area, either individually or as part of the townscape.In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment of the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.
4. Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.
5. The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any applications for major alterations or extensions, or for demolition and replacement.

POLICY NE1 – INTERNATIONAL NATURE CONSERVATION SITES

Sites of international importance for nature conservation will be afforded the highest level of protection from development. Development proposals that impact on an internationally important wildlife site must comply with Structure Plan Policy N2.

Structure Plan Policy N2

Development proposals which will have a significant effect on a designated or proposed Natura 2000 site, or a listed or proposed Ramsar site, and are not directly connected with or necessary to the conservation management for that site, will be subject to an assessment of the implications on the site's conservation objectives. The development will only be permitted where the assessment demonstrates that:

- (i) there are no alternative means of meeting that development need, and
- (ii) there are imperative reasons of overriding public interest, including those of a social or economic nature that clearly outweigh the international nature conservation value of the site.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

POLICY EP1 – NATIONAL SCENIC AREAS

Where development proposals impact on a National Scenic Area, developers will be required to comply with Structure Plan policy N10.

Structure Plan Policy N10

Development in National Scenic Areas will only be permitted where:

(i) the objectives of designation and the overall landscape value of the site will not be compromised, or

any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

POLICY EP2 – AREAS OF GREAT LANDSCAPE VALUE

Where development proposals impact on an Area of Great Landscape Value (AGLV), developers will be required to comply with Structure Plan policy N11.

Structure Plan Policy N11

In assessing proposals for development in Areas of Great Landscape Value, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals that have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

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

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY Inf2 – PROTECTION OF ACCESS ROUTES

1. When determining planning applications and preparing development briefs and in accordance with the Scottish Borders Access Strategy, the Council will seek to uphold access rights by protecting existing access routes including: statutorily 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.

2. Where development would have a significant adverse effect on the continued access to or enjoyment of an access route or asserted Right of Way, alternative access provision will be sought at the developer's cost either by diverting the route or incorporating it into the proposed development in a way that is no less attractive and is safe and convenient for public use. Unless such appropriate provision can be made, the development will be refused

POLICY Inf4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY Inf6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.
3. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

POLICY D4 – RENEWABLE ENERGY DEVELOPMENT

The Council will support proposals for both large scale and community scale renewable energy development including commercial wind farms, single or limited scale wind turbines, biomass, hydropower, biofuel technology and solar power where they can be accommodated without unacceptable impacts on the environment. The siting and design of all renewable energy developments should take account of the social, economic and environmental context.

Renewable energy developments will be approved provided that,

1. there are no unacceptable adverse impacts on the natural heritage including the water environment, landscape, biodiversity, built environment and archaeological heritage, or that any adverse impacts can be satisfactorily mitigated;
2. there are no unacceptable adverse impacts on recreation and tourism, including access routes, or that any adverse impacts can be satisfactorily mitigated.

If there are judged to be significant adverse impacts that cannot be mitigated, the development will only be approved if the Council is satisfied that the contribution to wider economic and environmental benefits outweigh the potential damage to the environment or to tourism and recreation.

Commercial Wind Farms

1. Commercial wind farm development will normally be more acceptable in locations within 'preferred areas' outwith environmental designations as set out in Structure Plan Policy I19. As noted in the justification of the local plan policy on Areas of Great Landscape Value (page 60), the Council proposes to carry out a review of the whole Council area with a view to adding additional areas which merit safeguarding under Policy EP2. The results of that review will also be taken into account in assessing the suitability of locations for commercial wind farms.
2. Locations within large scale landscape settings defined as Upland type in the Landscape Classification hierarchy (contained within the Borders Landscape Assessment) will normally be more acceptable than other landscape character types subject to detailed assessment of the fragility of the area to change.
3. Locations where there is surrounding landform that minimises the external visibility of the development, where there is no interference with prominent skylines or where there is no conflict with sensitive habitats will be looked on more favourably than other locations.
4. In assessing the landscape impacts of windfarm developments, particular attention will be given to the effects on high sensitivity receptors including major tourist routes and important landscape viewpoints.
5. In addition to the general provisions for assessment as set out in paragraph 2 of this Policy, proposals for commercial wind farms will be assessed against the following criteria and will be approved where the overall impact is judged acceptable:
 - (i) Impact on landscape character and areas exhibiting remote qualities as guided by expert advice and relevant research including the *Scottish Borders Landscape Assessment 1995*;
 - (ii) Views of the turbines and associated transmission lines, tracks, plant and buildings from 'sensitive receptors' that include residential properties, important landscape features, prominent landmarks, major tourist routes and popular public viewpoints, including those outwith the Scottish Borders boundary;
 - (iii) Visual impact assessment will include cumulative impact, shadow flicker and the potential for driver distraction, and take account of the distance of the facility from receptors and screening. Decision-making will be guided by expert advice and relevant research.
 - (iv) Generation of noise;
 - (v) Traffic generation, including access during construction;
 - (vi) Ecology and ornithology, particularly statutorily protected species and habitats, species and habitats of conservation concern or species vulnerable to wind farms by virtue of their behaviour. Assessment of cumulative impacts on regional populations of birds will be required as appropriate.
 - (vii) Interference with radio telecommunications and aviation;
 - (viii) Provisions for decommissioning, land restoration, after care and after use;
 - (ix) Cumulative impact of wind farm development, including developments in adjoining local authority areas. Unacceptable cumulative impact may restrict development potential in otherwise appropriate areas. In assessing potential cumulative impact, account will be taken of the effect of perceived visual impact.
6. Reference should be made to Scottish Planning Policy (SPP) and PAN 45 Renewable Energy Technologies (revised 2002) in respect of assessing visual and other impacts of wind farm proposals, giving consideration to the size and the number of proposed turbines, the position and number of receptors affected and the distance of the receptors from the turbines.

Developers must demonstrate that they have considered options for minimising the operational impact of the development including:

1. Positioning of the wind farm in relation to landscape character, surrounding landform, wind farms and power lines;

2. Positioning of the wind farm in relation to the biodiversity interest of the site and surrounding area;
3. Siting and design of tracks and ancillary development;
4. Turbine positioning and separation from residential properties and radio telecommunications;
5. Turbine specification and technical controls, including consideration of predicted noise levels at specific properties closest to the wind farm at wind speeds corresponding to cut-in, full rated power and maximum operational wind speed, along with background noise levels and wind speeds;
6. Colours and finishes;
7. Routeing and timing of construction traffic;
8. Road access and improvements, taking account of constraints posed by wetland and upland habitats.

Other Renewable Energy Development

Small scale or domestic renewable energy developments including community schemes, single turbines and micro-scale photovoltaic/solar panels will be encouraged where they can be satisfactorily accommodated into their surroundings in accordance with the protection of residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of biofuels, short rotation coppice, 'biomass' or small scale hydro-power will be assessed against the relevant environmental protection policies.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy Inf7 Waste Management Facilities.

Other Material Considerations

Supplementary Guidance on Wind Energy 2011

Supplementary Planning Guidance on Landscape and Development 2008
Supplementary Planning Guidance on Renewable Energy 2007

Border Landscape Assessment ASH Consulting Group 1998

Scottish Borders Proposed Local Development Plan 2013

Scottish Planning Policy 2014

National Planning Framework 2014

Planning Advice Note 51: Planning, Environmental Protection and Regulation 2006

Planning Advice Note 60: Planning for Natural Heritage 2008

Planning Advice Note 73: Rural Diversification 2005

Planning Advice Note 1/2011 Planning and Noise 2011

Planning Advice Note 2/2011 Planning and Archaeology 2011

Scottish Government On-line Renewables Advice: Onshore Wind Farms

Siting and Designing Wind Farms in the Landscape - Scottish Natural Heritage 2014

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Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000127674-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Clarendon Planning and Development Limited
Ref. Number:	
First Name: *	David
Last Name: *	Howel
Telephone Number: *	07817295619
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	dhowel@clarendonpd.co.uk

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	5A
Address 1 (Street): *	Castle Terrace
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH1 2DP

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: *	<input type="text" value="Ms"/>	You must enter a Building Name or Number, or both:*	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Paula"/>	Building Number:	<input type="text" value="3"/>
Last Name: *	<input type="text" value="Milanesi"/>	Address 1 (Street): *	<input type="text" value="Holydean Farm Cottages"/>
Company/Organisation:	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number:	<input type="text"/>	Town/City: *	<input type="text" value="Meirose"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD6 9HT"/>
Fax Number:	<input type="text"/>		
Email Address:	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>		
Full postal address of the site (including postcode where available):			
Address 1:	<input type="text"/>	Address 5:	<input type="text"/>
Address 2:	<input type="text"/>	Town/City/Settlement:	<input type="text"/>
Address 3:	<input type="text"/>	Post Code:	<input type="text"/>
Address 4:	<input type="text"/>		
Please identify/describe the location of the site or sites.			
<input type="text"/>			
Northing	<input type="text" value="648244"/>	Easting	<input type="text" value="358530"/>

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to Notice of Review Supporting Statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Notice of Review Supporting Statement with Appendices 1-12 as listed on Page 2 of the Supporting Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00403/FUL

What date was the application submitted to the planning authority? *

10/04/15

What date was the decision issued by the planning authority? *

18/06/15

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be conducted by a combination of procedures.

Please select a further procedure *

Inspection of the land subject of the appeal. (Further details below are not required)

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? * (Max 500 characters)

Site Inspection to appreciate position of proposed house relative to existing building group, the minor tree removal (& replacement) and extent of proposed woodland retention

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review? *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: David Howel

Declaration Date: 31/07/2015

Submission Date: 31/07/2015



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000116642-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

- Residential development
- Build a single three-bedroom house

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation: Taylor Architecture Practice

Ref. Number:

First Name: * Finlay

Last Name: * Geddes

Telephone Number: * 01315553824

Extension Number:

Mobile Number:

Fax Number:

Email Address: * finlay@t-a-p.uk.com

You must enter a Building Name or Number, or both:*

Building Name: Second Floor, Admiral House

Building Number: 29-30

Address 1 (Street): * Maritime Street

Address 2:

Town/City: * Edinburgh

Country: * UK

Postcode: * EH6 6SE

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title: * Mrs

Other Title:

First Name: * Paula

Last Name: * Milanesi

Company/Organisation:

Telephone Number:

Extension Number:

Mobile Number:

Fax Number:

Email Address:

You must enter a Building Name or Number, or both:*

Building Name: 3

Building Number:

Address 1 (Street): * Holydean Farm Cottages

Address 2:

Town/City: * Melrose

Country: * UK

Postcode: * TD6 9HT

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Northing

648251

Easting

358528

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

During pre-application consultations, concerns that the development of the site will lead to the erosion of an important landscape feature have been raised. During a lengthy design process every endeavour has been made to establish exact tree positions and develop a building form that will minimise the impact on the woodland.

Title:	Mr	Other title:	
First Name:	Stuart	Last Name:	Herkes
Correspondence Reference Number:		Date (dd/mm/yyyy):	21/10/14

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

During pre-application discussions, there were concerns raised in relation to the following:

- How the proposed dwelling relates to and addresses the existing building group
- The appropriateness of the proposed dwellings aesthetic within the existing context
- How the proposed dwelling and landscaping relates to the existing site topography

All of these issues have been addressed during the design process so that the dwelling has minimum impact on the site and sits well in its context.

Title:	Mr	Other title:	
First Name:	Stewart	Last Name:	Herkes
Correspondence Reference Number:		Date (dd/mm/yyyy):	21/10/14

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

During pre-application discussions, we consulted a member of the Flood Prevention Team. It was discussed that the proposed dwelling is around 2 - 3 metres above the level of Pyatshaw Burn. SEPA mapping shows that the flood level would not rise as high as this. Therefore no objections were made in terms of flood risk for the development.

Title:	Mr	Other title:	
First Name:	Ian	Last Name:	Chalmers
Correspondence Reference Number:		Date (dd/mm/yyyy):	23/10/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

2429.44

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Empty, area of forest and meadow

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

2

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
- No, using a private water supply
- No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

Sufficient space is provided for the storage of general waste and recycling bins on the site (as indicated on proposed site plan)

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013? *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land ? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Finlay Geddes

On behalf of: Mrs Paula Milanesi

Date: 09/04/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Tree Survey

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Finlay Geddes

Declaration Date: 09/04/2015

Submission Date: 09/04/2015

Payment Details

Online payment: XM0100000517

Created: 09/04/2015 13:29

Notice of Review Supporting Statement

Land South West of Pyatshaw Schoolhouse, Lauder, Scottish Borders

Erection of dwellinghouse

Ref. 15/00403/FUL

On behalf of

Ms Paula Milanesi

July 2015



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EXECUTIVE SUMMMARY

This request for 'Review' is submitted on behalf of Mrs Paula Milanesi, following the decision of Scottish Borders Council, under delegated powers to the Service Director of Regulatory Services and based upon the Case Officer's recommendation, to refuse planning permission for the erection of a dwellinghouse (application ref. 15/00403/FUL) at land south-west of Pyatshaw Schoolhouse, by Lauder on the 18th June 2015.

The application subjects are located within the established building group of Pyatshaw, north of the A697 and on the south-western edge of the former Spottiswoode Estate. Whilst **the principle of development is accepted by the Council**, the Case Officer suggests that the proposal will lead to short term and long term damage to existing woodland resource and that the proposed layout and design are not appropriate for the woodland character of the location. Of note, the Council's own Landscape Officer does not recommend refusal.

This Statement sets out the opposing Case for the applicant and will demonstrate that:-

- The proposal would meet with the aims and objectives of national planning policy in terms of encouraging high quality rural development and investment and distinctive design which can ensure a sense of place and identity – the siting of the house relates directly to the established historic pattern and scale, form and materials are all supported by best practice
- The proposal has demonstrated a thorough and practical approach to replacement of existing poor quality woodland within the site to allow for **zero net tree loss** and actual betterment through short term management of identified overcrowding and long term retention of an area of woodland that is integral to the character of the Pyatshaw area
- The proposed layout and building positioning relate well to the existing pattern (as acknowledged by the Council's landscape architect) which emphasises a relationship between house, street and trees rather than just an isolated 'house in woods' approach personally preferred by the Case Officer, whilst the proposed design provides for a distinctive response to the rural/woodland setting as opposed to either a standardised suburban or neo-traditional approach
- Examples of both contemporary houses within woodland settings and tree replacement approaches are identified within the Borders

It is asked that the Local Review Body, whilst considering matters, simultaneously appraise the enclosed documentation which accompanied the original application. It is respectfully requested that the Local Review Body reconsider the Service Director's recommendation and find favour in the applicant's proposal for which it is contended meets Planning Policy aims and objectives, subject to conditions, as deemed appropriate.

1.0 BACKGROUND TO THE APPLICATION

1.1 Location, Description and History

- 1.1.1 The application site, extending to 0.25 hectare, is located within the building group of Pyatshaw, north of the A697, approximately 4.5 miles east of Lauder in the Scottish Borders. The site itself comprises scrub land and partial woodland within the centre of the building group and is bound on the east and south by the public minor road (leading from the A697 towards Spottiswoode), to the north by Pyatshaw Burn and west by agricultural land. Established dwellinghouses are located immediately to the north, east and south of the site boundaries.
- 1.1.2 Given the woodland setting, the applicant specifically commissioned architects, Taylor Architecture Practice (T.A.P.), to develop plans for a suitable house in terms of the rural/woodland setting within the established building group with a scale/footprint relative to the established building pattern at Pyatshaw. In this regard, T.A.P. engaged with Scottish Borders Council planning department at an early stage to establish the principle of development and thereafter the elements that would require particular attention if a suitable design was to be achieved. This is detailed within the summary of pre-application discussion noted in Section 4 below.
- 1.1.3 The application was received and validated by Scottish Borders Council on 10th April 2015 and was subsequently, to the disappointment of the applicant given the comprehensive extent of site design submissions, refused under delegated powers to the Service Director of Regulatory Services on 18th June 2015, on the basis of the appointed Case Officer's subjective recommendation.

1.2 The Development Proposal

- 1.2.1 The proposal which was the subject of the aforementioned application for planning permission and this 'Notice of Review' Statement comprises the erection of a new dwellinghouse. The proposed drawings detailing the proposal, accompany this Statement within **Appendix 1**.
- 1.2.2 The proposed design is elaborated upon within both **Appendix 1** and the Design Statement contained within **Appendix 2**. Whilst the principles of the design and site context are addressed hereafter, the proposal provides for a 2-storey, 3 bedroom house with associated private parking and tree planting/landscaping, all set within the existing plot which is retained as private garden/woodland.

1.3 Planning History

- 1.3.1 Other than the application to which this Notice of Review pertains, the applicant is not aware of any other planning history on the site.

1.4 Reason for Refusal

- 1.4.1 The Decision Notice (contained within **Appendix 3**) recommended refusal on the basis of the following reasons:

1. *"The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance – New Housing In the Borders Countryside (December 2008) and Supplementary Planning Guidance – Placemaking and Design (January 2010), in that the proposal would in the short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw."*
2. *"The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance – New Housing In the Borders Countryside (December 2008) and Supplementary Planning Guidance – Placemaking and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road."*

2.0 GROUNDS FOR REVIEW OF THE PLANNING DECISION

2.1 National Planning Policy Context

- 2.1.1 The applicant, contrary to the Decision Notice remains of the view that proposals do indeed accord with planning policy at both a national and local level. In particular, following review of the Case Officer's Report (**Appendix 4**), the applicant would take this opportunity of addressing the above reasons for refusal. However, it is also important to **firstly set the national context** in relation to the proposed design in order to inform the review of the planning decision.

Scottish Planning Policy (June 2014)

- 2.1.2 Scottish Planning Policy (SPP) has introduced a presumption in favour of development that contributes to sustainable development. In particular, **Paragraph 28** states that the planning system should *"support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits*

of a proposal over the longer term". It is considered that approval of the proposed, sensitively designed house in this location (acceptable in principle by virtue of being sited within an identified building group), with associated conditions, would comprise sustainable development by **positively securing short term management of woodland resource and long-term retention of woodland** to the benefit of the wider Pyatshaw building group, as detailed below.

2.1.3 Paragraph 29 of SPP outlines the key related principles which include, ***"supporting good design and the six qualities of successful places"***. These design policy principles are elaborated upon within Paragraphs 41-46, which outline that development should be ***distinctive*** (including building forms and materials to create a sense of identity), ***safe and pleasant*** (distinction between public and private space with natural surveillance of street), ***welcoming*** (by creating legible streetscapes), ***adaptable*** (capable of accommodating future changes through design), ***resource efficient*** (maximising efficient use of existing resources and denser development that shares infrastructure and siting of development to take shelter from prevailing wind and maximise solar gain) and ***easy to move around and beyond*** (considering place and people ahead of vehicle movement). As elaborated upon further below, the proposal meets these requirements by way of the following: distinctive, 'agricultural' derived built form and materials; suitable transition between public street, semi-private entrance/parking space and private dwelling/garden; creation of a highly distinctive legible built form to enhance the streetscape; flexible internal layout to allow for future requirements; retaining key woodland resource which provides structure for group plus suitable siting benefitting from solar gain and wind protection; and, well connected to existing public road network.

2.1.4 Paragraph 75 states that the planning system should ***"encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality"***. In this respect, the proposed house is within an accepted building group at Pyatshaw and not only does the house add to local character in terms of a distinctive and contextual built form but there is clear scope to 'protect and enhance' environmental quality through management of retained (currently overcrowded) woodland which the Local Review Body now has the opportunity to secure.

Creating Places (July 2013)

2.1.5 The Scottish Government's policy on architecture and place sets out a strong emphasis on place and good design in new development which can have physical, functional, social and environmental value (Page 8). The proposal addresses these core values through enhancing the Pyatshaw building group with a distinctive design, creating a flexible internal layout, adding to the existing community and relating to its rural context and ensuring long-term management of the immediate environment.

2.1.6 As stated on Page 12: ***"Good buildings and places can have personal value to us as individuals. They give us a sense of belonging, a sense of identity, a sense of community, and offer us the amenities to meet our daily needs."*** The proposal creates a personalised and distinctive response to the creation of a new housing within this established building group. Furthermore, Page 34 states that, ***"landscapes, by their***

very nature are constantly evolving and changing and this can be a change for good when well planned and correctly managed". This is the case at Pyatshaw.

Designing Streets (March 2010)

- 2.1.7 The Scottish Government's policy on street design emphasises the importance of place over movement. It is considered that the proposed boundary/transition treatment between the public road and the plot, allowing for public/private definition, is appropriate to its context at Pyatshaw.

Planning Advice Note (PAN) No.72 – Housing in the Countryside (February 2005)

- 2.1.8 PAN72 comprises Scottish Government advice on creating high quality housing in rural areas which can make a positive contribution and augments policy support for encouraging suitable rural development as set out within SPP. With regard to **location**, PAN72 sets out **key principles in terms of suitable landscape, layout and access** and states that, ***"a well designed house must reflect the landscape in which it is set – it must be informed by and respond to it, rather than being a house which is designed without regard to the context and placed within a site"*** (Page 10). The proposed house has been designed specifically to suit this particular woodland/rural landscape and as noted on Page 11, ***"setting a building against a backdrop of trees is one of the most successful means by which new development can blend with the landscape"***.
- 2.1.9 With regard to **layout**, Page 12 outlines key advice and in terms of **topography**, the proposed design accords with guidance to ***"give an opportunity to use the difference in levels to create an interesting and fitting building"*** with the floor level stepping up from south to north, as demonstrated within plan and section drawings within Appendix 1.
- 2.1.10 In terms of **orientation**, the building is positioned to reflect existing building lines of established houses within the Pyatshaw building group, as elaborated below. The design also avoids overlooking of adjoining properties and allows for a predominantly west/south-west aspect for main living areas.
- 2.1.11 The design also accords with advice on **shelter** (***"should avoid unnecessary exposure to the elements...and generally be positioned to take account of the prevailing wind direction and to create a good microclimate"***), solar gain (***"views to and from the site should be maximised"***) and movement (***"easily accessible links should be made for pedestrian and vehicular movement"***).
- 2.1.12 In terms of **design**, it is strongly considered that the proposed house accords with the core message of PAN72 (Page 15), which states that, ***"Traditionally, local climate and available materials have had a profound influence on the design of houses and have helped to create local characteristics. Likewise, features and finishes can help connect, or disconnect, a house to its surroundings. Increasingly however, design has been standardised across the countryside. The challenge therefore lies in encouraging designs which are distinctive and responsive to their setting"***.

- 2.1.13 PAN72 separates the key design elements as being scale, materials and details. In this respect, with regard to **scale**, Page 16 notes that, *“there is a sturdy quality to much of the scale and shape of Scotland’s domestic rural architecture...derived largely from the simplicity of the form and proportion and in the arrangement of doors and windows”*. The proposed design addresses this element through the simple ‘agricultural’ building style and scale which roots the building in its rural location.
- 2.1.14 With regard to **materials**, PAN72 states that, *“more use of timber cladding needs to be encouraged”* and the staining of timber to allow for integration with the immediate environment is also encouraged. The proposal allows for a predominant timber finish with dark stained timber rainscreen cladding plus elements of zinc cladding reflecting the ‘agricultural’ style building form.
- 2.1.15 In terms of **details**, the proposed design is contemporary but reflects traditional rural design with the generally vertical emphasis of window design plus pitched roof elements.

2.2 Local Planning Policy: First Reason for Refusal (Woodland)

- 2.2.1 Whilst the Adopted (Consolidated) Scottish Borders Local Plan 2011 is currently under review, and the Proposed Local Development Plan is presently at examination stage, the Case Officer has utilised adopted Local Plan policy in the refusal reasons alongside Supplementary Planning Guidance. In this respect, the specific reasons for refusal can be addressed in this context. The first refusal reason is repeated below for ease of reference:

“The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance – New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance – Placemaking and Design (January 2010), in that the proposal would in the short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw.”

- 2.2.2 **Adopted Local Plan Policy D2** (Housing in the Countryside), in permitting new dwellings within established building groups, requires that cumulative impact upon character, landscape and amenity is taken into account. **Adopted Local Plan Policy G1** (Quality Standards for New Development) requires that important physical or natural features can be retained and development is compatible with the character of the surrounding area. **Adopted Local Plan Policy NE4** (Trees, Woodlands and Hedgerows) supports the maintenance and management of trees, woodlands and hedgerow and requires that developers incorporate, wherever feasible, the existing woodland resource. The overall aim of this latter policy is to *“give protection to the woodland resource and in turn give protection to the character of settlements and the countryside, maintain habitats and provide an important recreational asset”*. It is noted and appreciated that this approach is reflected within Supplementary Planning Guidance on New Housing in the Borders Countryside (Page 18 – Woodlands and Hedgerows) and Placemaking and Design.

2.2.3 Firstly, it should be noted that pre-application discussion between the applicant's architect (T.A.P.) and Scottish Borders Council, as detailed in Section 4 below, undertaken during 2014 led to the commission of an Arboricultural Assessment (Appendix 5) to inform the developable area of the site. This surveyed 29 of the trees within the site – this focused on the west-central area of the site and did not include the northern and eastern areas of the site which were deemed unsuitable as a likely house location due to site constraints including topography, existing wetland, proximity to the Pyatshaw Burn and importance of retaining a woodland edge. Therefore, **whilst the survey includes 29 trees, there are actually 45 trees in total within the site's red-line boundary**, which with respect, has been overlooked by the Case Officer in his appraisal. The **site constraints** which led to this area of focus were detailed within the application Design Statement (Appendix 2) and are reflected in Figure 1 and 2 below.



Figure 1 – Site Constraints Plan – Building Group Context.



Figure 2 – Site Constraints Plan – Site Context Principle

- 2.2.4 This assessment of positioning within the site was also informed by discussions between T.A.P. and the Case Officer in relation to retention of the key character of the building group. This focused on the importance of the perception of the **'avenue through woodland'** as noted in the Case Officer's report and the agreed premise that the building group is characterised by stands of trees and inter-connected woodland with interspersed buildings radiating out from the centre, as opposed to the more common situation where building groups may be contained by trees. In this respect, **retention of the mature trees on the western boundary, along with connecting woodland along the northern and eastern parts of the site would allow for this core quality to be maintained.**
- 2.2.5 The extent of the perceived short term woodland loss can therefore be further examined within this context. Of the 29 surveyed trees, there are 3 No. 'A' (high quality) specimens, 9 No. 'B' (moderate quality) specimens', 16 No. 'C' (low quality) specimens and 1 No. 'U' (for removal) specimen. It should be noted that **20 of the 29 surveyed trees are highlighted as having 'restricted' or 'biased' crown growth due to competition, i.e. overcrowding with a necessity for thinning out to maintain the best specimens.** The proposal requires the removal of 11 trees, being 7 deciduous types and 4 Scots Pine (38% of those trees surveyed and 24% of the total 45 trees on the site) which include 2 No. 'B' (moderate quality) and 9 No. 'C' (low quality) specimens. The two 'B' specimens are Number 1 and 3 within the Arboricultural Assessment, with No.3 noted as having limited life expectancy. **Therefore, of the 11 trees to be removed, only 1 is of 'moderate' value with 10 either of 'low' value or with limited life expectancy. To reiterate, the 16 trees outwith the survey but within the site boundary are to be retained.**
- 2.2.6 The proposals allow for the **replacement of removed trees with 11 new specimens**, as identified within both the Design Statement and Landscape Plan (**Appendix 6**). The type of tree is to be agreed with the Council and can be dealt with via planning condition but **essentially, the proposal would allow for replacement of 10 deficient trees (and 1 moderate specimen) with 11 new, healthy specimens, constituting a net gain.**
- 2.2.7 Additionally, the proposal will require the removal of a small (2m) section of beech hedge on the southern boundary. Again, **replacement hedge planting** will be provided at the site entrance, as denoted within Appendix 7.
- 2.2.8 There are also 2 No. 'A' (high value) trees in close proximity to the proposed house, where **acceptable root protection measures** are proposed (as outlined within the Design Statement and noted as acceptable in the Landscape Architect's consultation response – **Appendix 7**).
- 2.2.9 In terms of the specific comments relating to woodland contained within the **Council's Landscape Architect's consultation response**, the applicant would confirm the following:
- The applicant supports the view that ***"the development allows for the retention of sufficient numbers of trees to retain a sense of enclosure and some continuity with tree belts and tree groups surrounding adjacent***

properties” and “the visual amenity of the beech hedge will be retained as part of the proposal”

- The applicant does not consider that removal of a 2m section of hedge at the site entrance will result in a material change in the overall ‘avenue through woodland’ character; the landscape architect contends that the roadside view would be considerably broken by the ‘openness’ of the 2m hedge gap but as illustrated within View 1 on Page 3 of the Design Statement, this approach is characterised mainly by trees outwith the application site. This is further evidenced by **Figure 3** below which provides an over-marked version of View 1.



Figure 3 – Over-marked View 1 from Application Design Statement (also included as **Appendix 8**)

- Additional hedgerow planting west of the proposed site entrance (behind the rebuilt section of low-level wall) could also assist with addressing the above point and could be dealt with by planning condition.
- The applicant notes the preference to retain tree No.7 (a Silver Birch specimen to the west of the proposed house) due to its amenity value. In responding to this consultation response (received only shortly before application determination – noted on SBC planning portal dated 12th June with decision on 18th June), **Appendix 9 and 10** demonstrate the proposal with tree No.7 retained (along with additional replacement hedgerow to counter any perception of a gap in the woodland).
- **The potential for specific tree retention or boundary treatment can be dealt with by planning condition, which is within the Local Review Body’s remit to impose.** To illustrate possible landscape treatment, Figures 4 and 5 below depict Boundary Treatment visualisation with and without tree No.7 (and further

replacement hedgerow). Drawings are also contained within **Appendices 1 and 11**.



Figure 4 – Boundary Treatment visualisation (without tree No.7)



Figure 5 – Boundary Treatment visualisation (retaining tree No.7 and with further replacement hedgerow – also included separately as Appendix 11)

- The landscape architect states that *“more than 50%”* of the existing woodland trees will be removed but this is incorrect – as noted above, there would be removal of 38% of those trees surveyed but just 24% of overall trees on the site. Additionally, with 100% replacement with new, healthy specimens, there would be **zero numerical loss of trees and actually a betterment through appropriate re-planting of healthy, long-term specimens.**
- Any pressure on further tree removal due to overshadowing (as also raised as a concern by the Case Officer) is lessened by the fact that the majority of trees in closer proximity are to the north and east of the proposed house and there will be at least a partial open aspect to the south – reservations could potentially be further addressed through a requirement for an **appropriate woodland management plan** to ensure long-term tree cover. The Case Officer questions, without corroboration from the Council’s own Landscape Officer, whether the site is of sufficient scale to implement a management plan but given the site is 2,429m² (0.6 acre) and the building footprint only 126m², there is clearly scope for the woodland ‘garden’ of the new house to be subject to appropriate management to allow for short term ‘thinning’ and longer term protection of key trees/woodland associated with the building group.
- In conclusion, the Council’s Landscape section does not actually object to the application and notes that determination is *“difficult to judge”* as there are **precedents for similar development within the area** (as detailed further below). As noted above, it is considered that **there are practical, manageable conditions which could address the concerns raised** to take a positive approach as required by SPP rather than the adoption of a ‘blanket’ negative policy interpretation. The Case Officer has provided additional commentary in relation to the wider landscape and visual impact including reference to previously consented houses and loss of woodland. However, it is respectfully suggested that each case should be assessed on its own merits in planning policy terms and not the Officer’s own views on landscape.

2.2.10 As noted on Page 5 of the Case Officer report, the **existing woodland on the application site is not protected by any specific planning designations and “subject only to ecological considerations being appropriately addressed, they might therefore at present, be removed or reduced as the land owner sees fit and without referral to the Planning Authority”**. The retention of this part of woodland and its long-term contribution to the character of the Pyatshaw building group is therefore not guaranteed and **the proposal actually provides long-term certainty through appropriate short term management and long-term retention of the woodland resource** aligned with the new house.

2.2.11 Overall, with regard to the first reason for refusal, it is **strongly contended that he applicant has taken a responsible and sensitive approach to the impact of the development upon existing woodland resulting in no objection from the Council’s own Landscape Architect**. By undertaking a survey of existing tree quality and identifying a building location that minimises impact, the applicant has demonstrably

worked with planning requirements to come up with a wholly practical solution. The fundamental points are that, a) the **existing woodland resource is not protected** by planning controls, b) the **proposal removes 10 sub-standard trees (low quality or limited lifespan) and one moderate specimen and replaces them with 11 new, healthy tree specimens, i.e. zero net loss**, c) the **proposal can actually be enhanced** through retention of silver birch tree recommended by SBC landscape architect and additional replacement hedgerow (all capable of being addressed via planning condition), and, d) the **long-term protection of woodland resource can be secured** through suitable conditions and/or management plan which offers far greater security than exists presently.

2.3 Local Planning Policy: Second Reason for Refusal (Impact on Character)

2.3.1 The second refusal reason is repeated below for ease of reference:

"The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance – New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance – Placemaking and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road."

2.3.2 As with the first reason for refusal, the proposal is deemed not to comply with **Adopted Local Plan Policy D2** (Housing in the Countryside) in terms of cumulative impact upon character, landscape and amenity, **Adopted Local Plan Policy G1** (Quality Standards for New Development) in terms of development being compatible with the character of the surrounding area, as well as supporting guidance.

2.3.3 As noted above, the principle of development in terms of the site's location within the centre of Pyatshaw building group is accepted as is the core 'avenue through woodland' character. The development of houses within the woodland setting at Pyatshaw is a long-established pattern where new development has been integrated with the 'woodland character'. As illustrated on **Figure 6** below, Pyatshaw sits on the south-western edge of the former Spottiswoode Estate with the public road which adjoins the site leading from the A697 to Spottiswoode and onwards to Westruther. This route was characterised by groupings of buildings set within woodlands from Pyatshaw, to Gateside (centre of map) and onwards to the edge of Spottiswoode. **Figure 7** illustrates the woodland around Pyatshaw in the 1860's with the existing Schoolhouse and former blacksmiths having been added to by new dwellings and ancillary buildings since this period. The new plots are predominantly set within former woodland and have been incorporated within the woodland setting.



Figure 6 – Pyatshaw Context in relation to Spottiswoode Estate 1860's (NLS Map Extract)



Figure 7 – Pyatshaw Historic Context (1860's NLS Extract) with location of post-1860's buildings

2.3.4 As also illustrated within the Design Statement, the positioning of established buildings in relation to the public road support the positioning of the proposed house. The majority of these buildings have a gable-end facing the road, as highlighted in red on the diagram (Figure 8) and illustrated in images within Figures 9 and 10.



Figure 8 – Pyatshaw existing buildings: gable-end/street relationship



Figure 9 (left) – Beechwood (south of proposed site) with gable to street



Figure 10 (right) – Former school site (north-east of proposed site) with gable to street

- 2.3.5 Part (i) of the refusal reason suggests that the site's existing woodland character would be *"overwhelmed by a prominently located and highly visible dwellinghouse"* and yet, this 'prominent' siting in relation to the road is the predominant built form at Pyatshaw from the earliest examples (the Schoolhouse and former blacksmiths are both generally sites perpendicular and clearly visible to the road) to more recent examples illustrated above.
- 2.3.6 Indeed, the Council's landscape architect notes that, *"the house has been sited perpendicular to the road to accord with other properties in this location and is sufficiently distant from adjacent houses to contribute to a balanced development within the building group of Pyatshaw. The development allows for the retention of sufficient numbers of trees to retain a sense of enclosure and some continuity with tree belts and tree groups surrounding adjacent properties"* (Appendix 7).
- 2.3.7 The Council's Supplementary Planning Guidance on New Housing in the Countryside notes that, with regard to siting, *"by observing the way in which traditional buildings have been set into a particular landscape a great deal can be learned on how new buildings can contribute to maintaining a sense of place and identity and at the same time integrate with the surrounding landscape"* (Page 17). The proposal seeks to relate to traditional approaches in the vicinity and indeed, the accepted **core 'character' of the building group** in terms of a spine or avenue through the woodland enroute to Spottiswoode. The positioning of the house creates a distinctive stepping stone (or minor landmark) as you progress through this section of the woodland route and allows for the public side of the dwelling to be viewed through the process of 'serial vision'; the approach from the west would be framed, firstly, by the denser woodland and then vision would be drawn towards the gaps within the woodland which accommodate the house (and existing house to the south) before returning to the denser woodland as the road turns northwards towards the Schoolhouse. **This pattern of enclosure-break-enclosure forms the basis of the core character and sense of place at Pyatshaw and is illustrated on Figure 11 on the following page.** The Case Officer's exaggerated assertion, again not shared by the Council's own landscape expert, that the proposal would result in the loss of the dense avenue of trees is not supported by the fact that openings have already been created in this woodland, including the Beechwood house to the south of the site, i.e. the 'avenue' has already been broken. The proposal follows past precedent (historic and modern) and also demonstrates that houses do not have to be 'hidden' to contribute to the character of rural, woodland areas.



Figure 11 – View Sequence through Pyatshaw (enclosure-break-enclosure) Also included within **Appendix 12**

- 2.3.8 The proposed **boundary treatment** would support this visual experience with retained and rebuilt stone walls softened by existing and replacement hedgerow behind and then existing and new woodland planting. The house elevation would create a visual contrast to this semi-natural boundary. Again, this approach is encouraged within the Council's Supplementary Planning Guidance.
- 2.3.9 The house is sited to allow for retention of the woodland character of the site and as noted above, there is zero net loss of trees on the site. It is therefore strongly contested that the site's woodland character would be 'overwhelmed' as suggested in the refusal reason. To further illustrate, in terms of **scale**, the applicant's architects have calculated the footprints and plot sizes of existing houses at Pyatshaw to assess the extent of built footprint in relation to plot size. In this respect, Beechwood (a modern house which sits immediately to the south of the application site) is calculated as having a 150m² built footprint on a plot of approximately 2000m², i.e. 7.5% built area, and Greenwood (a modern house south of Beechwood) is calculated as having a 125m² footprint and 1500m² plot, i.e. just over 8% built area. As comparison, the application proposal has a footprint of 126m² on a plot of 2429m², i.e. just over 5% built area and less than existing recent house developments in the locality. The house is also a relatively modest 3 bedroom dwelling with the main massing to the rear as the living space opens up, i.e. presence to the front of the site has been minimised.

- 2.3.10 The Case Officer notes that pre-application advice supported a **house positioning** 'within' the woodland on site, set back from the road. However, as highlighted in the constraints plans on Page 9, the position of the house is the **only feasible location due to topography and other physical restrictions**. As noted above, **the perpendicular positioning to the road is also typical of the locality** and allows for a suitably distinctive feature which relates to the public domain (and 'street') so as to avoid 'nowhere' urban design with a house located in isolation further within the site. This is assisted by the rise in level from south to north which allows for a distinctive design response utilising the site's existing topography whilst the backdrop of woodland behind the proposed house and general south/west orientation also accords with guidance set out within PAN72 and the Council's Supplementary Planning Guidance. The positioning is considered the natural place for a new house in terms of existing relationship between trees and houses and no other houses at Pyatshaw are sited as a 'house in the woods' but rather have a form of relationship with the road.
- 2.3.11 The Case Officer's wishes in terms of **form and materials** have been followed through in terms of a contemporary house whose presence could be decreased through use of materials. This has been achieved through the 'agricultural' style and form of the proposed building and the stained timber cladding material. As encouraged in Creating Places, PAN72 and the Council's Supplementary Planning Guidance, the design avoids a suburban, standardised approach and allows for a connection between built form and its setting with a simple form that echoes the rural buildings utilised in farming the former Spottiswoode Estate in the past. Whilst design is always a subjective manner, it is considered that the style and form of the proposed house is highly appropriate for its location and the largely timber-clad elevations (supported by a materials palette which is more functional/industrial than suburban residential) are a distinct but contextual response. The Case Officer's personal view that the building would have an "institutional or civic character" cannot be supported – this would indicate that all new rural houses should be neo-traditional which is not an approach supported at either national or local planning level.
- 2.3.12 With regard to part (ii) of the second refusal reason, the Case Officer is of a view that the proposed 'front-and-centre' positioning of the car parking area would lead to an unsympathetic urban or suburban character in views from the public road. This proposed parking arrangement is reflected in all of the existing houses at Pyatshaw to some extent; the nineteenth century Schoolhouse and former blacksmiths cottage have parking to front, the former school (now house) also has a clearly visible parking area, whilst the twenty-first century Beechwood (south of site) and Greenwood (further south of site) both have parking to the front of the plot as illustrated in **Figures 12 and 13**.

- 2.3.13 As illustrated within **Appendices 2, 9, 10 & 11**, the proposal allows for screening of the parking area which will be a combination of existing and rebuilt stone dyke and existing and replacement hedgerow. The specific nature of boundary treatment would be subject to planning condition but it is considered that a suitable treatment could allow for screening of car parking to a far greater extent than exists at existing houses at Pyatshaw. Essentially, the positioning of parking to the front of the plot is considered a traditional approach in rural areas and this location in particular (unlike the design emphasis on removing vehicles from the front curtilage in urban areas) can be mitigated with suitable boundary treatment.
- 2.3.14 Overall, with regard to the second reason for refusal, it is contended that **the design contributes positively to the woodland rural character at Pyatshaw**. The pattern of development is well established with the woodland landscape accommodating change over time without losing its core characteristics. The siting and positioning of the proposed house is fully justified in relation to the existing pattern of gable-end relating to street found at Pyatshaw. Significantly, there would be no loss of the 'avenue through woodland' character with the proposal enhancing the visual experience and reflecting existing pattern of enclosure-break-enclosure along this route. The scale, positioning, form, materials and parking arrangement are all considered highly appropriate for this location with the end result being a distinctive but connected design within the existing woodland setting.
- 2.4.0 **In summary, taking into account all policy provisions, it is the applicant's position that the development proposal can be supported when appraised properly against both national and local planning policy.**

3.0 PRECEDENTS IN DECISION MAKING

- 3.1 Attention is respectfully drawn to recent planning approvals which are relevant to this Review. Firstly, in terms of proximity and contemporary style, the approval of Greenwood House in 2007 (ref. 07/00540/FUL) at Pyatshaw demonstrates how a timber-clad building can be accommodated within the immediate woodland setting. **Figure 14 and 15** highlight site location and elevation treatment. It is considered that the application proposal can achieve a better solution in terms of design and integration with setting.



Figure 14 – Greenwood House, Pyatshaw: Location relative to Application Site



Figure 15 – Greenwood House, Pyatshaw: Timber-clad approach

- 3.2 Secondly, in terms of woodland impact as well as contemporary design, approval of a house at Quarter House, Broughton in 2013 (ref. 12/01417/PPP) with AMC approval in 2015 (ref. 15/00181/AMC) is directly relevant. In this case, the site was within woodland, forming part of a wider stand of trees and the Council's Landscape Section did not originally support the proposal on basis of loss of trees (Local Plan Policy NE4). Following further assessment, approval was granted which would result in the loss of 'moderate' quality trees, as also the case with the application site. Essentially, a suitably practical approach to tree management was taken by the Council in this instance. Figures 16, 17 and 18 illustrate the existing site and proposed design.

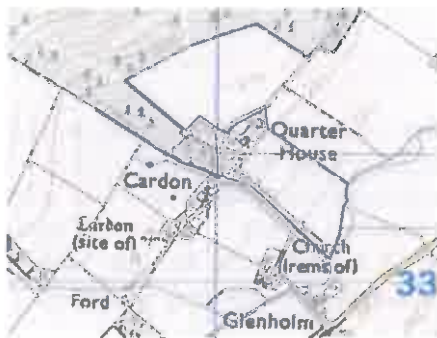


Figure 16 & Figure 17 – Woodland site at Quarter House, Broughton



Figure 18 – Contemporary housetype at Quarter House, Broughton

4.0 PRE-APPLICATION DIALOGUE WITH SBC

- 4.1 Pre-application discussions were conducted by Taylor Architecture Practice (T.A.P.) in September 2014 which sought advice on the possible location of a house within the plot. A response from the Case Officer in October 2014 confirmed that the development of land currently occupied by trees would not be objectionable in principle but the question was over the acceptability of the impact. It was advised that a Tree Survey would be required to support the proposal and inform the position of the house with any proposed site layout to demonstrate appropriate mitigation to ensure conservation of the most valuable trees. This would inform whether the balance between development and its impact would be considered acceptable. Further advice was also noted including no concern with contemporary design on basis it was not overly artificial or contrived relative to the surrounding topography.
- 4.2 Thereafter, T.A.P. arranged for the tree survey to be undertaken and further developed the proposal in terms of positioning within the plot (avoiding the best quality tree specimens and ensuring the 'structural' elements of the tree belt on the western, northern and eastern parts of the site were retained) and the contemporary but simple design. It is therefore considered that the fundamental issues raised via pre-application discussion were addressed and incorporated into the final proposal.

5.0 STATUTORY CONSULTEES & THIRD PARTY REPRESENTATIONS

- 5.1 In terms of **statutory and local Consultations**, notwithstanding the Case Officer reasoning, **no objections were received.** In particular:
- The Community Council raised no objection
 - Roads Planning Service raised no objection (subject to an informative noted by the applicant)
 - Environmental Health raised no objection (subject to an informative noted by the applicant)
 - Flood Prevention raised no objection
 - Education and Lifelong Learning require financial contributions towards Earliston High School and Lauder Primary School which is noted by the applicant
 - Ecology raised no objection having assessed the submitted badger survey (subject to an informative noted by the applicant)
 - Landscape Section raised no objection but concerns are covered within the response to refusal reasons
 - No local objections and two letters of support from neighbours within Pyatshaw

6.0 CONCLUSION

6.1 The preceding Statement, in conjunction with the appended supporting documentation, demonstrates the deliverability of the proposals within the context of a practical approach to local planning policy with further support derived at a national level. In particular:-

- National planning policy outlined within SPP, Creating Places, Designing Streets and PAN72 support and encourage appropriate rural development and investment. The proposal can be assessed positively against policy provisions including the need to create distinctive design with a sense of place and identity and site new housing within a suitable landscape structure with scale, design, form and materials relative to its local context
- The first reason for refusal is refuted as it is contended that a suitably sensitive approach has been taken to impact on existing woodland resource. Arboricultural assessment of the site along with physical constraints have informed the positioning of the house to minimise impact and a practical solution has been provided. There will be zero net loss of trees on the site and the trees to be removed comprise of 10 sub-standard specimens (low quality or limited lifespan) and 1 moderate specimen, which will all be replaced with 11 new, healthy trees to the agreed specification of the Council. Amendments can also be incorporated (via conditions) to retain tree No.7 identified within the survey, as preferred by the Council's landscape architect, and additional replacement hedgerow can be provided. It should be noted that the landscape consultation response is dated 12th June with the decision dated 18th June, i.e. there was little scope for the applicant to respond and alternative tree/hedgerow proposals are a legitimate response which can be addressed via condition. Therefore, there will be no short term damage to woodland resource and there will actually be an enhancement of the current situation given the identified overcrowding and poor quality of many of the specimens. The Council's own Landscape Architect did not specifically object to the application.
- Given the woodland has no existing planning protection the proposal provides for a clear opportunity to positively secure both short term management of the woodland resource and long-term woodland retention. This can be secured via suitable planning conditions and/or an appropriate and relatively simple tree management plan over the remainder of the plot to ensure long-term benefit.
- The second reason for refusal is also refuted in terms of the subjective views with regard to the proposed design and layout. The proposal is continuing an historic and established pattern of building within the woodland setting in the Pyatshaw vicinity and positioning of the house relates to those nearby which relate to the street rather than being isolated 'houses in woods'. The existing core qualities and character of Pyatshaw which include a sense of passing through a sequence of enclosure-break-enclosure (as shown in **Appendix 12**) will be maintained and the scale, form, materials and parking arrangement/boundary treatment accord with national and local policy with a highly contextual and distinctive design achieved.
- Local examples of both contemporary houses within woodland settings and practical approaches to replacement of woodland can be identified within the Scottish Borders.

- There were no statutory or local objections to the application.
- 6.2 In closing, on the basis of the evidence provided in this Statement, the applicant considers that through pre-application and application processes, the aims and objectives of both national and local policy have been practically applied to achieve a design quality that will contribute positively to the Scottish Borders. There are practical measures available in terms of suitable conditions and detail to address concerns in terms of boundary treatment and tree management and a positive approach should be taken in accordance with Scottish Planning Policy and Creating Places to deliver a high quality design proposal. It is contended that the planning decision should have been premised upon planning policy and fact and not, with respect, via imposition of personal opinion.
- 6.3 On the basis of the foregoing, it is respectfully requested that the submitted planning application be viewed positively by the Local Review Board of SBC with the applicants agreeable to the imposing of appropriate planning conditions, as necessary.



PROJECT:
Physton Burn House
CLIENT:
Paula Milanese
DRAFTING:
Existing Site Plan
ISSUED:
Planning

Job No: 14-089
Site No: 100/101
Scale: 1:500
Drawn: SH
Rev:



- Trees removed:**
- 1 - Silver Birch (B)
 - 2 - Rowan (C)
 - 3 - Ash (B)
 - 4 - Ash (C)
 - 5 - Birch (C)
 - 6 - English oak (C)
 - 7 - Silver Birch (C)
- Group 1 - Area: Some plants



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15/00403 / FUL
Scottish Borders Council,
Town & Country Planning (Scotland) Act
REFUSED
18 Jun 2015
Planning & Economic
Development Department



T
AP

PROJECT:
House at Pyatshov Burn
CLIENT:
Paula Milanese
DRAWING:
Proposed Site Plan
ISSUED:
For Information

Ed. No. 4.005
DRAWG No. 002
Scale of 1:1250
Drawn: SM
Rev. A



- 1 tree. Area tree planted in conjunction with ecological tree department



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15/00037/FUI
Scottish Borders Council
Town & County Planning (Scotland)
REFUSED
18 JUN 2015
Planning & Economic
Development Department



15 / 0.04.03 / EIU

T
AP

PROJECT:
House at Pyntahaw Barn
CLIENT:
Paula Milanese
DRAWING:
Proposed Ground Floor Plan
ISSUED:
Planning

Job No: 14285
Drawing No: 310
Scale as A1: 1/200
Drawn: SM
Rev: 0

All Layout amended
12/01/15
12/01/15

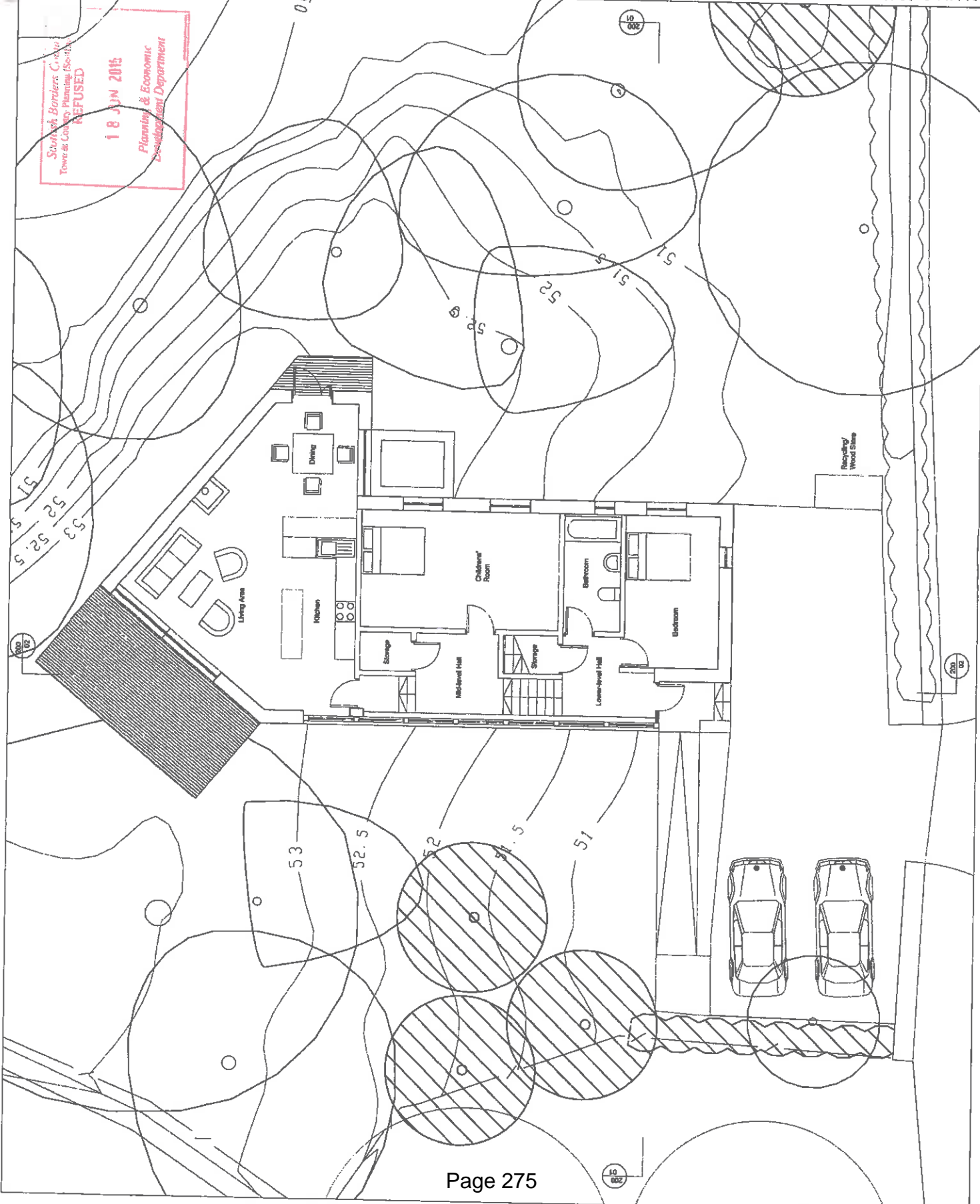


- 1/100 Area tree placed in consultation with ecologist's site agreement



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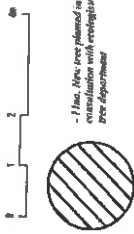
South Borders Council
Town & Country Planning (Scottish)
REFUSED
18 JUN 2015
Planning & Economic
Development Department



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AP

PROJECT:
House at Pyvashaw Burn
CLIENT:
Paula Milanese
DRAWING:
Proposed First Floor Plan
ISSUED:
Planning

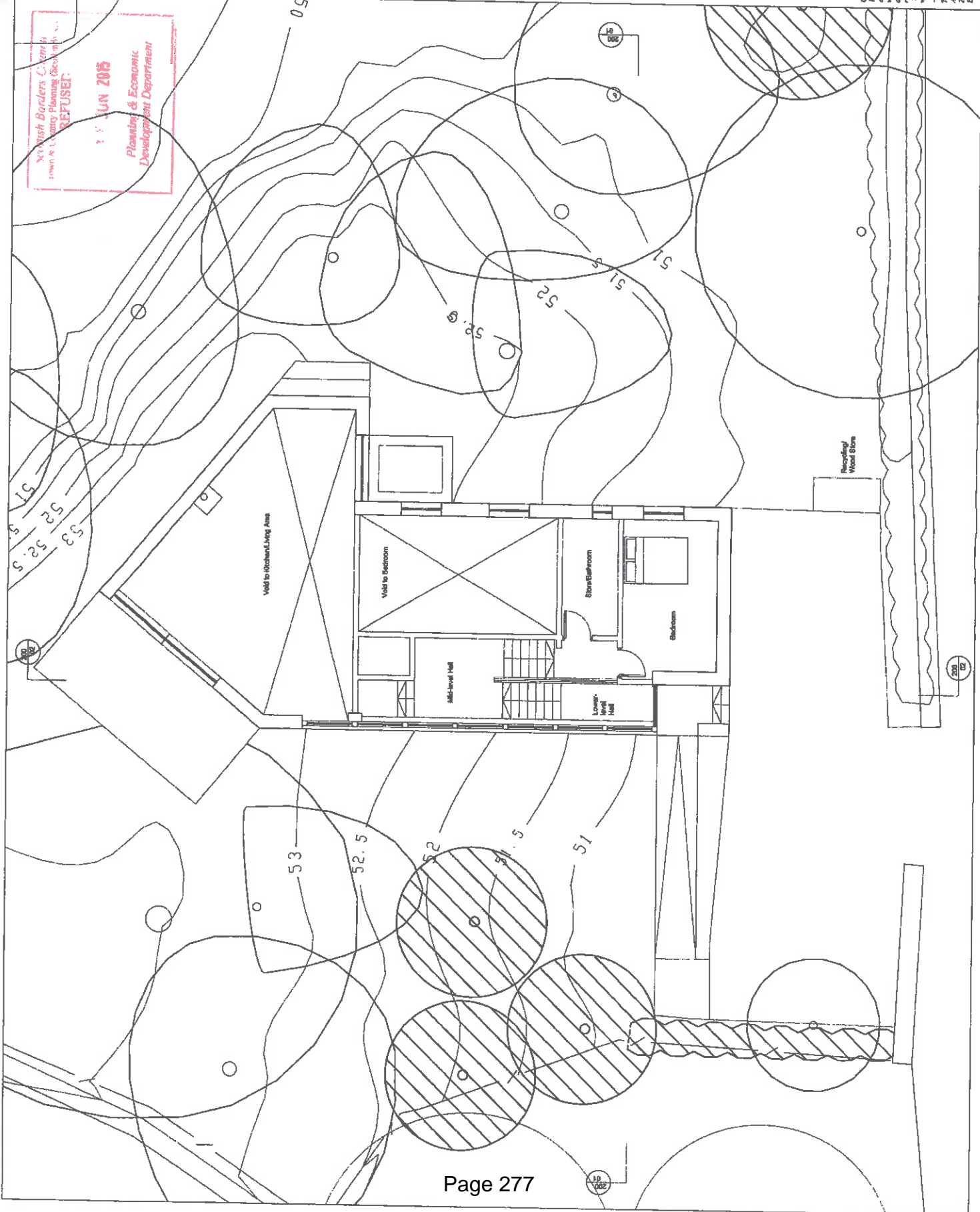
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DWG No: 111
Scale: as shown
Drawn: SM
Rev:



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New Wash Borders Council
Planning Department
REFUSED
13 JUN 2015
Planning & Economic
Development Department



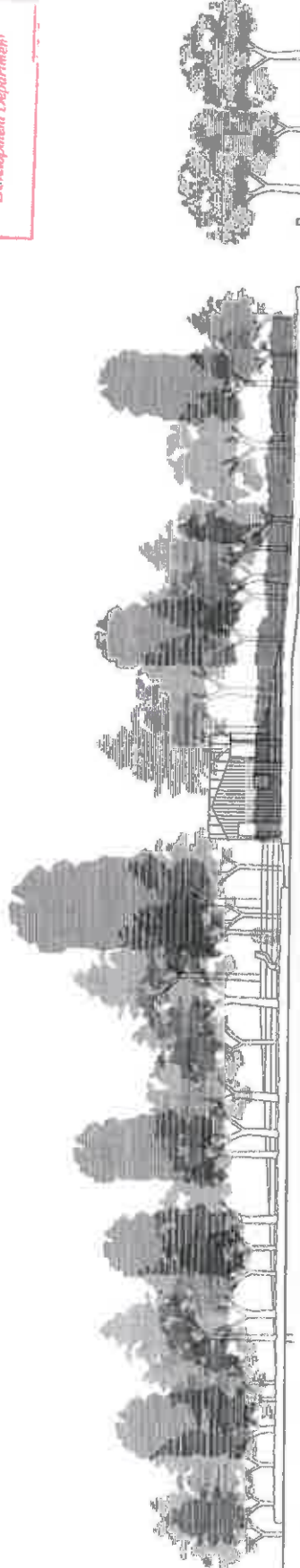
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PROJECT:
Pyasthane Burn House
CLIENT:
Paula Milanese
DRAWING:
Proposed Elevations
ISSUED:
Planning

1st Issue
DWG No. 100
Scale as 1:1/200
Drawn: NT
Rev. 4

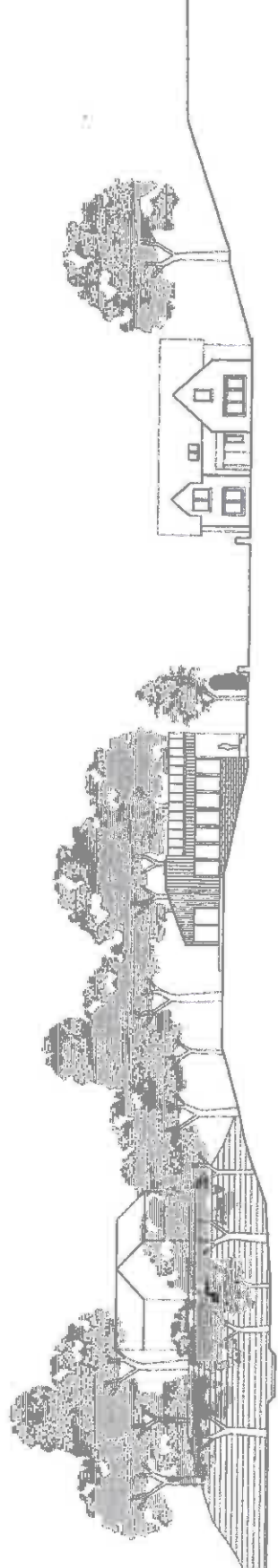
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A. Elevations Updated		3/10/15

Scottish Borders Council
Town & Country Planning (Scottish Borders)
REFUSED
18 JUN 2015
Planning & Economic
Development Department



ROAD
APPLICATION SITE

SOUTH ELEVATION



ROAD
APPLICATION SITE

WEST ELEVATION

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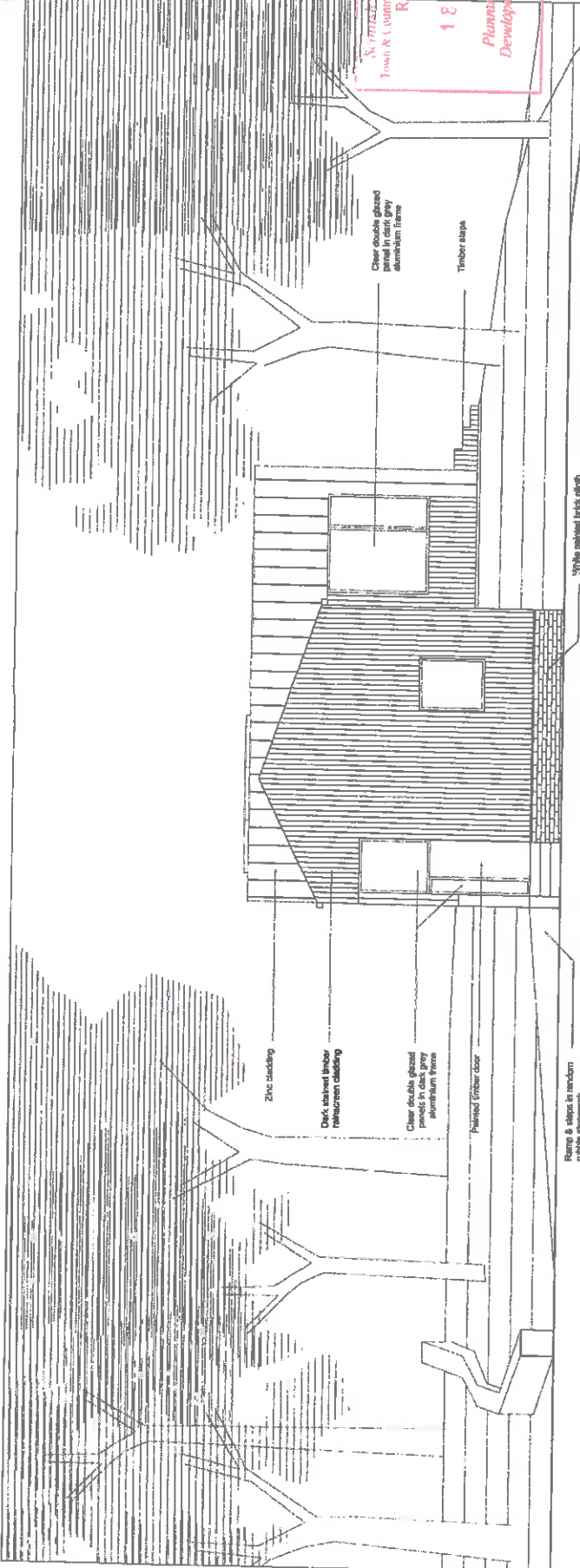
PROJECT:
Pychshaw Burn House
CLIENT:
Paula Milanesi
DRAWING:
Proposed Elevations
ISSUED:
Planning

Job No: 14 005
Date: 14/06/15
Scale: 1:50
Drawn: NT
Rev: A

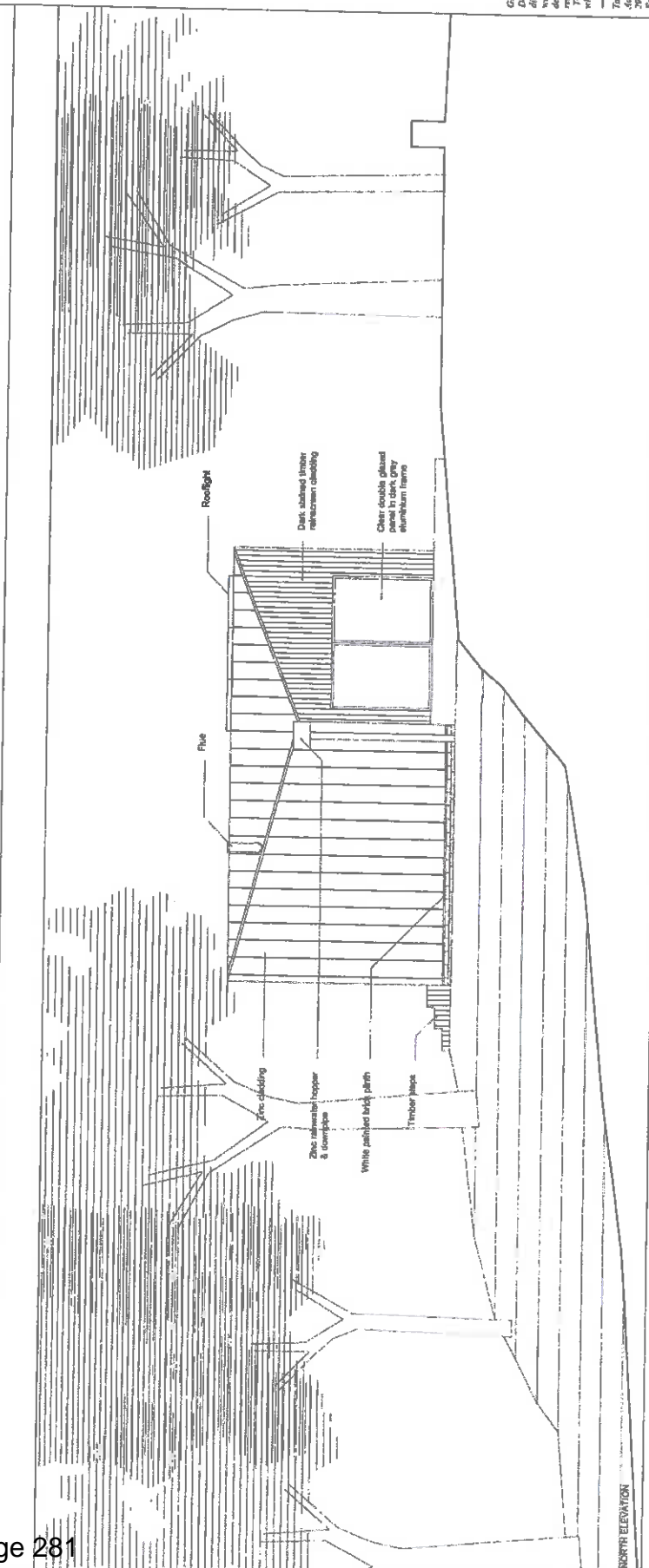
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Not for construction
Town & Country Planning Scotland
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WEST ELEVATION



NORTH ELEVATION

15100403 F111

T
AP

PROJECT:
Pwafshaw Burn House
CLIENT:
Paula Milnane
DRAWING:
Proposed Elevations
ISSUED:
Planning

Job No: 14 001
DWRG No: 02
Scale: A1:100
Drawn: JKT
Rev: 4

23/07/25	20/07/25
A1 Sections Updated	

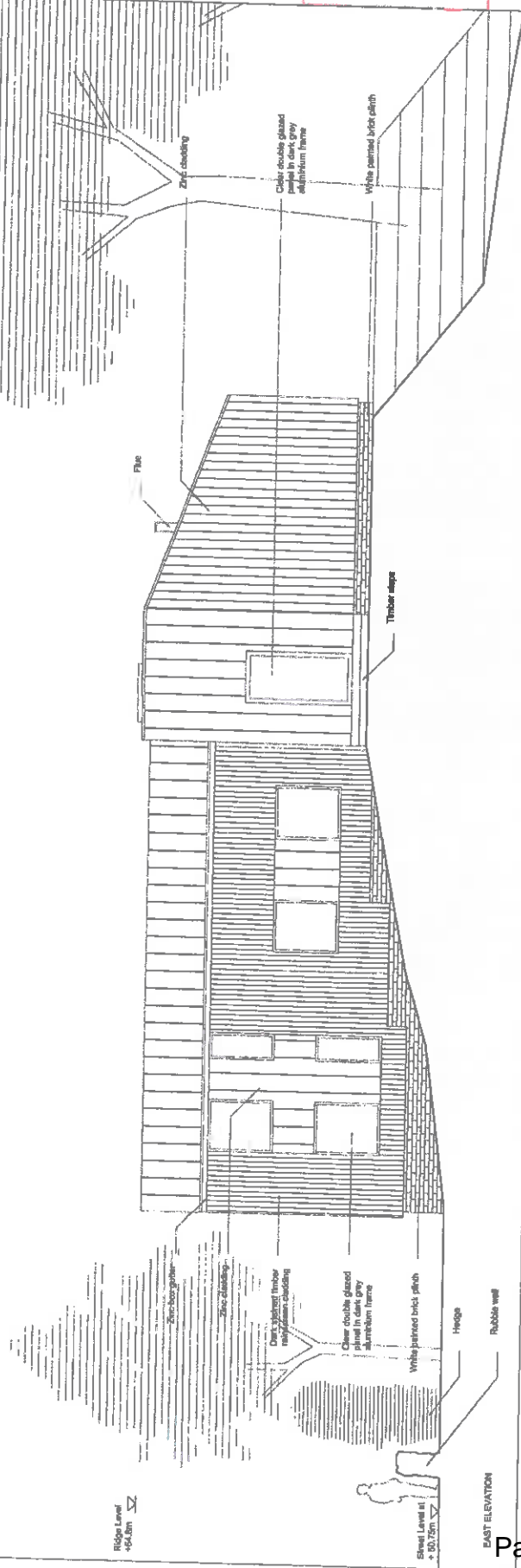
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Town & Country Planning (Scotland) ...
REFUSED

11 JUN 2025

Planning & Economic
Development Department

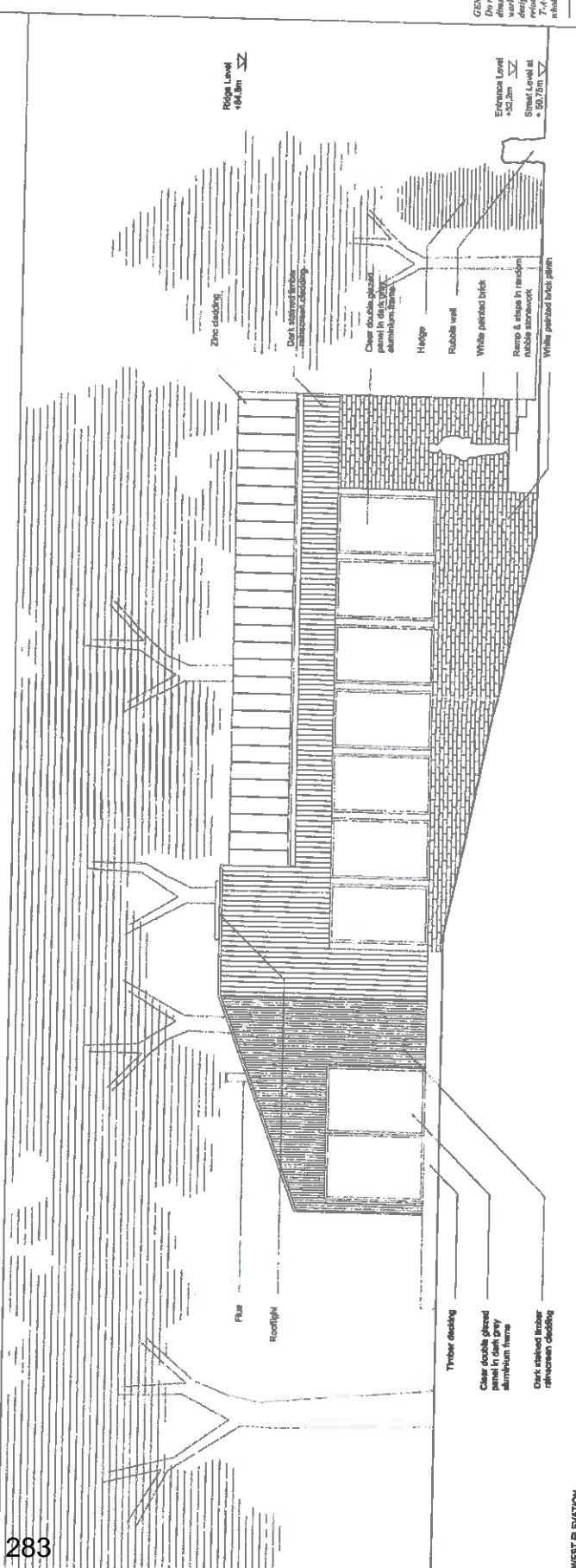
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EAST ELEVATION

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WEST ELEVATION

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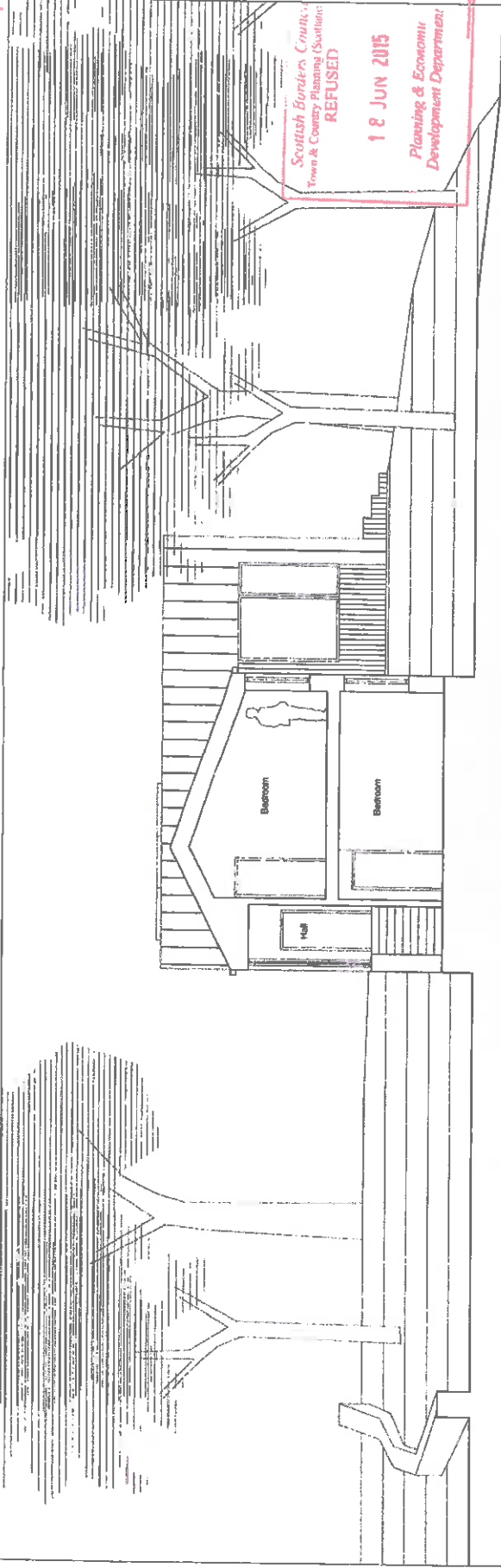
PROJECT:
Pyratshaw Burn House
CLIENT:
Paula Milanese
DRAWING:
Proposed Site Sections
ISSUED:
Planning

1st Issue 14/09/15
DRWG No. 200
Scale at A1: 1:500
Draughtsman
Rev. B

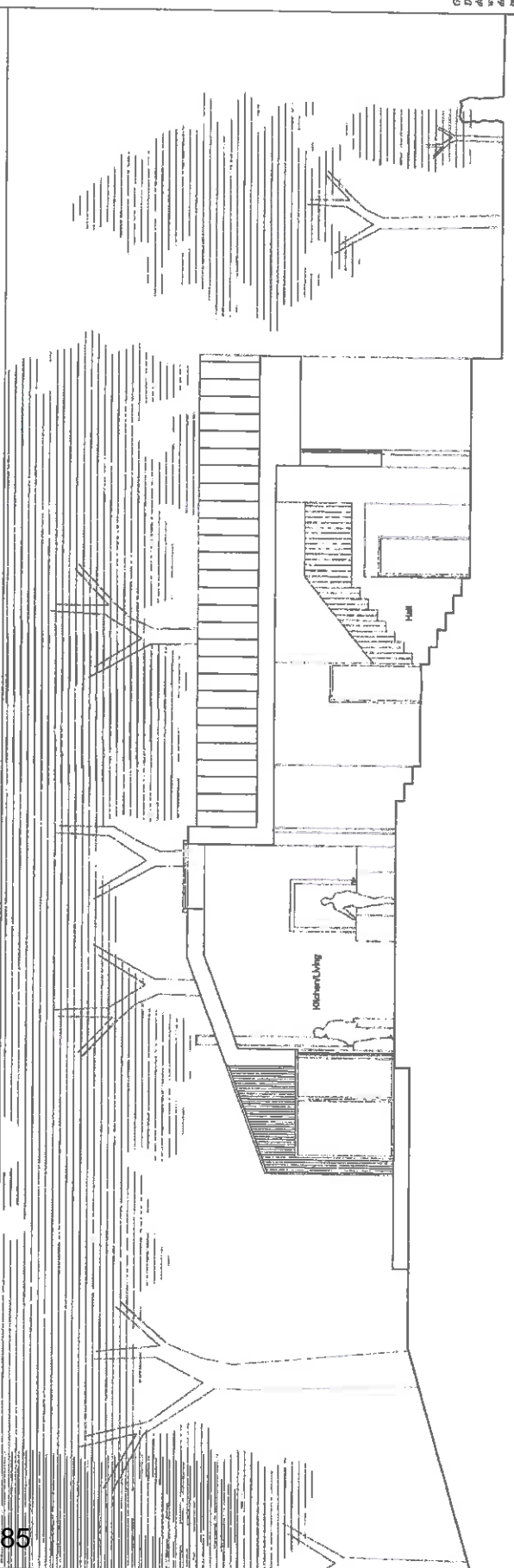
A	Sections Updated	22/10/15
B	Sections Updated	05/04/15



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SECTION 01
Page 285



SECTION 02

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Pyatshaw Burn House
Planning Design Statement
April 2015



INTRODUCTION

This document is the Planning Design Statement for a proposed new detached residential property at Pyatshaw Burn in the Scottish Borders. The nearest town is Lauder which is approximately 4.5 miles from the site.

There are a number of existing dwellings within the vicinity of the proposed new house and together form a small but well defined settlement around Pyatshaw Burn.

CLIENT BRIEF

The client brief is for a new detached dwelling house that should sit within the woodland setting and have generous public rooms addressing the south and westerly aspects. The accommodation should consist of three bedrooms and appropriate bathroom and amenity accommodation. Off street parking should be incorporated.



Location Plan

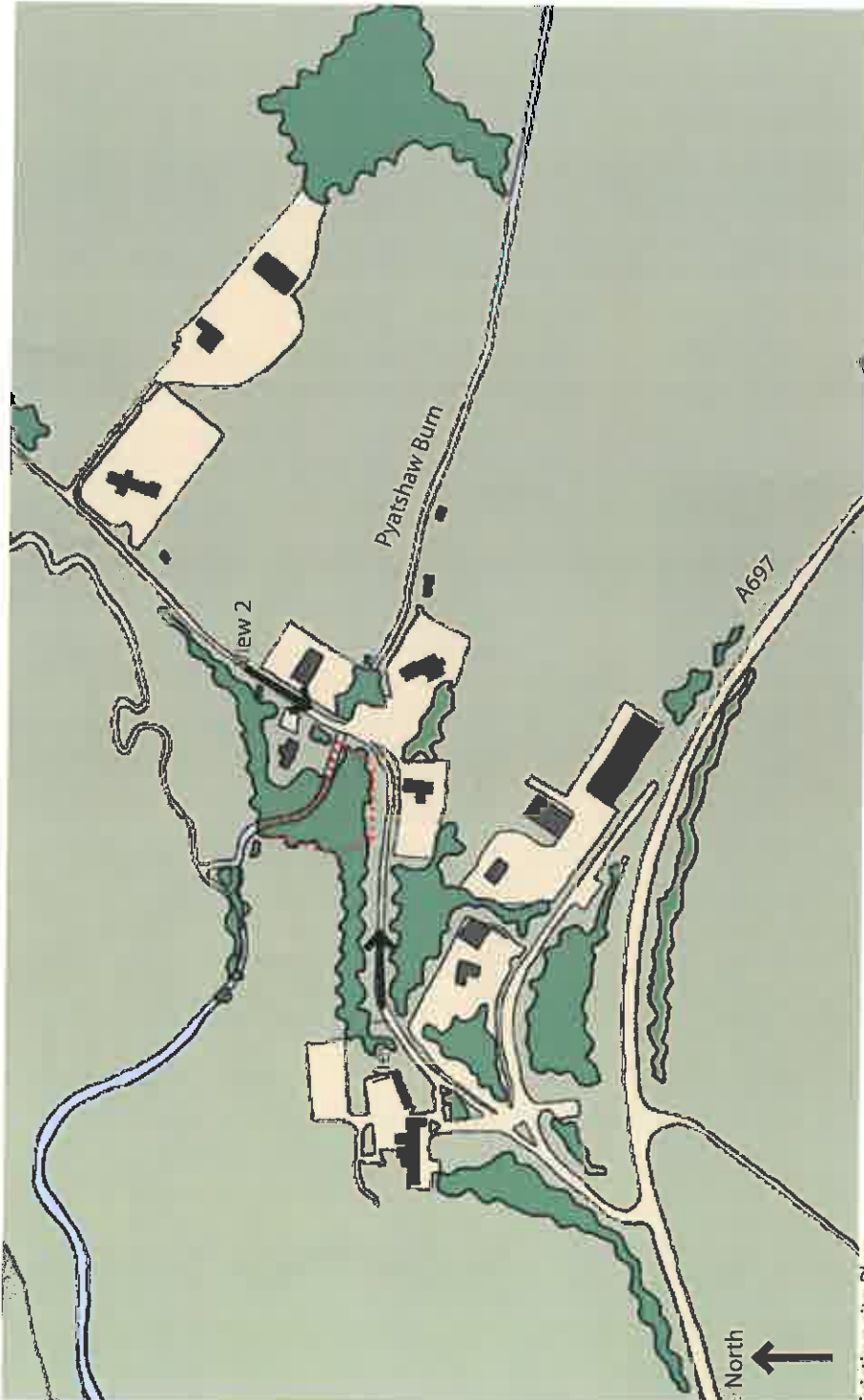


View 1 - Winter

SITE LOCATION

The site is bounded on the East and the South by the road, which runs through the existing Pyatshaw settlement and to the North by Pyatshaw Burn itself. To the West of the site is open agricultural land.

The area is characterised by various detached houses and collections of agricultural buildings, the majority of which are in a traditional style. There are also several 'one-off' contemporary houses in the vicinity.



View 2



View 1 - Summer

SITE CHARACTERISTICS

-The site is currently home to a diverse collection of trees and bushes. The Western and Northern sides of the site have the most mature trees that form a strip that connects to trees on adjacent plots. Taken together this forms a belt of woodland running along those edges. In the middle of the site and on the road edge the trees are thinner and are generally less mature. The Eastern edge of the site is heavily overgrown.

-The sites slopes upwards from the road to a flat 'plateau'. From here the ground drops quite steeply down to the river level.

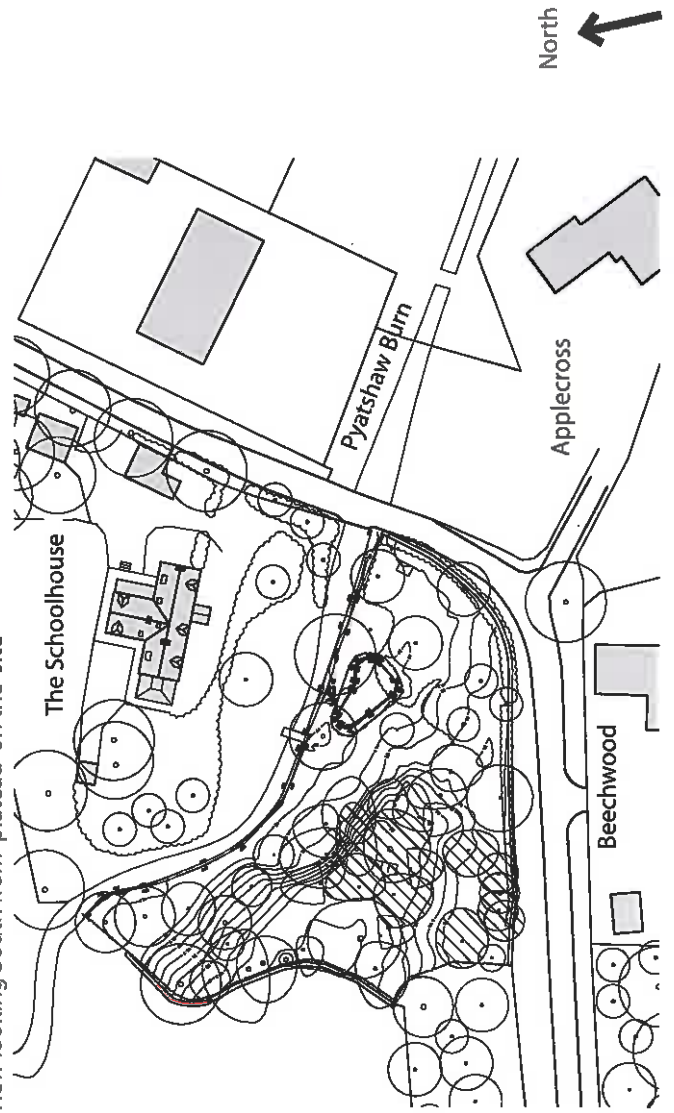
-To the North, on the other side of the burn is a separate property; 'The old Schoolhouse'.

-An old stone wall and beech hedge form the boundary to the road on the South of the site. A property, 'Beechwood', is located opposite this.

-The woodland, the burn running along the site boundary and the expanse of open fields beyond combine to give the site a quiet and private character.



View looking South from 'plateau' on the site



Existing Site Plan- hatched trees are to be removed

DESIGN RESPONSE

There have been three principal aspects that have been considered when developing the design approach for this site. Firstly, the relationship of a new house to the existing building group, secondly the positions and importance of the trees that would be affected by any development and thirdly the topography of the site.

The existing building group is coherent enough to constitute a recognisable settlement, with most houses sitting adjacent to the main access road. Most have a forecourt used for parking and several present a gable end to the street. We have adopted this arrangement in our proposals, with the body of the house set perpendicular to the street. In terms of scale the new house is similar to the adjacent houses.

The maps of the area show that a strip of woodland has been in existence on this site for many years and that this is a landscape feature that is important in terms of providing a boundary to the building group. It is our intention - shown in the diagrams opposite - that this woodland strip remains intact on the Western and Northern sides of the site and that only a small clearing is required to provide space for the new dwelling house. The tree belt will remain as a continuous feature when viewed from the West and North and will not be significantly altered in character. Further details as to how this is achieved are on the following pages.

An area of higher, flat ground sits in the middle of the site. In order to benefit from the westerly aspect from this point the living spaces have been placed here. The section of the house has been organised to follow the slope of the ground, with an entrance level at the lowest point nearest the road and a mid-level half-way up the slope.

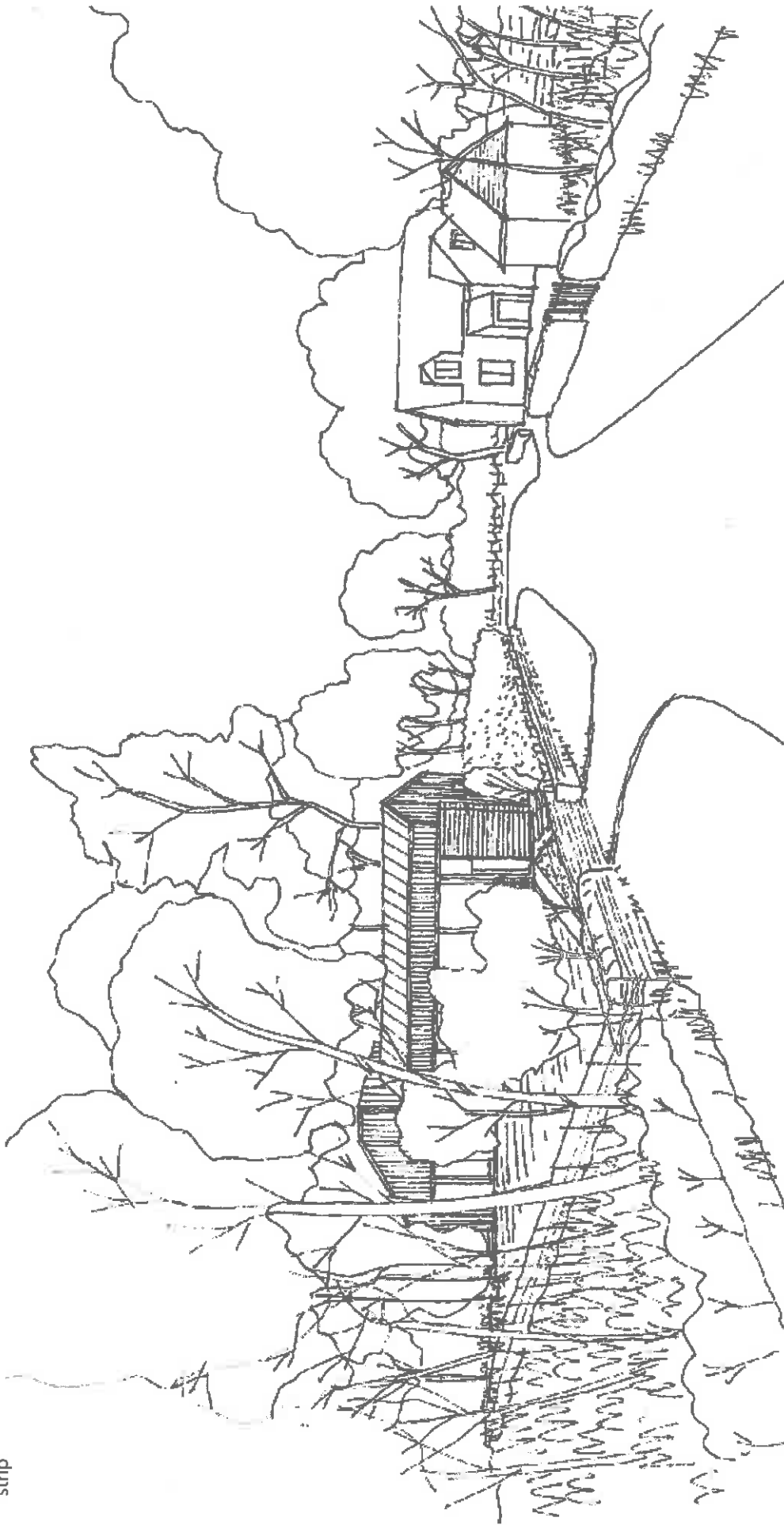


Site plan showing building group gable-ended houses addressing street



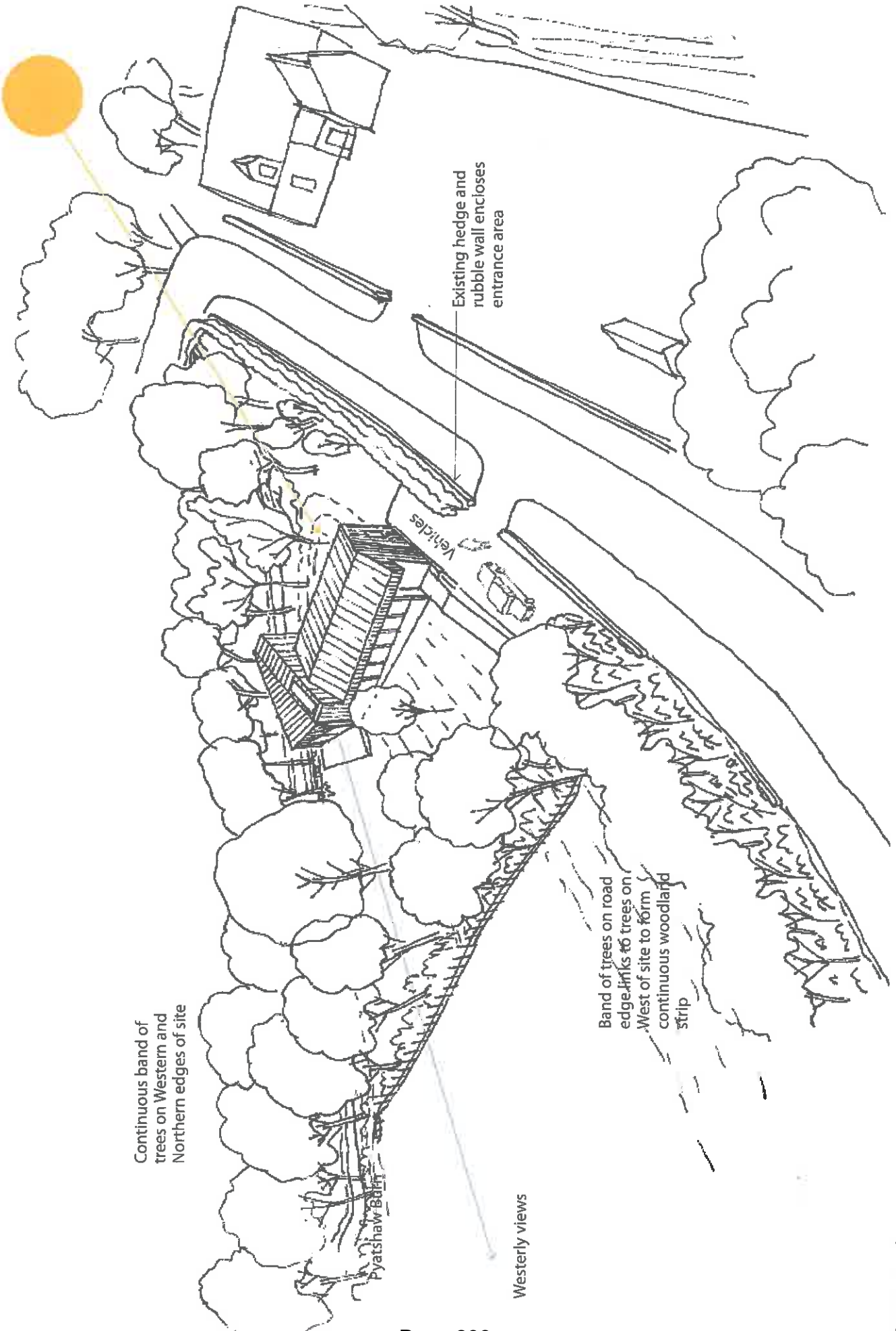
Site plan showing tree groups after removals with proposed footprint

Band of trees on road
edge links to trees on
West of site to form
continuous woodland
strip



Sketch of Approach to house

Southerly sun



Continuous band of trees on Western and Northern edges of site

TREES

During pre-application consultation with the planning department, concerns that the development of the site will lead to the erosion of an important landscape feature have been raised. During a lengthy design process every endeavour has been made to establish exact tree positions and develop a building form that will minimise the impact on the woodland. We can make the following statement on this subject:

-There will be no effect on the trees that run around the West of the site or along the river valley. These will remain as a continuous unbroken feature, defining the outer limits of the settlement, when viewed from the surrounding countryside. The new house sits within a small cleared area, in the same way as do several other houses within the settlement;

-A detailed tree survey was carried out on the site. Of the 11 no. trees that are proposed to be removed 9 are 'Category C' and 2 are 'Category B'. It is proposed that 11 new trees are planted around the site to enhance and strengthen the existing woodland belt on the perimeter of the site.

-Concerns have been raised regarding future clearing of the site. This is not the intention of the client, who would welcome a conditional approval or tree protection measures, that placed clear limits on felling or further development.



Existing Site Plan- hatched trees are to be removed

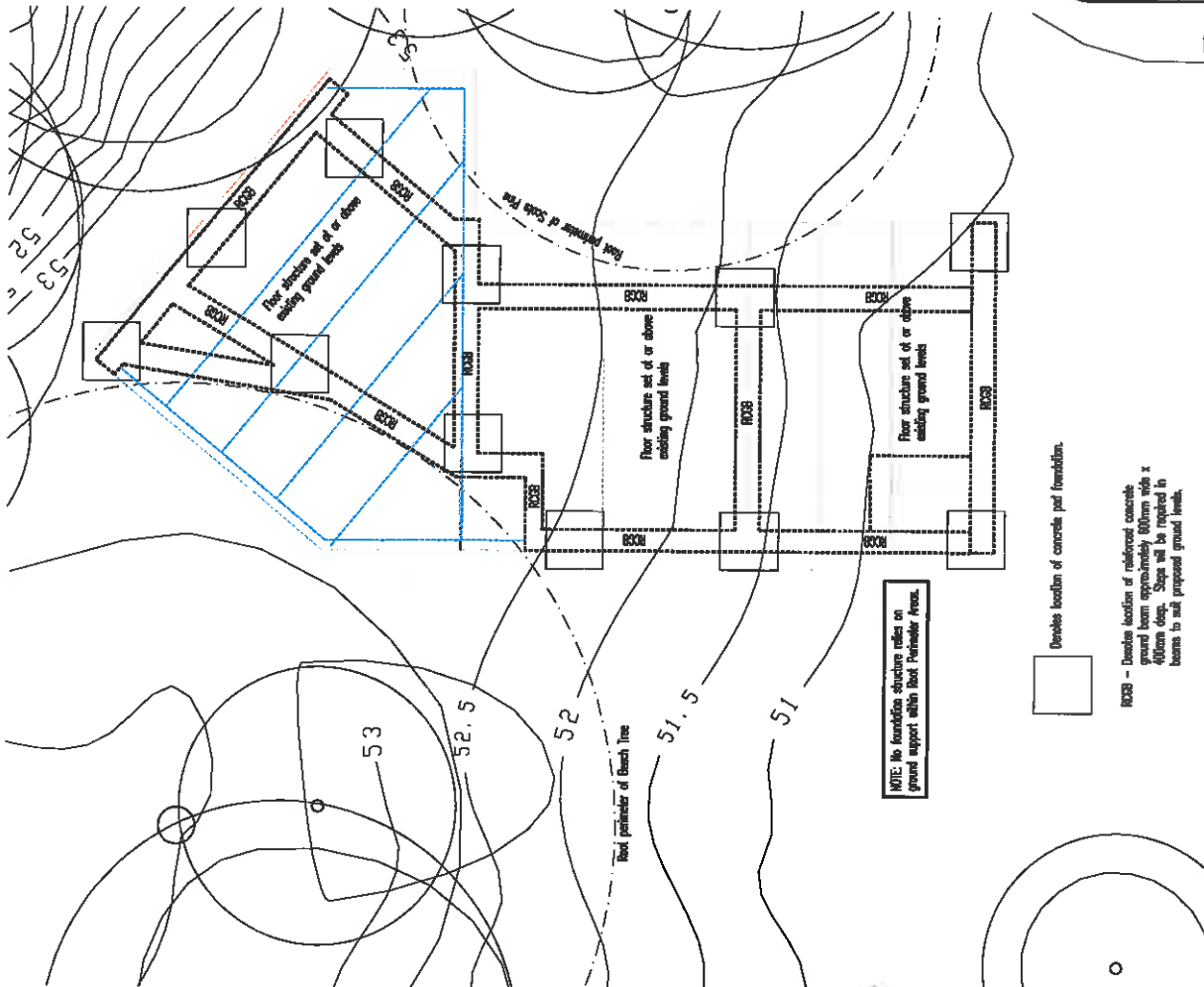


Proposed Site Plan showing new tree planting

TREES continued:

-2 no. 'Category A' trees (a beech and a scots pine) are in reasonably close proximity to the proposed house and if the house was built using standard, perimeter strip foundations then a proportion of the root bowls of these trees would be encroached upon.

A structural solution has been developed in conjunction with structural engineers, McColl Associates, that will keep all new sub-structure out of the root areas of these two trees, as illustrated here.



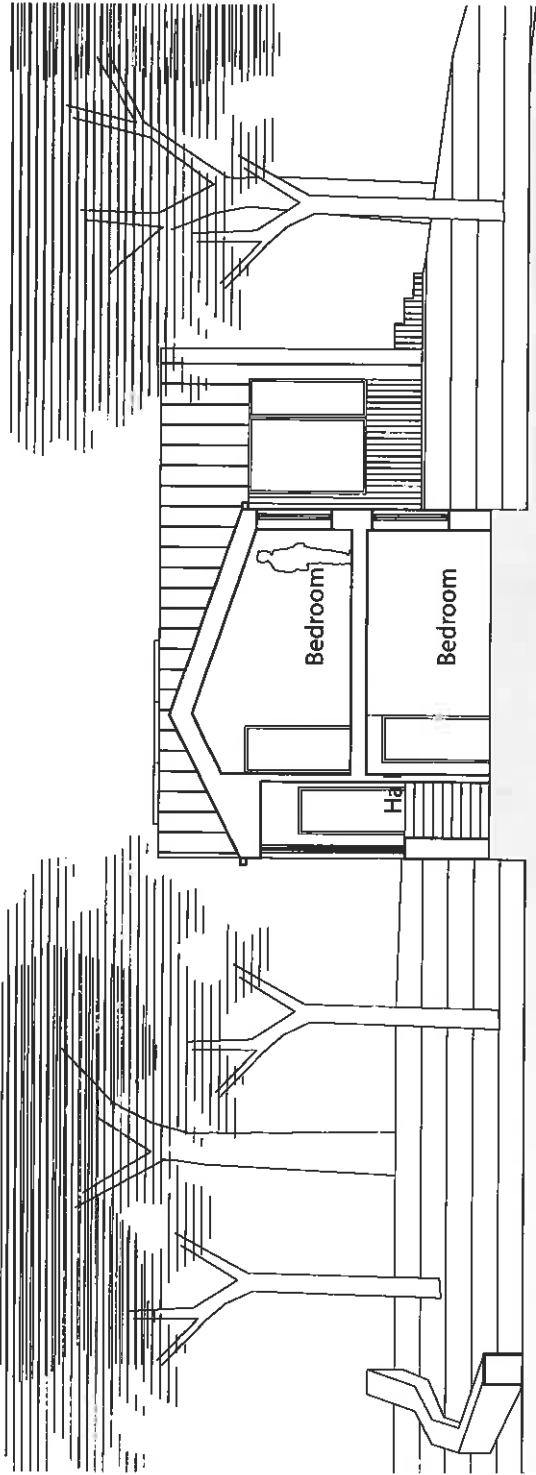
NOTE: No foundation structure takes on ground support within Root Perimeter Areas.

Denotes location of concrete pier foundation.
 R020 - Denotes location of reinforced concrete ground beam approximately 800mm wide x 400mm deep. Sags will be required in beams to suit proposed ground levels.

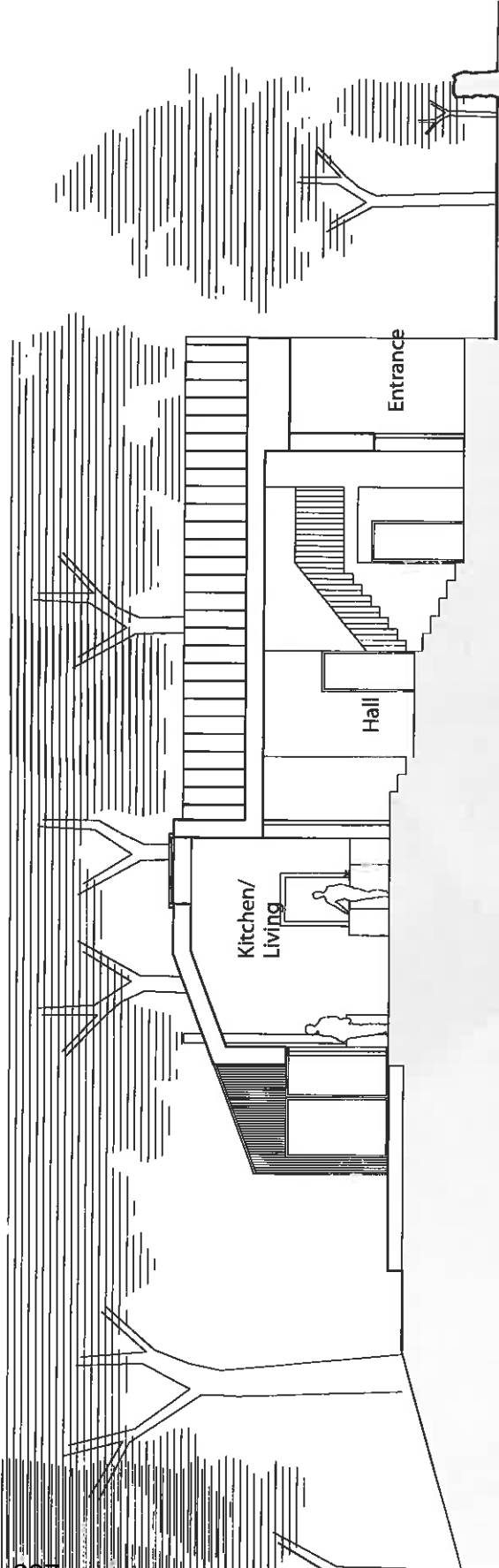
REVISION:

DATE/DRAWN BY:

McCOLL ASSOCIATES, CONSULTING CIVIL & STRUCTURAL ENGINEERS <small>McColl Associates is a trading name of McColl Associates (Consulting Engineers) Limited</small>			
Client	McCull Associates (Consulting Engineers) Ltd		
Project	Pysatshaw		
Drawing Title	Prelim Foundation Plan		
Scale	1:100	Drawing Number	0000010 / TR-01
Drawn	08/04/2015	Drawn	MC
		Checked	Checked
		Revision	
1 Meadowbank Place Edinburgh EH8 7AW TEL: 0131 555 0721 e-mail: mccollassocioc.co.uk			

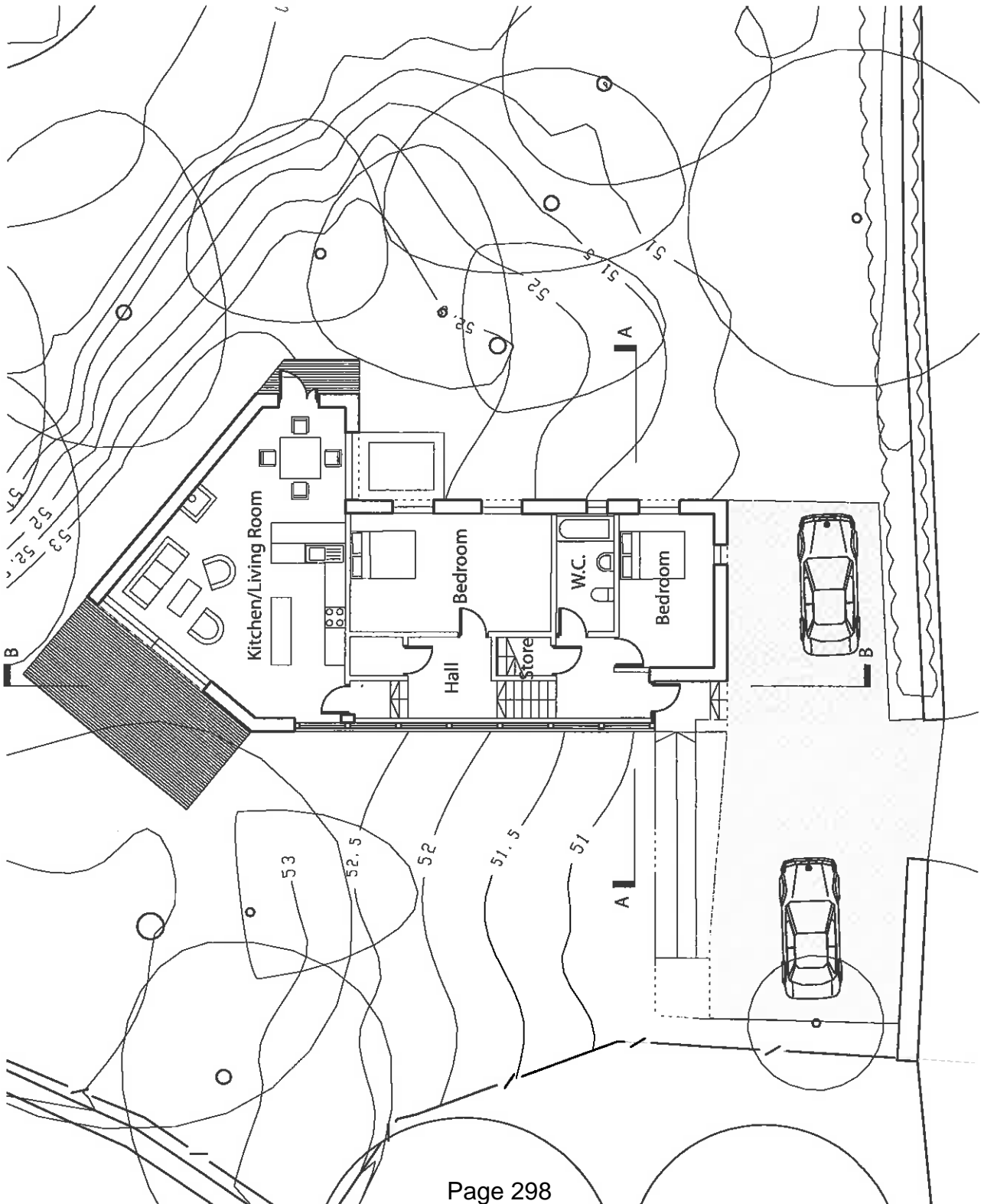


Section AA

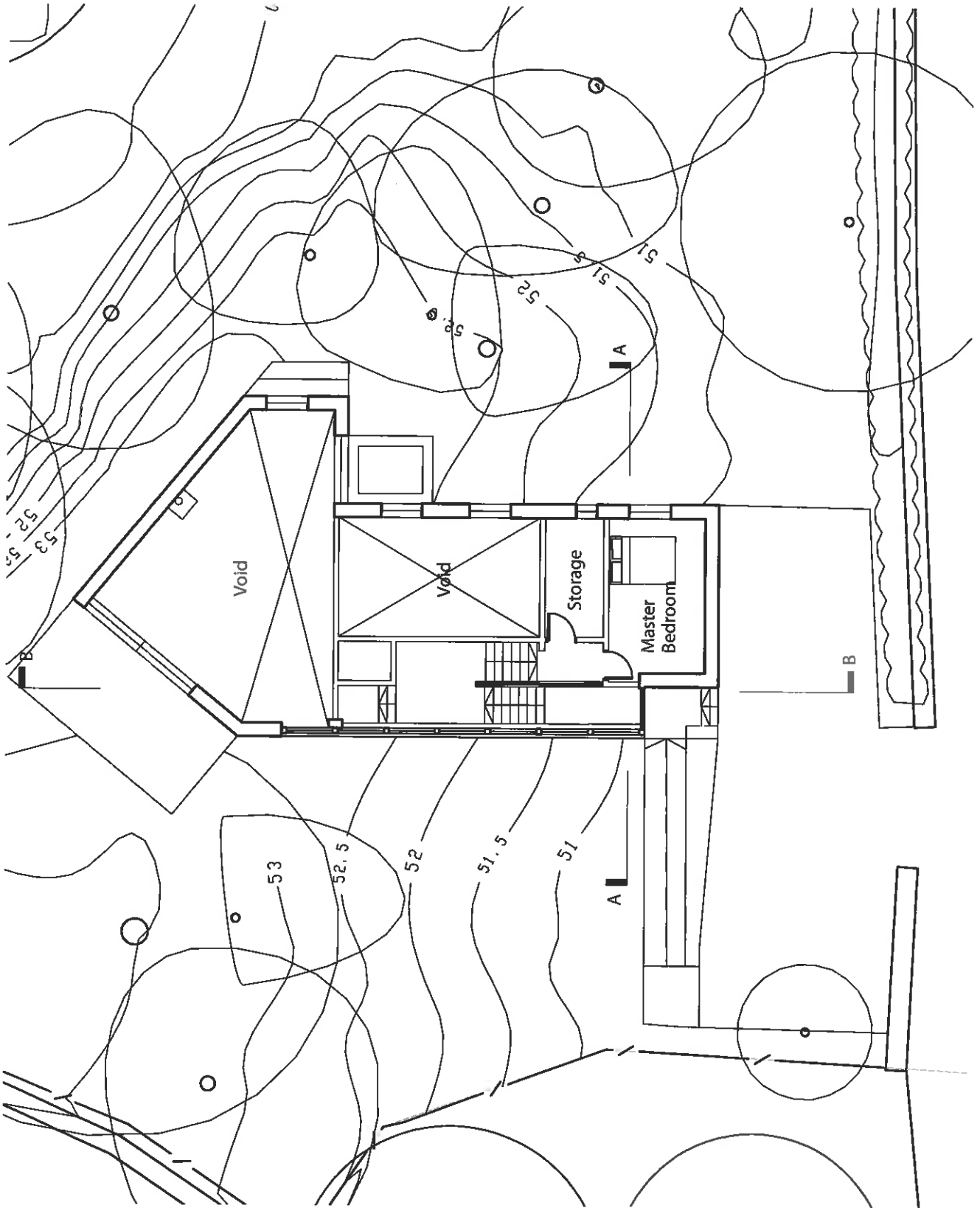


Section BB

North 



North
↑

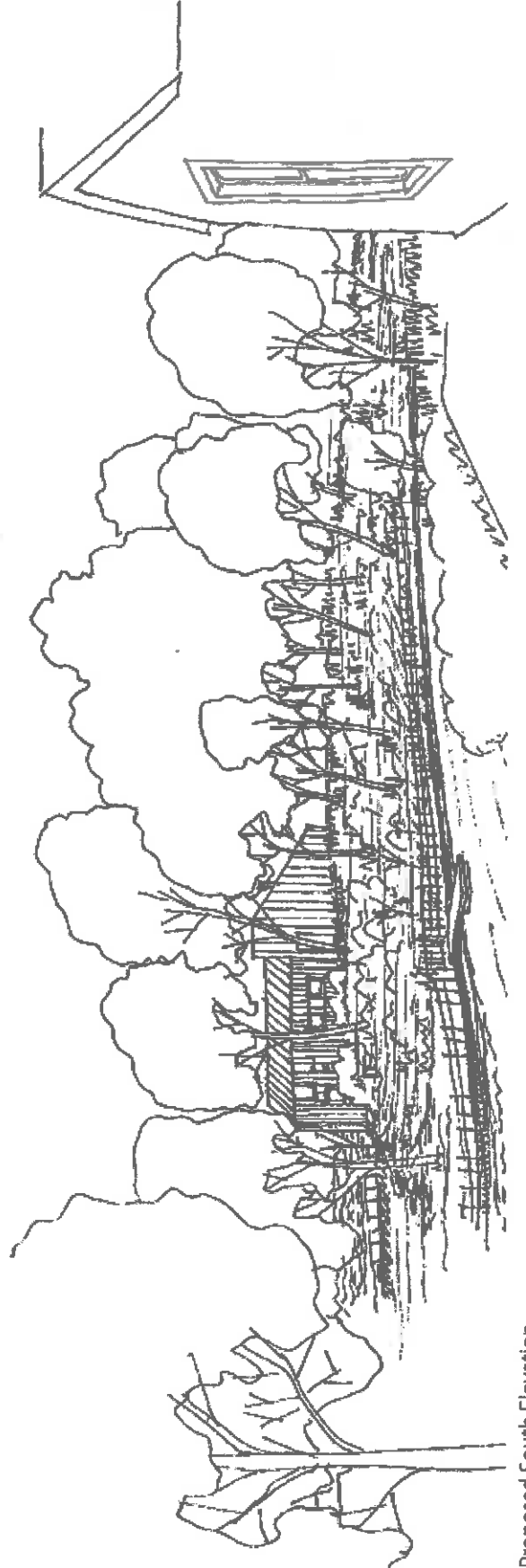


EXTERNAL TREATMENT

The building form relates to the traditional pitched roof barns and houses of the locality. Zinc is proposed for the majority of the roof planes, which will patinate to give variety and texture, but can also be sharply detailed where wall and roof edges meet. Walls are predominantly clad in a dark stained timber rainscreen that will allow the building to sit discreetly within the trees.

A white painted brick plinth and entrance porch provides a visually solid base for the building to sit on the slope of the site. On the West facade a horizontal glass strip provides light into the stepped hallway.

The upper level of the building takes on a wedge shape in plan to follow the alignment of the edge of the plateau and is also taller to create a higher and brighter living space. A large sliding glass door provides views under the tree canopy to the West and will open to an area of decking outside.



Proposed South Elevation



Material Palette



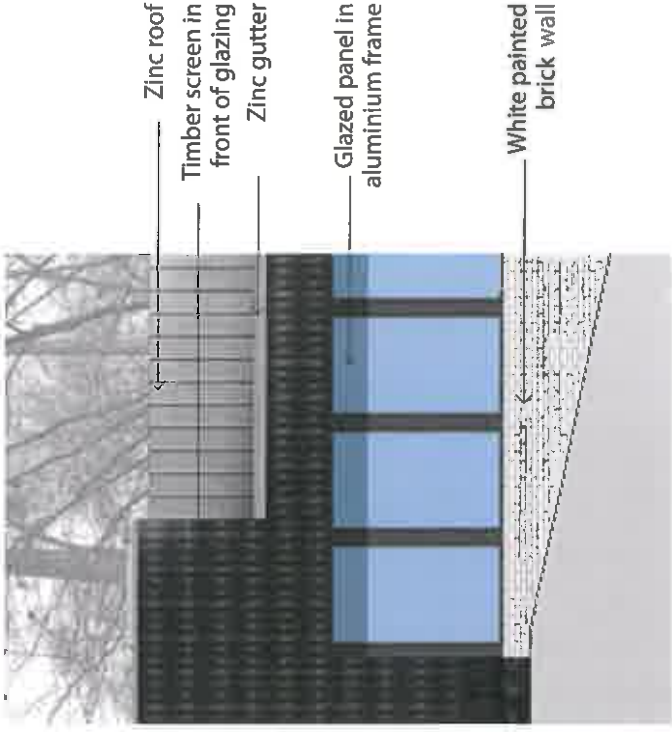
Timber Screen



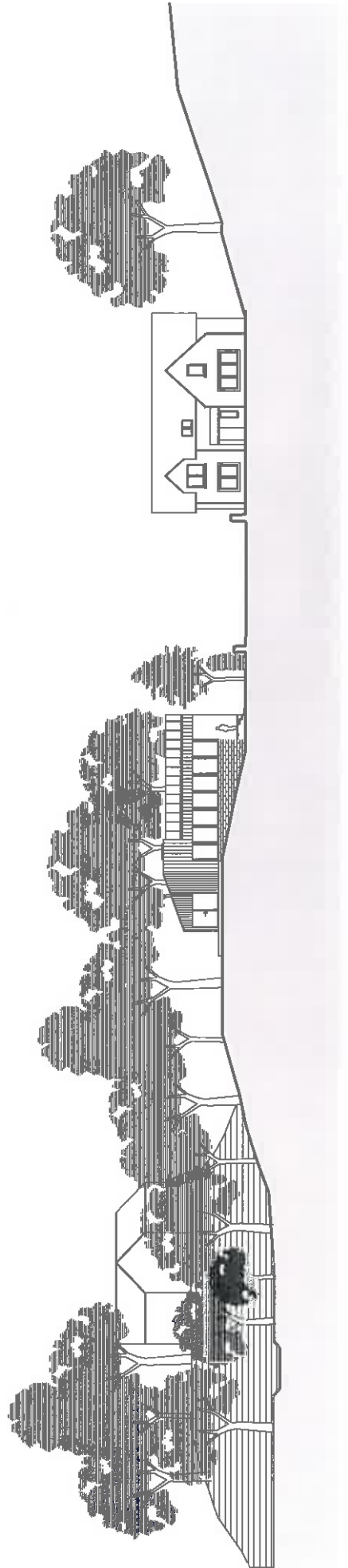
Zinc Cladding
Material Palette: Roofs



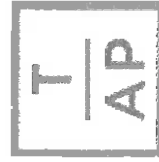
White Painted Brick



Detail of West Elevation



Proposed West Elevation



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www.t-a-p.uk.com

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013****Application for Planning Permission****Reference : 15/00403/FUL****To : Mrs Paula Milanesi per Taylor Architecture Practice Per Finlay Geddes Second Floor, Admiral House 29-30 Maritime Street Edinburgh EH6 6SE**

With reference to your application validated on 10th April 2015 for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of dwellinghouse**at : Land South West Pyatshaw Schoolhouse Lauder Scottish Borders**

The Scottish Borders Council hereby refuse planning permission for the reason(s) stated on the attached schedule.

**Dated 18th June 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 6SA**

Signed
Service Director Regulatory Services

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

APPLICATION REFERENCE : 15/00403/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
103	Location Plan	Refused
110	Roof Plan	Refused
111	Floor Plans	Refused
200	Floor Plans	Refused
101	Sections	Refused
102	Existing Layout	Refused
300	Site Plan	Refused
301	Sections	Refused
302	Elevations	Refused
	Elevations	Refused

REASON FOR REFUSAL

- 1 The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposal would in the short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw.
- 2 The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road.

FOR THE INFORMATION OF THE APPLICANT

It should be noted that

INFORMATIVE NOTE 1.

In the event of any subsequent proposal being made for the accommodation of a dwellinghouse on this site, please note that although the Roads Planning Section was otherwise supportive, it has advised that it would still have required the vehicular access to the site to be constructed with a bituminous surface (tar), preferably to the following standard (or similar):

One layer of 75mm thick (40mm size) bitumen blinded with grit to BS 4987 laid on 375mm of 75mm broken stone bottoming blinded with Type 1 sub-base.

Work carried out within the road and verge would have to be carried out by an SBC approved contractor.

Visit <http://epianning.scotborders.gov.uk/online-applications/>



Regulatory Services

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 0SA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

Visit <http://eplanning.scotborders.gov.uk/online-applications/>

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00403/FUL
APPLICANT : Mrs Paula Milanesi
AGENT : Taylor Architecture Practice
DEVELOPMENT : Erection of dwellinghouse
LOCATION: Land South West Pyatshaw Schoolhouse
Lauder
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY:

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
	Location Plan	Refused
103	Roof Plan	Refused
110	Floor Plans	Refused
111	Floor Plans	Refused
200	Sections	Refused
101	Existing Layout	Refused
102	Site Plan	Refused
300	Sections	Refused
301	Elevations	Refused
302	Elevations	Refused

NUMBER OF REPRESENTATIONS: 2

SUMMARY OF REPRESENTATIONS:

REPRESENTATIONS:

Two representations have been received in support of the proposal. One considers the proposed design to be unobtrusive and welcomes its contribution to the building group at Pyatshaw. The other appears to advise with respect to the Applicant's personal circumstances, but does not see why the proposed dwelling would not fit in with its surroundings.

ROADS PLANNING SECTION:

No objections in principle. There is ample parking and turning provision within the site, and the visibility sightlines are good. The speed of traffic is relatively slow due to the general winding topography of the road. The only roads issue is the construction detail of the access from the public road, over the verge, and into the site. An appropriate specification is identified.

ENVIRONMENTAL HEALTH SECTION:

The papers lodged for this Application indicate the provision of solid fuel heating. These installations can cause smoke and odour problems if not properly installed and operated. To this end, an informative is proposed to advise the Applicant with respect to the potential for smoke and odour nuisance concerns and how these might be avoided or resolved.

FLOOD PREVENTION SECTION:

The site may be at risk from a flood event with a return period of 1 in 200 years. However, only the east side of the site is considered to be at risk of flooding. The proposed dwellinghouse is located in the southwest of the site and is out with the flood plain. The associated drawings show that the levels of the house are sufficiently higher than the burn (around three metres higher) and there are no objections to this proposal on the grounds of flood risk. However, it is advised that standard advice be relayed to the Applicant in the event of approval to help minimise susceptibility to a flood event.

EDUCATION AND LIFELONG LEARNING:

Has been consulted but has not responded to the public consultation. However, as a new dwellinghouse, it is known that contributions towards local education provision, would require to be collected; in this case towards Earlston High School and Lauder Primary School.

ECOLOGY OFFICER:

Has reviewed the submitted badger survey (Nocturne Environmental Surveyors December 2014) and bat survey (Nocturne Environmental Surveyors December 2014). No evidence of badger activity was recorded. The trees proposed for felling are identified as Category 3 (trees with no potential to support bats). The site is used by breeding birds including rook. Site clearance of trees and vegetation should be carried out outside of the bird breeding season. The Pyatshaw burn runs through the site and connects with the Brunta burn (part of the River Tweed SAC) just to the north-west of the development site. Precautionary measures are required to protect the waterbody from potential sediment run-off and pollutants. It is recommended that site clearance only occur outwith the breeding bird season with the express written permission of the Planning Authority and that a proportionate Construction Method Statement for Works be required and implemented to ensure that development would accord with SEPA's Pollution Prevention Guidelines.

LANDSCAPE SECTION:

The house has been sited perpendicular to the road to accord with other properties in this location, and is sufficiently distant from adjacent houses to contribute to a balanced development within the building group of Pyatshaw. The development allows for the retention of sufficient numbers of trees to retain a sense of enclosure and some continuity with tree belts and tree groups surrounding adjacent properties. The visual amenity of the beech hedge will be retained as part of the proposal. However, the roadside view will be considerably broken by the 'openness' of the proposed access and parking area where 2m of hedge will be removed in addition to the trees.

A tree survey carried out by Tree Consultancy Group is included in the application. Of the 29 trees surveyed the proposals allow for the removal of 7no. deciduous trees of which 2no are classed as Category B and the 5no. Category C as well as a group of 4no. Scots Pines Category C. A section of Beech hedging is to be removed for driveway access. It is proposed that 11no. trees are planted to replace those removed. The Root Protection Area of 2no. Category A listed trees fall within the building line of the house. A proposal for the foundation construction that appears to accommodate the RPA of these trees has been included.

It is considered that tree no 7, Silver Birch (multi stemmed) should be retained as it would have amenity value in the view from the west facing windows and will be of value in retaining the connection between the existing tree belt and the trees surrounding the house particularly when viewed from the road side. However it appears that changes in level may not allow for this.

It is recognised that account has been taken of the existing woodland, trees and hedgerows within this application however the Landscape Section is concerned that in constructing a house in such a

densely treed area, not only will more than 50% of the existing woodland trees be removed, but the low light levels for occupants of the proposed house will put pressure on the remaining trees for heavy pruning or removal particularly in the future.

The determination of this application is difficult to judge for although there is a precedent of similar development within the area, the site is shown in mapping records as woodland since 1843 and the Borders Council policy NE4 seeks to protect the woodland resource of the Scottish Borders, in turn protecting the character of settlements, the countryside and maintaining habitats.

COMMUNITY COUNCIL:

Has been consulted, but has not responded to the public consultation.

PLANNING CONSIDERATIONS AND POLICIES:

Adopted Scottish Borders Local Plan Policy D2 - Housing in the Countryside
Adopted Scottish Borders Local Plan Policy G1 - Quality Standards For New Development
Adopted Scottish Borders Local Plan Policy G4 - Flooding
Adopted Scottish Borders Local Plan Policy G5 - Developer Contributions
Adopted Scottish Borders Local Plan Policy H2 - Protection of Residential Amenity
Adopted Scottish Borders Local Plan Policy Inf4 - Parking Provisions and Standards
Adopted Scottish Borders Local Plan Policy Inf5 - Waste Water Treatment Standards
Adopted Scottish Borders Local Plan Policy Inf6 - Sustainable Urban Drainage
Adopted Scottish Borders Local Plan Policy NE3 - Local Biodiversity
Adopted Scottish Borders Local Plan Policy NE4 - Trees, Woodlands and Hedgerows
Adopted Scottish Borders Local Plan Policy NE5 - Development affecting the Water Environment

Supplementary Planning Guidance on New Housing in the Scottish Borders Countryside (December 2008)

Supplementary Planning Guidance on Placemaking and Design (January 2010)

Recommendation by - Stuart Herkes (Planning Officer) on 11th June 2015

SITE DESCRIPTION

The site is both part of an established woodland, and land within the curtilage of an established residential property, 'The Schoolhouse', within the building group at Pyatshaw, near Lauder. The land more specifically lies between the public road (which delimits the site to the south and east) and by the Pyatshaw Burn (to the north). The northern sections of the western edge of the site are delimited by agricultural land. The southwestern edge is largely undefined on the ground, being an adjacent area of the same woodland. The woodland extends to the north of the site, onto the opposite (northern) bank of the Burn, which is also the location of the dwellinghouse, and indeed all ancillary buildings relating to the residential property at 'The Schoolhouse'. Within the site, most mature trees occupy a pronounced banking that occupies the central and northern portions of the site, lying between the burn and the public road. Within the site, there is a thinning of the tree cover towards the east, although this is less obvious from the public road, due to a high beech hedge and traditional stone boundary wall, which delimit the edges of the site.

More generally, Pyatshaw as a building group, is perhaps somewhat unusual in there being a strong impression of it being articulated and interconnected by stands of mature trees and woodland areas, rather than - as more normally occurs - trees and woodland denoting the margins and boundaries of the group. Mature trees, sometimes within dense woodland and sometimes within grassed 'parkland' areas, occupy land both within and between the boundaries of established residential properties at the centre of the building group. Indeed, there is a pronounced sense of the building group actually being centred on an 'avenue' through a woodland (now the public road, though at one time a gateway to Spottiswoode House and a ford of the Pyatshaw Burn; which the Applicant identifies as 'Ravelston Dykes Lane' on the photomontage). Residential properties and other buildings radiate out from, and around this centre. The prevailing impression is less of buildings being accommodated within 'clearings' inside a woodland, and more of these being accommodated at, and around, the edges of a woodland; generally within marginal or transitional areas, which, with distance from the centre, recede (gradually or abruptly) into more open areas

of land, usually farmland, pasture or roads. The sense of place of the building group is therefore the converse of the normal relationship between building groups and woodlands, with the woodlands and trees in this case, being physically central, rather than peripheral, to the articulation of the building group's sense of place.

It is understood that the woodland on the site and in the surrounding area dates from at least the earlier part of the nineteenth century.

PROPOSED DEVELOPMENT

This application proposes a new dwellinghouse on land within the centre of an established building group. The supporting information describes a detailed proposal for the site, including a non-traditional and partially timber-clad dwellinghouse. It would have a pitched roof but otherwise be of non-traditional massing. Finished materials would include white-painted brick.

A split-level design is used to negotiate the pronounced banking in the area between the public road and the burn. Accommodation includes three bedrooms. A green car parking area, utilising porous paving, would be accommodated to the front of the property, adjacent to the public road.

The proposal requires to achieve appropriate finished floor levels, and makes use of this higher area of ground nearest the burn to achieve this.

The proposal has been informed by a tree survey, and it is clarified that the removal of 11 out of the 29 deciduous trees surveyed, would require to be removed, along with a 2m long section of beech hedging adjacent to the public road. There are however proposals that each of the trees removed should be replaced, such that there would be no net loss of trees from the site. However, the proposed new planting would accord with a proposed reconfiguration of the tree cover on the site. In particular, there are proposals that the southern side of the site should be opened up, such that the dwellinghouse would then have a southern aspect and be clearly visible in views from the public road, from the southwest. It is advised that the retained and reinforced woodland would be strongest to the north and west, with the existing strength being reinforced by new planting. It is considered that this would be sufficient to retain the sense of a continuous tree cover through the site to link to areas to the west and north, and it is advised that the Applicant, who is supportive of retaining this level of tree cover, would be content for planning conditions to be imposed to protect existing trees; even limitations on future felling or future developments, if these were to be considered necessary.

While the proposal would intersect the Root Protection Areas of two Category A trees, it is advised that a structural solution would be implemented, which would allow for the retention of both trees in situ.

PLANNING PRINCIPLE

Given what is essentially a central location within the building group at Pyatshaw, and given that the land occurs within the curtilage of a residential property, it is considered that the site is demonstrably well-related to the building group.

Further, there is currently provision for one new dwellinghouse within this particular building group during the current development plan period. The proposal is therefore capable of being well-related to a building group in which there is capacity for a new dwellinghouse.

However, beyond the above noted requirements, Adopted Local Plan Policy D2 also requires that the cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area, should also be taken into account when determining new applications. Further, compliance with the requirements of the Council's Supplementary Planning Guidance notes is also explicitly required. In summary, and beyond the acceptability of the principle of a new dwellinghouse being accommodated on the site, it needs to be considered whether or not the specific proposal would otherwise have any unacceptable impacts upon the specific environment and/or amenity of the site and its surroundings, including whether or not it would contribute sympathetically to the established sense of place at Pyatshaw; that is, whether or not it would make an appropriate contribution to the prevailing character and setting of the building group.

In this respect, critical concerns are firstly, whether or not there would be any unacceptable impacts upon the site, and principally the established woodland; and whether or not the proposed design and layout of the proposed residential property, would have any other unacceptable impacts upon the environment and amenity of the surrounding area, including the sense of place of the building group at Pyatshaw.

CONSERVATION OF THE EXISTING WOODLAND

It is considered that the site, as an area of woodland constituting part of the avenue of woodlands either side of what was the Spottiswoode Estate access road, contributes strongly to the established sense of place of the building group at Pyatshaw. It is therefore appropriate that the site should retain its woodland character. However, the specific trees, including mature deciduous trees, are not protected by any designations. Subject only to ecological considerations being appropriately addressed, they might therefore at present, be removed or reduced as the land owner sees fit and without referral to the Planning Authority. The principle of the site being retained as a woodland cannot be directly required or enforced through the planning system. It is therefore not reasonable that the principle of the trees and woodland being impacted, should in itself be considered objectionable. However, conversely, the potential for the land to be cleared of trees without planning consent, is not in itself a reason to accept uncritically the principle of a new dwellinghouse being accommodated at the site and very directly at the expense of existing mature trees; not even as an 'enabling development' to secure and safeguard as much of the existing woodland as possible in return for planning consent being granted for a new dwellinghouse. (For clarity, the Applicant does not explicitly identify the development as a potential enabling development, but the view that a residential use might be neutral or beneficial in terms of its impacts upon the existing landscape character appears implicit).

With respect to the latter point, consideration needs to be given to what the long-term implications would be for any retained area of woodland, were a new dwellinghouse to be sited and operated there. The siting and operation of a residential property at the site is not reasonably characterised as having a neutral impact, since it would in fact be liable to promote a much greater recession of trees from the site (or at least from within the areas adjacent to the dwellinghouse) than would otherwise occur were the site simply retained as a naturally regenerating area of deciduous woodland. It is at least reasonable that as a direct consequence of the dwellinghouse being sited and operated at the site, the future removal and reduction of trees on surrounding areas in response to future occupiers' legitimate concerns to achieve or improve the safety and/or amenity of their dwelling, would be liable to result over time at least, in a much wider, if perhaps incrementally realised, reduction in any retained area of woodland. At least it needs to be considered with respect to the long-term management of trees in closer proximity to a dwellinghouse that might impact safety and/or amenity, that this is only reasonably a matter left to the discretion of the occupiers of the property. Accordingly, this potential for long-term change needs to be addressed within the determination of this application. Since the concerns and preferences of future occupiers cannot reasonably be predicted, it is only reasonable to assume that the siting of a dwellinghouse at the site, would be liable to promote a wider recession of the woodland over time within the areas closest to the dwellinghouse.

A central concern then, is whether or not there is any reasonable capacity at the site to accommodate the retention of a meaningful area of woodland at a sufficient distance from the dwellinghouse that would ensure that these trees would not inevitably be, or in time become, susceptible to removal at a later date as a consequence of future occupiers' legitimate amenity and/or safety concerns. In other words, support for the proposal would be reasonable where there is sufficient reassurance that the long-term conservation of a meaningful woodland resource at the site is both realistic and achievable, even when the potential for the long-term removal of trees in closer proximity to the dwellinghouse is factored in. However, in the case of a relatively small area of land such as the subject application site, it has to be considered whether or not there is in fact any reasonable capacity to retain an appropriately sized and stocked woodland area capable of conservation in the long-term. In spatial terms alone, it is questionable that such capacity even exists at the site. This is partly due to the relatively small size of the application site, and partly due to the relatively large footprint of the proposal. There would therefore be a concern that the siting and operation of this particular dwellinghouse on this particular site, would be liable to promote the long-term clearance of the woodland from the site, or at least the majority of the trees, even beyond the areas that would be directly impacted by the development works themselves. The Landscape Architect has explicitly drawn attention to the potential for the future loss of trees as a consequence of occupiers seeking to open up views, or admit greater daylight especially with respect to glazing facing westwards towards an open field. Even where trees might credibly be retained in the long-term, at the northern extremity of the site, these would be liable to be left as an isolated stand of several trees, incapable of sustaining any meaningful impression of the persistence of any continuous woodland cover on the site.

Given that the woodland on the site appears to have endured since the early nineteenth century, it is reasonable to consider the retention of the application site as a coherent area of deciduous woodland, capable of naturally regenerating itself, is much more likely to be in the best interests of the long-term conservation of the woodland character of the site, than permitting the occupation and operation of the proposed dwellinghouse. The latter would be liable to promote over time the severe erosion, if not complete destruction, of the woodland character of the site. Viewed in these terms, it is not considered that approval of the dwellinghouse is reasonably characterised as being tantamount to the long-term safeguarding of the woodland character of the site. The benefit of what might be 'enabled' by approval of the current application is highly questionable where it leaves the future of the woodland character of the site more precarious than it otherwise would have been, had the woodland simply been left undeveloped.

In the event of approval, planning conditions might reasonably be imposed to require the retention and protection of existing trees, and to require compensatory planting to replace any trees that would require to be removed to accommodate the dwellinghouse and its ancillary areas. However, beyond the short-term reconfiguration of the site, the extent to which it would be possible, or at least practical, to impose planning conditions to secure any long-term management of the woodland resource at the site, is highly questionable. It is not considered that the Planning Authority could reasonably require, let alone hope to enforce, a long-term woodland management scheme for the site, particularly where this would be so directly undermined by the presence and proximity of a dwellinghouse, particularly where the approval of the latter was able to take cognisance of the potential for the wider woodland character of the site to be directly impacted by the operation of that same residential property. Such a situation could not in any case, reasonably be regulated in the long-term, on a tree-by-tree basis. This means that it is only reasonable at this stage, to consider whether or not there would be any unacceptable long-term impacts upon the site as a consequence of this proposal. It is therefore legitimate to consider whether the proposal would compromise to any unacceptable degree the potential for a meaningful and sustainable woodland area to be retained on the site in the long-term. If the view, is that the prevalence of such a feature would become simply too precarious as a direct consequence of the siting and operation of the proposed development, then it is considered that the current application would be more reasonably refused, than supported subject to any planning conditions that seek to do anything other than manage the short-term reconfiguration of the woodland resource on the site.

Notwithstanding the potential for the Applicant to restock the site with an equivalent, or even greater number of trees than would be lost as a direct consequence of development works, it is considered that the site is simply too small and the proposed development is simply too large, as to indicate any reasonable potential for the retention of any meaningful woodland area at the site in the long-term. Approval of this proposal would effectively be sanctioning the gradual removal of the substantial part of the woodland resource from the site, which it is considered would have an unacceptable impact upon the character of the site and its setting, including the sense of place of the building group at Pyatshaw.

DESIGN AND SITE LAYOUT

Given that it is considered that the proposal would inevitably have an unacceptable impact upon the prevailing woodland character of the site, it follows that it is not considered that this impact is sufficiently mitigated by the proposed design and layout of the residential property. However, it is considered that some aspects of the proposed design and layout would be liable to exacerbate the landscape and visual impacts.

At the time of preapplication discussions, the Applicant was made aware of the concerns with respect to the retention of a woodland character at the site. It was advised at that time, that it was not anticipated that the Applicant would be able to overcome the identified concerns with respect to the existing trees, but that if any dwelling were capable of being supported, then this would most likely be one with the character of a 'house in the woods'; which is to say, a dwelling that was somehow able to inhabit, and be accommodated in a sustainable way within, the woodland character of the site. In practical terms it is anticipated that this would entail both the retention of a sufficient cincture of woodland, capable of long-term conservation, to screen or at least soften views of the property from the public road; and a 'low profile' dwelling, of modest size and appearance, most credibly of a contemporary rather than a traditional design, whose presence might be further de-emphasized through the use of dark and organic materials and finishes on its external surfaces. This however, is not what has been proposed.

With respect to the proposed layout, the Applicant was advised at the time of preapplication correspondence, that the suitability of the particular proposal would need to be demonstrated within a design

approach informed by a tree survey; the latter being required to show how the impacts of the specific development upon the existing woodland, and particularly mature trees, could be appropriately minimised and/or mitigated.

The Applicant has provided a tree survey, but the design approach adopted is less reflective of a direct concern to accommodate the dwelling as discreetly and sensitively as possible within a cincture of woodlands, and more about the potential to re-populate the site with new replacement trees, such that there would be no net loss in the numbers of trees from the site. However, what is proposed is essentially a reconfiguration of the area planted with trees, with the area nearest the public road being 'opened up' over a large section, not only to accommodate the proposed dwellinghouse and ancillary areas, but also to establish views into and out of the dwelling from the public road. It is not considered that the latter is reasonably characterised as a discreet and sensitive accommodation of a new-build property within a woodland setting. Rather, a large area of the woodland which currently defines the sense of place of the building group, and specifically the avenue of woodland on this side of the road, would be 'hollowed out' to make room for a house with a fairly substantial footprint. As a consequence of the proposed house's size, the woodland could simply not be reconstituted and recreated around this new-build element, even over time, with replanting. In effect, the sense of an avenue defined by dense woodland on either side of the road at the centre of the building group, would be immediately greatly diminished, if not in fact overwhelmed, by this proposal. It is considered that the damage to the existing trees and the permanent loss within views from the public road of the clear and strong sense of the site as part of an avenue of trees flanking the gateway to Spottiswoode House, is unacceptable, in that this impact would be unsympathetic to the established character of Pyatshaw as a building group around an area of established woodland, estate gateway and ford. The loss of a large area of that woodland would significantly undermine this established character, and should be resisted.

The Applicant's proposals may result in as many new trees being planted as would be lost on the site, but the proposed replanting is not tantamount to the recreation of the visual impression of the site substantially persisting as an area of woodland. Instead, the site would accommodate a substantial dwelling, both in height and footprint, which would be clearly visible within views from the public road. The house would become the dominant visual element at the site, occupying clear views from the public realm, while the trees, would at best, be relegated to a backdrop (which as noted above, may not itself, be sustainable in the long-term). The strong impression would be of the woodland having been displaced to allow for the accommodation of the dwelling.

In theory, the concern for trees to be retained along the boundary with the public road could be addressed by requiring more tree planting in this area, to provide greater screening of the house in views from the public realm. However, the layout of the specific proposal itself, is not sympathetic to this, partly as a consequence of the large footprint of the building proposed, but also as a consequence of the front-and-centre location of the car parking area, which would mean that there would simply be no appropriate opportunity to create any meaningful and coherent screen of trees along the roadside, and therefore the car parking area in particular, would be visually to the fore, and not accommodated as an ancillary area that might more appropriately have been accommodated more discreetly by being screened out in views from the public realm.

In terms of the proposed dwelling's design, what is proposed is a non-traditional building that would be constructed within full view of the public road, employing some light materials and finishes including white-painted brick. While it would have a pitched roof, it would not have a traditional massing, and would not otherwise have any traditional domestic architectural details. Rather than a domestic structure, its most visible section would if anything, have the profile of an agricultural building or shed, but with the addition of large windows and metallic cladding, would be liable to have an institutional or civic character. It would not be immediately obvious that this was a dwellinghouse. The impression would be further confused by the front-and-centre accommodation of the car parking area. The photoshopped image may not help matters, by suggesting a decidedly suburban, and incongruous image of the proposed building's setting: a foreground dominated by neat hedges and lawns behind dwarf-walls of neat rectangular blocks. In reality though, the foreground would if anything, be liable to be dominated by views of parked vehicles. All in all, the character of the building and hollowing out of the woods for its accommodation so prominently and in such a central location within the building group, would if anything be liable to suggest a new centrally and prominently-located village hall or community centre. In its character in other words, it is determinedly not a discreetly accommodated 'house-in-the-woods'.

There is a mixture of house designs at Pyatshaw, including some non-traditional approaches and elements. Accordingly, there are no concerns in principle that the proposed design would not be traditional. Attention to materials and finishes would potentially allow for the building to become more visually recessive against a backdrop of trees. However, even if it were to be clad in dark and organic materials and colours, it is still too substantially-sized and prominently-located a building, as to be capable of being discreetly accommodated within the established woodland character of the site. It is not a modest, low-profile, structure, and as noted above, there would be no prospect of it being contained within any meaningful screen of existing and/or new tree planting within views from the public road. Had there been some potential for it to have been set back from the public road and enclosed within a more robust woodland setting, then with attention to finished materials and landscaping, it might have been capable of being appropriately accommodated. However, this is simply not possible on this specific site with respect to this particular proposed design, where neither attention to landscaping nor finished materials would be sufficient to mitigate appropriately the accommodation of such a large dwelling on such a constrained site.

It is ultimately concluded that the proposed development is too large to allow for any meaningful and balanced coexistence between the proposed residential property and the prevalence of the existing woodland character at the site. Although its setting might reasonably be made less suburban and institutional than the photoshopped image describes, the Applicant is no doubt correct to represent the residential property as prominently replacing the woodland on this side of the avenue, and this appearance, and its impact upon the character and setting of the building group at Pyatshaw, is considered to be objectionable in itself. (It is an appearance that would only be exacerbated in the long-term, as a consequence of any future clearance of the trees that are shown to be retained to the north, east and west of the building).

LANDSCAPE AND VISUAL IMPACTS

Landscape and visual concerns with respect to impacts upon the existing woodland and what would be liable to result if the proposal went ahead, have already been covered above in the two previous sections. However, there is a need to address some additional concerns arising with respect to the assessment and conclusions of the Landscape Section.

Although the Landscape Section does not ultimately object to the proposals, it is considered that what is described in its consultation response does nevertheless, raise significant concerns in terms of the future management of the woodland on the site. In particular, the conclusion that the longer-term impacts of the proposal upon the woodland would be difficult to anticipate, in itself, raises significant concerns. If the proposal runs the serious risk of destroying the salient characteristics of the woodland character of the site, then it is considered this would be more reasonably refused than supported.

It is noted that the Landscape Section advises that there are precedents within the surrounding area for this type of development, which appears to be a justification for not recommending refusal. However, the current proposal should first and foremost be considered on its own planning merits. Having acknowledged this, it is not considered that what has occurred within the surrounding area is in any case reasonably compared to the current proposal; albeit that this is instructive.

'Brigadoon' lies to the southwest of the site, and south of the public road. On a positive note, the dwelling at this property is essentially accommodated in one corner of the site, and upslope of the public road, while the intervening space is dominated by mature trees. A less positive visual impact however, is that the residential use of the land, has meant that although mature trees have been retained, these now no longer occur within an unambiguous woodland context, but rather, prevail within a notably more 'domesticated' and managed, and principally lawned landscape setting. On the one hand, the persistence of as many mature trees continues to contribute positively to the overall woodland setting and character of the building group, but on the other, any substantial removal of the trees by the current or future occupants at 'Brigadoon', would be liable to transform this area (incrementally or immediately, depending on the speed of any action), into a large and expansive grassed slope. There is a sense that what currently persists of the woodland character on this land then, is, if not in recession, then certainly more fragile than it would otherwise would have been, had it not been absorbed into the curtilage of the residential property. Furthermore, it has also been reduced ecologically, compared to the significantly less managed environment, it once was. Given that there is some intervening distance on this site between the majority of the trees and the dwellinghouse to allow that the two might coexist in the long-term at least spatially, there is reasonably no obvious concern that 'Brigadoon' might be cleared off trees in the long-term, and to this end, it appears to be a more

sustainable relationship than that which would emerge if the current proposal were approved. However, the diminution in the woodland character of the land does underscore the inherent vulnerability in allowing woodlands to be absorbed into residential properties, even where a sustainable relationship appears readily achievable as it is in this case. Ultimately the persistence of a woodland area immediately adjacent to 'Brigadoon' means that the sense of an avenue of woodlands on either side of the road, is currently conserved, and would be substantially maintained regardless of the treatment of the trees at 'Brigadoon'; notwithstanding that the latter undoubtedly still makes a positive contribution to the sense of place of the building group.

The position with respect to 'Beechwood' to the immediate south of the site, is if anything even more salutary in that although the Report of Handling from the time of the determination of the application notes that this site was partially wooded, it no longer retains within its own boundaries any meaningful vestige of a pre-existing woodland character. The few isolated trees that have been retained do contribute positively to the impression of the public road being flanked by deciduous trees, although this is largely a consequence of this being a smaller site than both 'Brigadoon' and the application site, which by virtue of proximity alone, allows for some visual linkage to the woodland area to the immediate west. It would not however be reasonable to say that this development has conserved a woodland character on the site, even if it does contribute to a wider effect. In itself, it is currently a house with a garden containing a few retained trees. Given the relatively small size of the site, the potential to retain any significant contribution to the woodland character of the surrounding area, would have been understood to have been decidedly limited, but it is mitigated, currently at least, by the presence of two coherent areas of woodland to the west and north. However, this nonetheless underscores again, the almost inevitable dominance of the residential use of the site at the expense of the pre-existing woodland character.

Ultimately, the position with respect to the current proposal is not reasonably determined with respect to what has occurred on any nearby sites. If anything, what has occurred at 'Brigadoon' and 'Beechwood' makes it apparent how much of the prevailing woodland character of the site would likely be lost even within a relatively short period of time, since both are in fact approvals of the early twenty-first century. It is moreover, apparent that the strength of contribution of these properties to the woodland character of the setting at Pyatshaw remains subject to the whims of the current and future occupiers of these properties. Although the same might be argued of the adjacent areas of woodlands, including the application site, it is clear that in the cases of these two neighbouring properties, the accommodation of residential properties has significantly altered, and actually diminished, the woodland character of the sites concerned. While it is not considered that this has had any unacceptable impacts in any singular or cumulative sense upon the sites or surrounding area, an equivalent 'hollowing out' of the woodland on the application site would be liable to contribute to an undesirable cumulative landscape and visual impact. This would more strongly project a sense of a relatively coherent expanse of woodland being reduced to remnants around new residential properties, the maintenance of which would then be liable to see the further diminution of this woodland character even further in the long-term.

The Applicant advises that the new tree planting species would be decided in consultation with a local ecologist, but if the application were supported, the prior agreement of the Planning Authority would still reasonably be sought; along with appropriate conditions to require the planting and maintenance of the same, and the wider landscaping of the site.

OTHER CONCERNS

Due to the proximity of the proposed dwelling relative to other properties, there are no concerns with respect to the ability to maintain an appropriate level of residential amenity at neighbouring properties.

The roads concerns and the ecological concerns could be addressed in accordance with the recommendations of the relevant statutory consultees, and the advice of the Flood Prevention Section and Environmental Health Sections could be included as informatives.

As the Applicant notes, the potential for further ancillary developments in the long-term would also need to be considered. However, as the supporting statement acknowledges, this might be regulated through the removal of permitted development rights. While this would be perfectly viable and useful if the application were approved, it is, as noted above, not considered that control of any secondary developments would not in itself be enough to safeguard the future woodland character of the site.

If approved, a legal agreement would be required to secure development contributions towards the two new schools in the local catchment area.

CONCLUSION

It is not considered that what is specifically proposed by the Applicant is appropriate in terms of its impacts upon the woodland resource at the site, or upon the character and setting (and therefore sense of place) of the building group at Pyatshaw, either in the short-term or in the long-term. Notwithstanding the theoretical potential to impose planning conditions to regulate new planting and protect existing trees, it is considered that the size of building and specific layout proposed, would inevitably mean that approval of this proposal would result in too precarious a position going forward with respect to the retention and conservation of the woodland character of the site. With no realistic prospect of ensuring appropriate mitigation, or of monitoring the site in the long-term, it is considered that the proposal would be more reasonably refused.

What is proposed in any case, does not represent a particularly sympathetic attempt to safeguard the woodland character of the site, and the proposed dwellinghouse and associated ancillary areas, are altogether too substantial to be capable of characterisation as having a reasonable and minimal impact upon the established woodland. With no opportunity for the accommodation of a more considered landscaping treatment, to allow for the dwelling to be more sympathetically accommodated within the prevailing woodland character of the site, it is considered that the proposal should be refused.

For the above noted reasons, it is considered that the proposed development should be refused.

REASON FOR DECISION :

The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposal would in the short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw.

The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i) the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road.

Recommendation: Refused with informatives

- 1 The proposed development is contrary to Adopted Local Plan Policies D2, G1 and NE4, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposal would in the short-term cause serious damage to, and promote the long-term loss of, the existing woodland resource at the site, which it is considered should be substantially retained due to its high landscape value and significant contribution to the character, sense of place and setting of the building group at Pyatshaw.
- 2 The proposed development is contrary to Adopted Local Plan Policies D2 and G1, and the advice of Supplementary Planning Guidance - New Housing in the Borders Countryside (December 2008) and Supplementary Planning Guidance - Place-Making and Design (January 2010), in that the proposed design and layout of the residential property are not sympathetic to the woodland character of the site or to the sense of place and setting of the building group at Pyatshaw, in that (i)

the site's existing woodland character would be overwhelmed by a prominently located and highly visible dwellinghouse, which as a consequence of its siting would be overly-dominant within views from the public road, and (ii) the front-and-centre positioning of the associated car parking area would be liable to project a particularly unsympathetic urban or suburban character in views from the public road.

Informatives

It should be noted that:

1 **INFORMATIVE NOTE 1:**

In the event of any subsequent proposal being made for the accommodation of a dwellinghouse on this site, please note that although the Roads Planning Section was otherwise supportive, it has advised that it would still have required the vehicular access to the site to be constructed with a bituminous surface (tar), preferably to the following standard (or similar):

One layer of 75mm thick (40mm size) bitumen blinded with grit to BS 4987 laid on 375mm of 75mm broken stone bottoming blinded with Type 1 sub-base.

Work carried out within the road and verge would have to be carried out by an SBC approved contractor.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”



TREE CONSULTANCY GROUP
ARBORICULTURE - URBAN FORESTRY - PLANNING

ARBORICULTURAL ASSESSMENT

**PYATSHAW BURN HOUSE
PYATSHAW
LAUDER
SCOTTISH BORDERS
TD2 6SH**

Client : Ms. Paula Megson

Date: 12th January 2015

Ref: PB/0115



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1 INTRODUCTION

Instructions

- 1.1 We have been instructed by Taylor Architecture Practice, on behalf of Ms. Paula Megson, to carry out an assessment of the tree cover within a specified area of land at The Schoolhouse, Pyatshaw. A development of the site is under consideration and our observations on the condition of the trees is required to assist with the design and planning processes.

Documents Supplied

- 1.2 We have been supplied with the following documents:-
- a digital topographical survey plan for the area. The plan show the locations of the most significant individual trees.
 - a plan showing the boundaries of the specified survey area. The plan has been prepared by Taylor Architecture Practice and is numbered 101.

Site Visits

- 1.3 We carried out a ground level, visual inspection of the trees on 6th January 2015 when the weather was clear and dry. All arboricultural information contained in this report was gathered in the course of that visit.

2 GENERAL SITE DESCRIPTION

- 2.1 The specified survey area occupies a raised section of ground at the south-western corner of the residential property known as The Schoolhouse. It is a wooded piece of ground separated from the main property by Pyatshaw Burn and bounded by the public road to the south and a field to the west.
- 2.2 Tree cover consists of mature beech, sycamore, ash, Silver birch and oak with semi-mature Scots pines and various younger, planted trees of mixed species. Running along the roadside, and screening the site from the road, is a managed beech hedge with a height of approximately 2 metres. Taken as a group, the trees form a continuation of a woodland belt running along the northern side of the road which extends off-site to the west.

3 THE TREES

Scope of Tree Survey

- 3.1 All trees within the specified area with trunk diameters estimated as being 75mm or more were included in the survey, in accordance with the recommendations given at 4.2.4 b) of BS5837: 2012 "Trees in relation to demolition and construction - Recommendations". The approximate locations of trees which were not included in the supplied topographical survey plan were plotted as accurately as site conditions allowed.

Tree Assessment Methodology

- 3.2 The tree survey was carried out in accordance with the requirements of section 4 of BS5837: 2012. The trees were assessed to establish their general condition and their suitability for retention within any future development of the site. They were visually inspected and assessed from ground level as far as access and site conditions allowed. No climbing or specialist investigations were undertaken.

Data Collected

- 3.3 Detail on the individual trees assessed is given in the survey schedule attached at Appendix 1. The schedule has been prepared to accord with sections 4.4, 4.5 and 4.6 of BS 5837: 2012 and gives the following information : -
- **Tree number** – The trees are numbered in accordance with the Tree Survey Plan No.PH0115 attached at Appendix 2. Some trees had been previously painted with consecutive numbers from 1 to 6, and these numbers were re-used to avoid potential confusion. No additional numbers were painted on any trees and no tags were affixed.
 - **Species** – Given by the common name.
 - **Height** – The estimated height, informed by clinometer readings where space and conditions allowed.
 - **Crown radius** – Where the crowns are balanced, an average figure is given. Where crowns are asymmetrical, the estimated radii to the four compass points are given.
 - **Stem diameter** – Measured using calibrated tape at approximately 1.5 metres above ground level where conditions allowed, otherwise they were estimated.
 - **Height of crown development** – The height, above adjacent ground level, at which the crown develops (i.e. the height of the first major branches).
 - **Age** - Trees are categorised as Y = Young, MA = Middle-Aged, EM = Early mature, M = Mature or OM = Over-mature (i.e. senescent and declining).
 - **Physiological condition** – An assessment of the overall health and vitality of the tree, given as Good, Fair, Poor or Dead. It should be noted that the assessment was carried out in mid-winter, when only a general appraisal could be made.
 - **Comments** – A brief description of the tree's form, along with details of any clearly visible decay, fungal infection or physical defects.
 - **Preliminary management recommendations** – Description of any necessary or desirable surgery works which should be carried out prior to development.
 - **Estimated remaining contribution** – The estimated future safe life expectancy in years. These are given as <10, 10 – 20, 20 – 40, and 40+.
 - **Category** - To indicate the relative value of individual trees, they are placed in the categories suggested in British Standard 5837: 20012. These are: -
 - A - Trees of high quality and value** : Those in such a condition as to be able to make a substantial contribution (a minimum of 40 years is suggested).
 - B - Trees of moderate quality and value** : Those in such a condition as to be able to make a significant contribution (a minimum of 20 years is suggested).
 - C - Trees of low quality and value** : in adequate condition to remain until new planting could be established (a minimum of 10 years is suggested).
 - U - Trees for removal.** Trees which are unsuitable for retention within a development context as they are dead, dying, structurally compromised or otherwise have a future safe life expectancy of less than 10 years.

- **RPA and Radius**– The root protection area (RPA) as given in Annex D of BS5837:2012 calculated using the formulas given at 4.6.1 of BS 5837: 2012. This is the recommended area around the tree in m² within which no construction, excavation, soil stripping, levels changes or other potentially harmful activities should take place unless appropriate precautions or techniques are employed to avoid root damage. This area should be protected by fencing for the duration of any development works to avoid damage to the root system. For guidance, the corresponding radius of the RPA is also given.

Limitations of Survey

- 3.4 The descriptions of the trees given in the attached survey schedule reflects their visible condition on the dates the survey was undertaken. Trees are living organisms which can be subject to change in a relatively short period of time. It is therefore recommended that they are inspected on a regular basis for safety reasons, particularly after major storms.



Kenneth Harvey Dip. For.
for Tree Consultancy Group

12th January 2015

Appendix 1
Tree Survey Schedule

TREE SURVEY SCHEDULE

SITE : Pyatshaw Burn House, Pyatshaw

SURVEY DATE: 6th January 2015

Tree No.	Species	Height (m)	Crown Radius (m)	Stem Diameter (m)	Height of crown development (m)	Age class	Physiological condition	Comments	Preliminary management recommendations	Estimated remaining contribution (years)	Category	RPA (m ²) & Radius (m)
1	Silver birch <i>Betula pendula</i>	12	4n 3e 4.5s 4w	0.28	3	EM	Good	Single-stemmed with upright, open, spreading crown.	-	40+	B	41 3.6
2	Rowan <i>Sorbus aucuparia</i>	9	0n 3e 5s 3w	0.9, 0.1, 0.11, 0.12, 0.2 (= 0.29)	1.5	M	Fair	Multi-stemmed from ground level with upright, open, spreading crown entirely offset to south due to competition. Suppressed and of limited potential.	☞	10-20	C	41 3.6
3	Sycamore <i>Acer pseudoplatanus</i>	19	4n 6c 6s 5w	0.69	5	M	Fair	Single-stemmed with upright, open, spreading crown. Forked at 5m. Appears to be in acceptable condition but is of declining vitality with a limited future life expectancy.	☞	20-40	B	222 8.4
4	Ash <i>Fraxinus excelsior</i>	19	3n 7e 3s 4w	0.5	5	MA	Good	Single-stemmed to wide fork at 1.8m, and twin-stemmed above. Upright, open, spreading crown offset to north due to competition. Of poor form and becoming vulnerable to crown damage in storms.	☞	10-20	C	113 6.0
5	Beech <i>Fagus sylvatica</i>	16	5n 5c 4s 2w	0.31	1.6	Y	Good	Single-stemmed with narrow, drawn, upright crown offset slightly to north-east due to competition. Potentially weak tight fork developing at 2m.	☞	20-40	C	48 3.9
6	English oak <i>Quercus robur</i>	11	3n 3e 6s 5w	0.31	2.5	EM	Good	Single-stemmed and inclined to south with crown offset entirely to south due to competition. In acceptable condition but of poor form.	☞	40+	C	48 3.9

TREE SURVEY SCHEDULE

SITE : Pyatshaw Burn House, Pyatshaw

SURVEY DATE: 6th January 2015

Tree No.	Species	Height (m)	Crown Radius (m)	Stem Diameter (m)	Height of crown development (m)	Age class	Physiological condition	Comments	Preliminary management recommendations	Estimated remaining contribution (years)	Category	RPA (m ²) & Radius (m)
7	Silver birch	17	4n 5e 4s 4w	0.11, 0.13, 0.19, 0.20, 0.24 (=0.38)	2	MA	Good	Multi-stemmed from ground level. Of upright, open, spreading form. May be several individuals.	-	20-40	C	72 4.8
8	Rowan	8	0n 3e 5s 2w	5 x 0.11av. (=0.24)	2	MA	Fair	Multi-stemmed from ground level with upright, open, spreading crown offset entirely to south due to competition. Suppressed and of limited potential.	-	10-20	C	28 3.0
9	Beech	17	3n 4e 5s 6w	0.42	2	EM	Good	Single-stemmed with narrow, drawn, upright crown offset slightly to south-west due to competition. In satisfactory condition with good potential.	-	40+	B	81 5.1
10	Beech	22	8n 7e 6s 6w	0.77	4	M	Good	Single-stemmed with upright, open, spreading crown slightly offset to north-east. Pruning wounds on north side at 2.5m and 4m occluding with minor decay. In satisfactory condition.	-	40+	A	272 9.3
11	Sycamore	11	1n 2e 3s 4w	0.36	2	MA	Poor	Single-stemmed and offset to west due to competition. Incipient decay in trunk wounds. In declining condition.	-	<10	U	-
12	English oak	8	1	0.62	0	M	Good	Trunk of tree cut off at 7m with dense epicormic growth. Acceptable condition as a screen component.	-	40+	C	177 7.5

TREE SURVEY SCHEDULE

SITE : Pyatshaw Burn House, Pyatshaw

SURVEY DATE: 6th January 2015

Tree No.	Species	Height (m)	Crown Radius (m)	Stem Diameter (m)	Height of crown development (m)	Age class	Physiological condition	Comments	Preliminary management recommendations	Estimated remaining contribution (years)	Category	RPA (m ²) & Radius (m)
13	Elm <i>Ulmus spp.</i>	8	4n 4e 5s 6w	0.54	3	M	Fair	Single-stemmed. Suppressed and heavily inclined and offset to west due to competition. Acceptable condition as a screen component.	-	20-40	C	137 6.6
14	Ash	20	7n 6e 3s 8w	0.57	7	M	Good	Formerly twin-stemmed from ground level with western stem removed. Remaining stem upright with open spreading crown slightly offset to north-west due to competition.		40+	B	150 6.9
15	Silver birch	10	6n 3e 0s 3w	0.23	2	Y	Good	Single-stemmed. Of narrow, drawn, upright form offset entirely to north due to competition. Grows on top edge of bank.	+	20-40	C	28 3.0
16	Beech	13	7n 4e 3s 5w	0.26	1.6	Y	Good	Single-stemmed. Grows out of bottom of bank. Slightly inclined to north with upright open, spreading, crown offset to north due to competition. In satisfactory condition.	-	40+	B	34 3.3
17	Red oak <i>Quercus rubra</i>	13	5n 3e 2s 5w	0.23	2	Y	Good	Single-stemmed with narrow, drawn, upright crown offset slightly to north due to competition. In satisfactory condition with good potential.	-	40+	B	28 3.0
18	Rowan	12	5n 6e 3s 4w	0.21 x3.5 x 0.1av. (= 0.42)	2	M	Fair	Grows out of steep bank. Multi-stemmed from ground level. Upright, open, spreading crown offset to north-east due to competition. In acceptable condition.	+	10-20	C	81 5.1

TREE SURVEY SCHEDULE

SITE : Pyatshaw Burn House, Pyatshaw

SURVEY DATE: 6th January 2015

Tree No.	Species	Height (m)	Crown Radius (m)	Stem Diameter (m)	Height of crown development (m)	Age class	Physiological condition	Comments	Preliminary management recommendations	Estimated remaining contribution (years)	Category	RPA (m ²) & Radius (m)
19	Rowan	11	4n 4e 2s 2w	7 x 0.11av. (= 0.29)	3	M	Fair	Multi-stemmed from ground level with upright, open, spreading crown offset to north-east due to competition. Basal decay in one stem.	Remove decayed stem.	10-20	C	41 3.6
20	Elm	14	4n 5e 2s 5w	0.24	3	EM	Good	Single-stemmed. Of narrow, drawn, upright form, offset slightly to north-east due to competition. In acceptable condition but possibly of limited long term potential due to Dutch Elm Disease.	-	20-40	C	28 3.0
21	Scots pine <i>Pinus sylvestris</i>	17	1n 3e 5s 2w	0.47	3	MA	Good	Single-stemmed. Of narrow, drawn, upright form, offset slightly to south due to competition. In satisfactory condition with good potential.	-	40+	A	102 5.7
22	Scots pine	17	5n 4e 4s 2w	0.43	7	MA	Fair	Single-stemmed with upright, open, spreading crown slightly offset to north and south due to competition. Scattered light deadwood in crown. Appears to be in acceptable condition but poorer than adjacent pines.	-	20-40	B	92 5.4
23	Scots pine	16	3n 4e 5s 3w	0.42	5	MA	Good	Single-stemmed with narrow, upright crown slightly offset to east, due to competition. Leading shoot broken out but secondary shoot taking over. In satisfactory condition with good potential.	-	40+	A	81 5.1

TREE SURVEY SCHEDULE

SITE : Pyatshaw Burn House, Pyatshaw

SURVEY DATE: 6th January 2015

Tree No.	Species	Height (m)	Crown Radius (m)	Stem Diameter (m)	Height of crown development (m)	Age class	Physiological condition	Comments	Preliminary management recommendations	Estimated remaining contribution (years)	Category	RPA (m ²) & Radius (m)
24	Wild cherry <i>Prunus avium</i>	13	5	0.26	1.6	EM	Good	Single-stemmed with upright, open, spreading crown very slightly offset to south due to competition. In satisfactory condition.	-	40+	B	34 3.3
25	Larch <i>Larix spp.</i>	13	2	0.23	1.5	Y	Good	Single-stemmed. Of narrow, drawn, upright form with good potential.	-	40+	B	28 3.0

Group No.	Species	Height (m)	Crown Radius (m)	Stem Diameter (m)	Height of crown development (m)	Age class	Physiological condition	Comments	Preliminary management recommendations	Estimated remaining contribution (years)	Category	RPA (m ²) & Radius (m)
G1	4 x Scots pines	< 9	3av.	<0.2	1	Y	Fair	All single-stemmed. One had been broken off at 4m, and one has lost leading shoot at 4m. Acceptable condition as short-term screen components but of limited long term potential.	Fell broken tree.	10-20	C	18 2.4

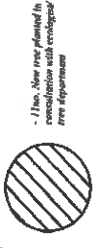
Appendix 2
Tree Location Plan

5164403 FUL

T
AP

PROJECT:
House at Pyntshov Burn
CLIENT:
Paula Milanesi
DRAWING:
Proposed Roof & Landscape Plan
ISSUED:
Planning

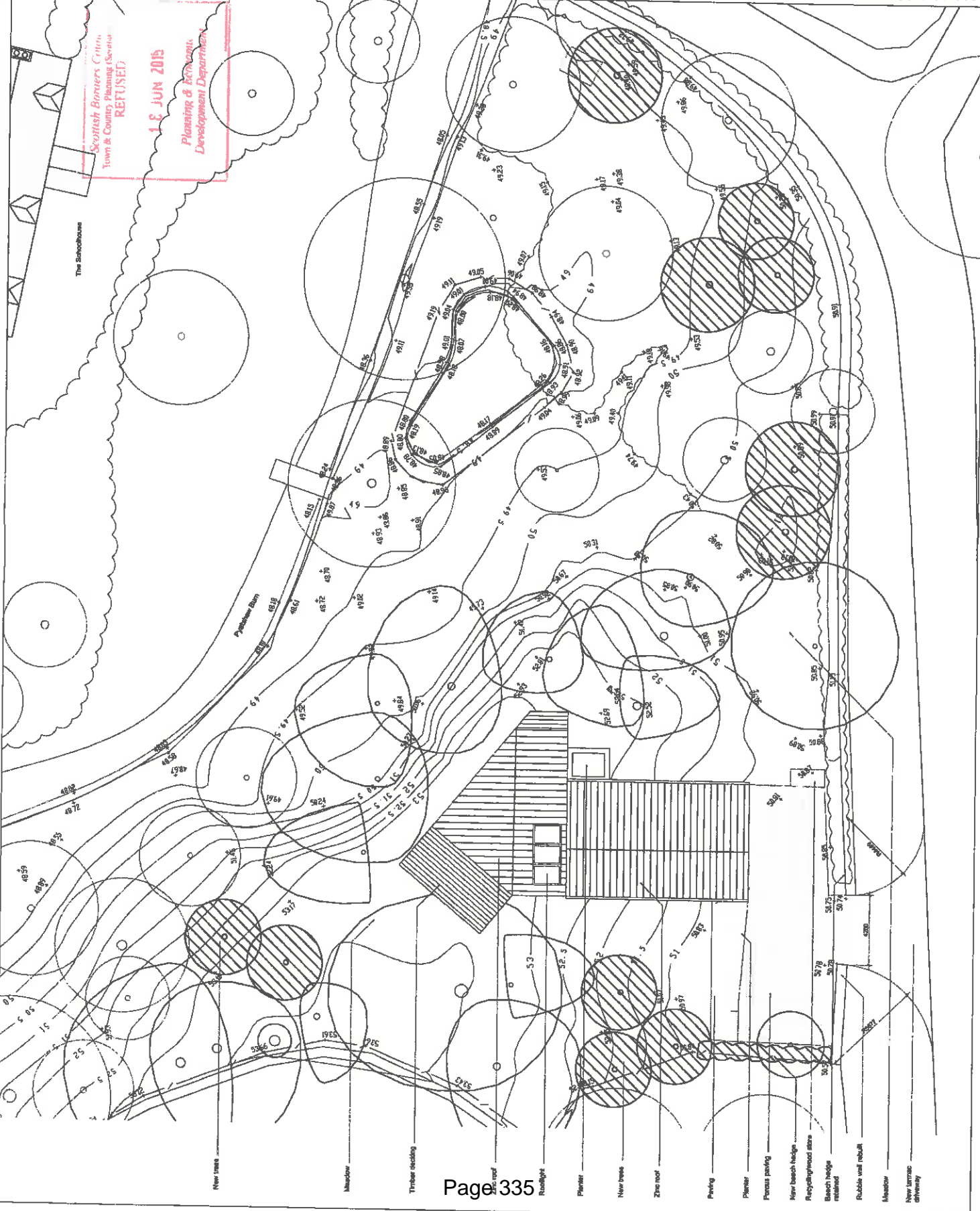
44 No 14-03
DWG No: 103
Scale as 1:1/100
Drawn: SM
Rev:



GENERAL NOTES:
Do not scale from drawings. Contractor to verify all dimensions on site prior to commencement of any works. Any discrepancies to be notified to the architect immediately. All drawings of specifications relate to this building. All drawings of specifications T-A-P Ltd are not to be reproduced in part or whole without prior written consent.

Taylor Architecture Practice
44 131 333 324
44 131 334 7663
www.tap-uk.com
Edinburgh EH4 6SE

The Schoolhouse
Scottish Borders Council
Town & Country Planning Section
REFUSED
18 JUN 2015
Planning & Economic
Development Department



- New fence
- Manicure
- Trailer facility
- Roof
- Roadlight
- Planter
- New trees
- Zinc roof
- Paving
- Planter
- Percuss paving
- New bench height
- Re-cycled stone steps
- Beech hedge retained
- Rubble wall rebuilt
- Manicure
- New terrace driveway

PLANNING AND ECONOMIC DEVELOPMENT

To: Planning and Economic Development Attention: Stuart Herkes
From: LANDSCAPE SECTION Date: 2015
Contact: Catherine Andrews Ref: 15/00403/FUL

Subject: Residential property at Pyatshaw Burn, Lauder

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The site is situated in the south west corner of the garden ground of the former Schoolhouse at Pyatshaw. Its northern boundary is the Pyatshaw Burn, with a tree lined fence and open fields to the west. A hedge and stone dyke contain the site on the south and eastern boundaries and the road follows the perimeter in this location. The site is within a cluster of detached traditional and modern houses and farm buildings in a well treed setting. The former garden site is a wooded piece of ground containing a number of mature deciduous and coniferous trees which form a continuation of existing tree belts running from the west on either side of the road towards the site and connecting with tree groups surrounding adjacent properties. The plot slopes up away from the road to a small knoll and down again towards the Pyatshaw Burn.

Nature of the Proposal

The proposal is for a detached house clad in dark stained timber with car park to the front of the property bordered by a low stone wall. The greater part of the existing stone wall and beech hedge to be retained and a number of mature trees from within the site to be removed.

Implications of the Proposal for the Landscape including any mitigation

The house has been sited perpendicular to the road to accord with other properties in this location and is sufficiently distant from adjacent houses to contribute to a balanced development within the building group of Pyatshaw. The development allows for the retention of sufficient numbers of trees to retain a sense of enclosure and some continuity with tree belts and tree groups surrounding adjacent properties. The visual amenity of the beech hedge will be retained as part of the proposal. However the roadside view will be considerably broken by the 'openness' of the proposed access and parking area where 2m of hedge will be removed in addition to the trees.

A tree survey carried out by Tree Consultancy Group is included in the application. Of the 29 trees surveyed the proposals allow for the removal of 7no. deciduous trees of which 2no are classed as Category B and the 5no. Category C as well as a group of 4no. Scots Pines Category C. A section of Beech hedging is to be removed for driveway access. It is proposed that 11no. trees are planted to replace those removed. The Root Protection Area of 2no. Category A listed trees fall within the building line of the house. A proposal for the foundation construction that appears to accommodate the RPA of these trees has been included.

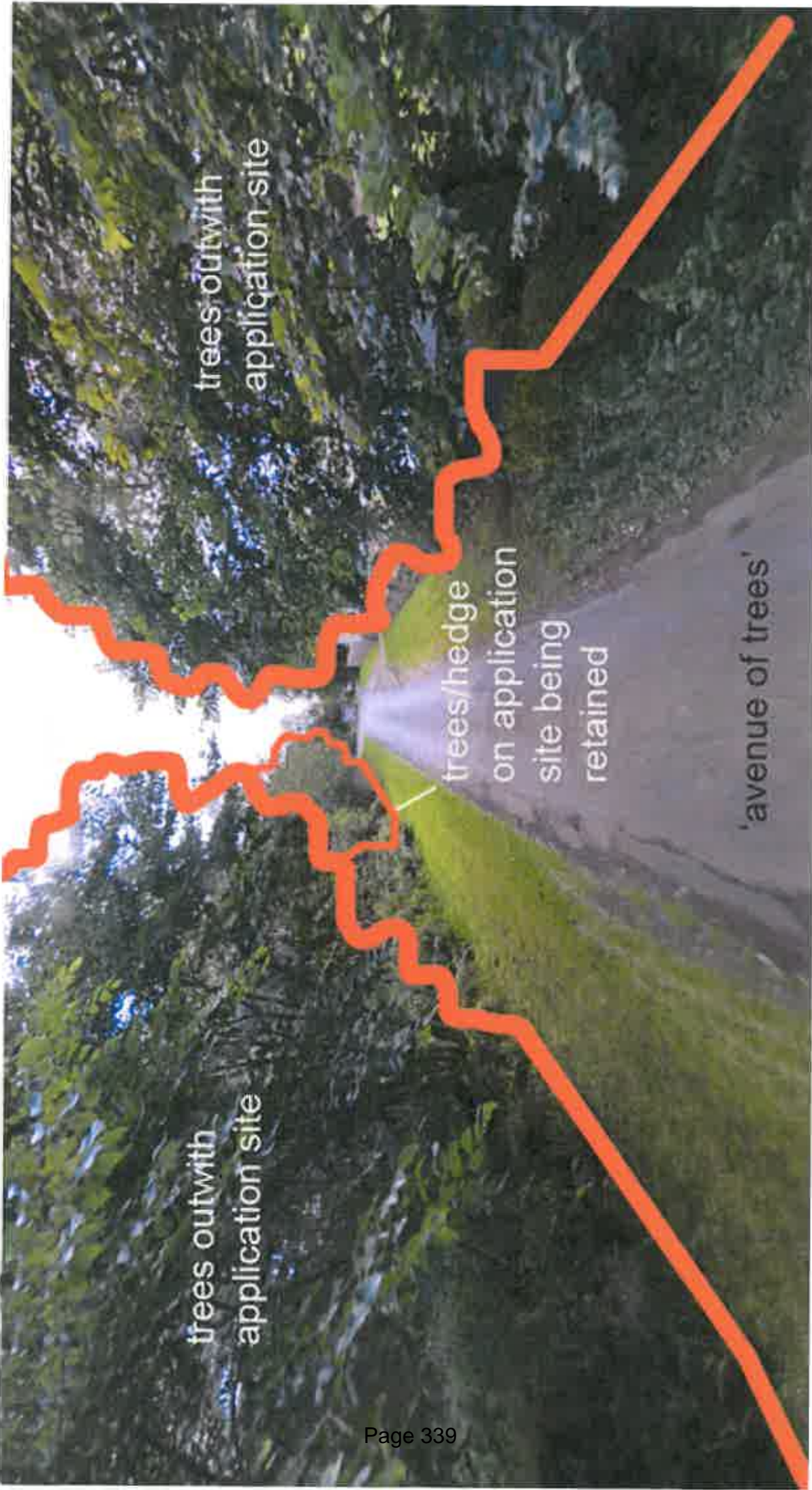
I consider that tree no 7, Silver Birch (multi stemmed) should be retained as it will have amenity value in the view from the west facing windows and will be of value in retaining the connection

between the existing tree belt and the trees surrounding the house particularly when viewed from the road side. However it appears that changes in level may not allow for this.

It is recognised that account has been taken of the existing woodland, trees and hedgerows within this application however I am concerned that in constructing a house in such a densely treed area, not only will more than 50% of the existing woodland trees will be removed but the low light levels for occupants of the proposed house will put pressure on the remaining trees for heavy pruning or removal particularly in the future.

Consultation Summary

The determination of this application is difficult to judge for although there is a precedent of similar development within the area the site is shown in mapping records as woodland since 1843 and the Borders Council policy NE4 seeks to protect the woodland resource of the Scottish Borders in turn protecting the character of settlements, the countryside and maintaining habitats.



trees outwith application site

trees outwith application site

trees/hedge on application site being retained

'avenue of trees'

T
AP

PROJECT:
Puishaw Burn House
CLIENT:
Paula Milanes
DRAWING:
Existing Site Plan
ISSUED:
Planning

Job No: 14-003
DWG No: 101
Scale at A1: 1/200
Drawn: PG
Date: 4

1/24/07	1/24/07
2/17/07	2/07/07

0 2 5 10 20m



- 1 - Trees reserved
- 2 - Existing (B)
- 3 - Existing (C)
- 4 - Add (B)
- 5 - Add (C)
- 6 - Existing (D) (preserved)
- 7 - Existing (D) (removed)
- 8 - Section of level hedge
- Group 1 - when shown in grey



GENERAL NOTES:

Do not scale from drawings. Commence to verify all dimensions on site prior to commencement of any work. Any discrepancies to be reported to the architect immediately. All dimensions are in metres unless otherwise stated. All building materials are to be of a standard suitable for the site. All work is to be completed in accordance with the relevant standards and specifications. All work is to be completed in accordance with the relevant standards and specifications. All work is to be completed in accordance with the relevant standards and specifications.

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Adrian House
39-50 Marwick Street
Edinburgh EH6 6SS
www.t-a-p.co.uk
info@t-a-p.co.uk



Portion of existing driveway
walling and fence removed

2.5m

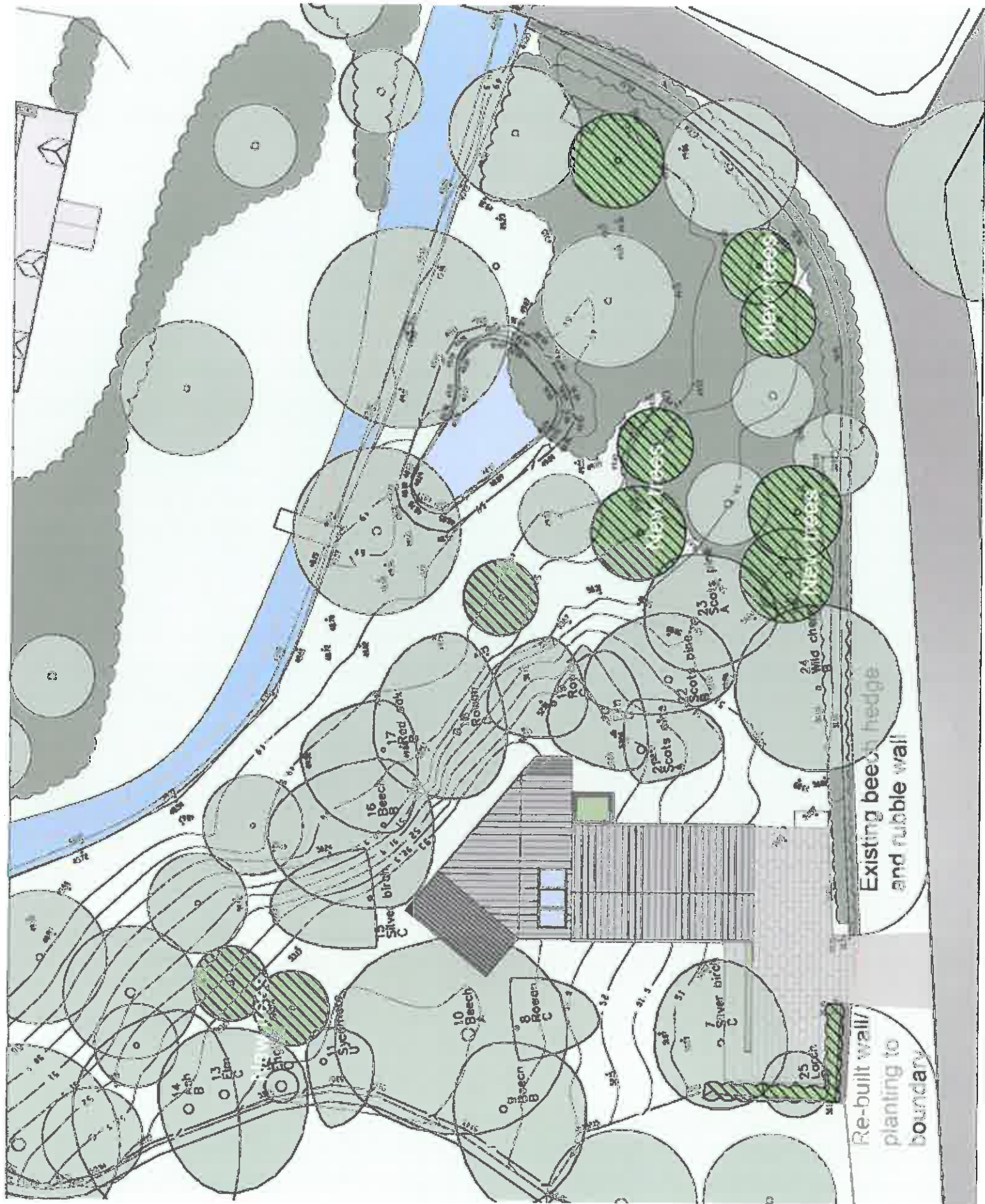
Bamboo

The Greenhouse

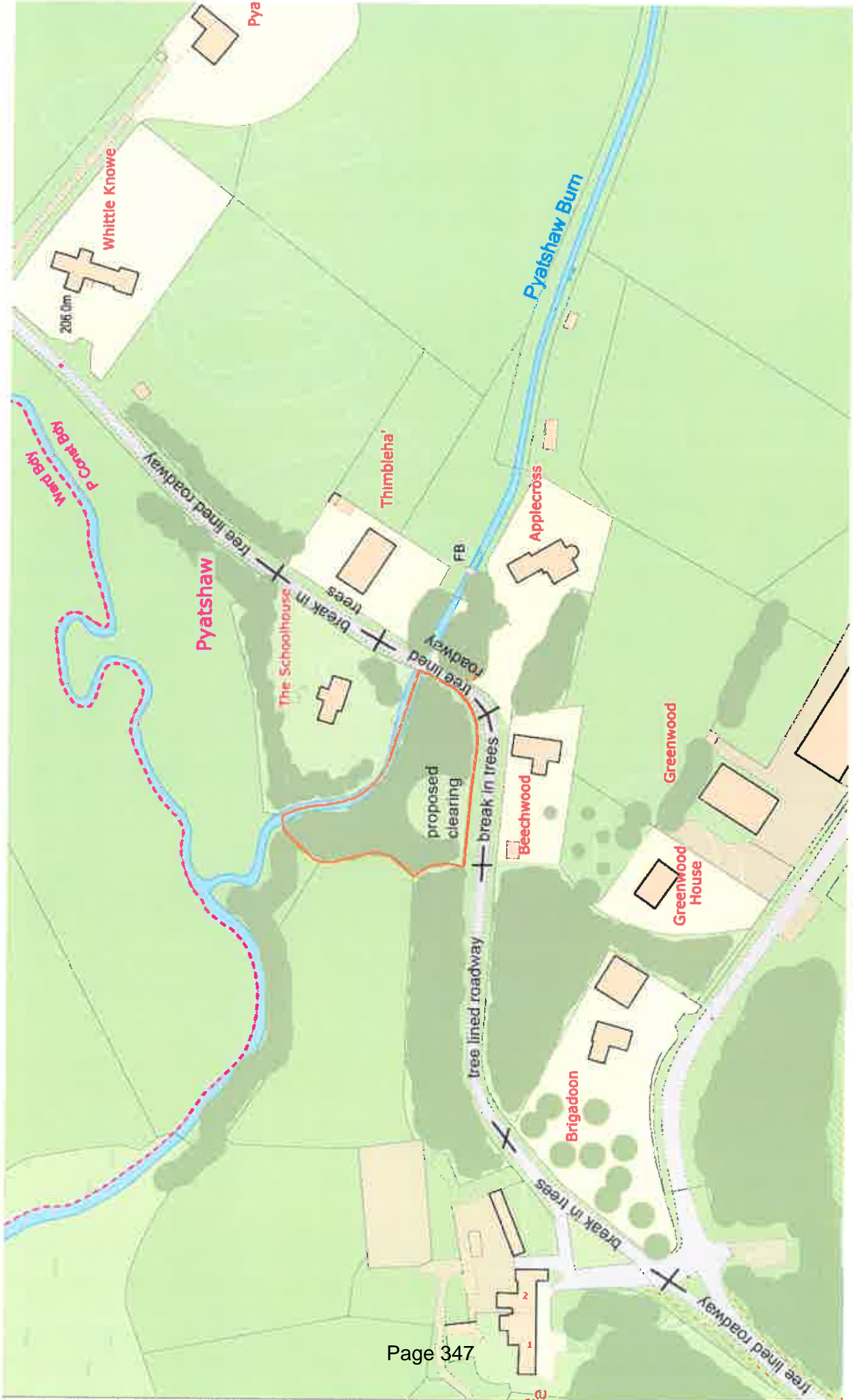
Threshive

Puishaw Burn

Appenzeler







Scottish Borders Council

Regulatory Services – Consultation reply

Planning Ref	15/00661/PLANCO
Uniform Ref	15/00403/FUL
Proposal	Erection of dwellinghouse
Address	Site South Of Pyatshaw Burn Lauder Scottish Borders
Date	05/05/2015
Amenity and Pollution Officer	David A. Brown
Contaminated Land Officer	Reviewed no comment

Amenity and Pollution

Assessment of Application

*Air quality
Nuisance*

The papers lodged for this Application indicate the provision of solid fuel heating.

These installations can cause smoke and odour problems if not properly installed and operated.

Recommendation

Agree with application in principle, subject to Informative.

Contaminated land

Informative

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.

Consultation Reply



ENVIRONMENT AND INFRASTRUCTURE

To: HEAD OF PLANNING AND REGULATORY SERVICE

FAO: Stuart Herkes

Your Ref: 15/00403/FUL

From: HEAD OF ENGINEERING & INFRASTRUCTURE

Date: 12th May 2015

Contact: Ian Chalmers

Ext: 5035

Our Ref: B48/1902

Nature of Proposal: Erection of dwellinghouse
Site: Land South West Pyatshaw Schoolhouse Lauder

In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River, Surface Water & Coastal Hazard Map (Scotland) known as the "third generation flood mapping" prepared by SEPA indicates that the site may be 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.

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

Due to copyright restrictions I cannot copy the map to you however, if the applicant wishes to inspect the maps they can contact me to arrange a suitable time to come in and view them.

I would state that only the East side of the site is at risk of flooding. The proposed dwellinghouse is located in the South West of the site and is out with the flood plain.

I am content that the associated drawings show that the levels of the house are sufficiently higher than the burn (around three metres higher) and I would have no objections to this proposal on the grounds of flood risk.

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 or by telephone on 0845 988 1188.

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.

Ian Chalmers
Flood Risk and Coastal Management

PLANNING CONSULTATION

To: Ecology Officer

From: Development Management

Date: 13th April 2015

Contact: Stuart Herkes ☎ 01835 825039

Ref: 15/00403/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 4th May 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 4th May 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Mrs Paula Milanesi

Agent: Taylor Architecture Practice

Nature of Proposal: Erection of dwellinghouse

Site: Land South West Pyatshaw Schoolhouse Lauder Scottish Borders

OBSERVATIONS OF: Ecology Officer

CONSULTATION REPLY

It is recognised that a formal recommendation for a decision can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Management service in respect of heritage and design issues (biodiversity).

I note the submitted badger survey (Nocturne Environmental Surveyors December 2014) and bat survey (Nocturne Environmental Surveyors December 2014). No evidence of badger activity was recorded. The trees proposed for felling are identified as Category 3¹ (trees with no potential to support bats).

The site is used by breeding birds including rook. Site clearance of trees and vegetation should be carried out outside of the bird breeding season. I have not visited the site to inform this consultation response.

All wild birds are afforded protection and it is an offence to deliberately or recklessly kill, injure and destroy nests and eggs of wild birds. Additionally for those species protected under Schedule 1 of the Wildlife and Countryside Act 1981 (as amended) it is illegal to intentionally or recklessly disturb any bird whilst it is nest-building or at or near a nest containing eggs or young, or to disturb any of its dependent young.

The Pyatshaw burn runs through the site and connects with the Brunta burn (part of the River Tweed SAC) just to the north-west of the development site. Precautionary measures are required to protect the waterbody from potential sediment run-off and pollutants.

Recommendations

- Site clearance or disturbance of habitats which could be used by breeding birds, including hedgerows and trees, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if tree felling and habitat clearance are to commence during the breeding bird season.
- To protect the water body adopt SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), and PPG 6 (construction and demolition) as appropriate. Prior to commencement of works a proportionate Construction Method Statement for Works is required.

Dr Andy Tharme
Ecology Officer
21 May 2015

ⁱ Hundt, L (2012) Bat Surveys Good Practice Guidelines – 2nd Ed. Bat Conservation Trust

From: Frater, John
Sent: 25 May 2015 13:58
To: Herkes, Stuart
Subject: ERECTION OF DWELLING - PYATSHAW - LAUDER 15/00403/FUL

I have no objections in principle to this proposal.

There is ample parking and turning provision within the site, and the visibility sightlines are good. The speed of traffic is relatively slow due to the general winding topography of the road. My only roads issue is the construction detail of the access from the public road, over the verge, and into the site. This should be constructed with a bituminous surface(tar) preferably to the following standard (or similar).

1 layer of 75mm thick (40mm size) bitumen blinded with grit to BS 4987 laid on 375mm of 75mm broken stone bottoming blinded with Type 1 sub-base.

The work carried out within the road and verge to be carried out by an SBC approved contractor.

PLANNING AND ECONOMIC DEVELOPMENT

To: Planning and Economic Development Attention: Stuart Herkes
From: LANDSCAPE SECTION Date: 2015
Contact: Catherine Andrews Ref: 15/00403/FUL

Subject: Residential property at Pyatshaw Burn, Lauder

It is recognised that a formal recommendation can only be made after consideration of all relevant information and material considerations. This consultation advice is provided to the Development Control service in respect of landscape related issues.

Description of the Site

The site is situated in the south west corner of the garden ground of the former Schoolhouse at Pyatshaw. Its northern boundary is the Pyatshaw Burn, with a tree lined fence and open fields to the west. A hedge and stone dyke contain the site on the south and eastern boundaries and the road follows the perimeter in this location. The site is within a cluster of detached traditional and modern houses and farm buildings in a well treed setting. The former garden site is a wooded piece of ground containing a number of mature deciduous and coniferous trees which form a continuation of existing tree belts running from the west on either side of the road towards the site and connecting with tree groups surrounding adjacent properties. The plot slopes up away from the road to a small knoll and down again towards the Pyatshaw Burn.

Nature of the Proposal

The proposal is for a detached house clad in dark stained timber with car park to the front of the property bordered by a low stone wall. The greater part of the existing stone wall and beech hedge to be retained and a number of mature trees from within the site to be removed.

Implications of the Proposal for the Landscape including any mitigation

The house has been sited perpendicular to the road to accord with other properties in this location and is sufficiently distant from adjacent houses to contribute to a balanced development within the building group of Pyatshaw. The development allows for the retention of sufficient numbers of trees to retain a sense of enclosure and some continuity with tree belts and tree groups surrounding adjacent properties. The visual amenity of the beech hedge will be retained as part of the proposal. However the roadside view will be considerably broken by the 'openness' of the proposed access and parking area where 2m of hedge will be removed in addition to the trees.

A tree survey carried out by Tree Consultancy Group is included in the application. Of the 29 trees surveyed the proposals allow for the removal of 7no. deciduous trees of which 2no are classed as Category B and the 5no. Category C as well as a group of 4no. Scots Pines Category C. A section of Beech hedging is to be removed for driveway access. It is proposed that 11no. trees are planted to replace those removed. The Root Protection Area of 2no. Category A listed trees fall within the building line of the house. A proposal for the foundation construction that appears to accommodate the RPA of these trees has been included.

It is recognised that account has been taken of the existing woodland, trees and hedgerows within this application however I am concerned that in constructing a house in such a densely treed area,

not only will more than 50% of the existing woodland trees be removed but the low light levels for occupants of the proposed house will put pressure on the remaining trees for heavy pruning or removal particularly in the future.

Consultation Summary

I object to this application for although there is a precedent of similar development within the area the site is shown in mapping records as woodland since 1843 and the Borders Council policy NE4 seeks to protect the woodland resource of the Scottish Borders in turn protecting the character of settlements, the countryside and maintaining habitats.

PLANNING AND ECONOMIC DEVELOPMENT

To: Planning and Economic Development Attention: Stuart Herkes
From: LANDSCAPE SECTION Date: 2015
Contact: Catherine Andrews Ref: 15/00403/FUL

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Application Comments for 15/00403/FUL

Application Summary

Application Number: 15/00403/FUL

Address: Land South West Pyatshaw Schoolhouse Lauder Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Stuart Herkes

Customer Details

Name: Mr Ray Megson

Address: Pyatshaw Schoolhouse U51-5 A697 At Cambridge To U54-5 North East Of Cambridge,
Scottish Borders, Scottish Borders TD2 6SH

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: This would make an excellent addition to the small hamlet of Pyatshaw. I have seen the plans of this eco-friendly unobtrusive building and would welcome such a neighbouring construction.

RECEIVED 01 MAY 2015

Thimbleha,
Pyatshau,
Lander

TD 265H,

Mr. Stuart Herkes,
Planning Dept,
B. R. C.,
Newtown, St. Boswells.

App No: 15/00403/FUL.

Dear Sir,

I was sent word of the planning application of Mrs. Paula Milanesi across the road from me at the Old Schoolhouse.

I am writing in favour of this application.

I cannot see how the house would not fit in with the surroundings.
I do hope this application is approved.

Yours faithfully,

Kathleen B. Runciman

List of Policies

Local Review Reference: 15/00018/RREF

Planning Application Reference: 15/00403/FUL

Development Proposal: Erection of dwellinghouse

Location: Land south west of Pyatshaw Schoolhouse, Lauder

Applicant: Mrs P Milanesi

SESPLAN

None applicable.

Consolidated Scottish Borders Local Plan 2011

POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

POLICY D2 (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.

POLICY D2 (B) DISPERSED BUILDING GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

POLICY D2 (C) CONVERSIONS

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

POLICY D2 (D) REBUILDING

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or

6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

POLICY D2 (E) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
2. it can be satisfactorily accommodated within the site,
3. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
4. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
5. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
6. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
7. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
8. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
9. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
10. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
11. it provides for recycling, re-using and composting waste where appropriate,
12. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
13. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
14. it incorporates, where required, access for those with mobility difficulties,
15. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY G4 - FLOODING

As a general principle, 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 ability of floodplains to convey and store floodwater should be protected.

Proposals for the development of land where there is evidence of flood risk that has been the result of unanticipated planning applications, historical land use allocations or the emergence of new information on flood risk, must give consideration to ensure any such risk is managed in accordance with the principles set out in the Risk Framework provided in the Scottish Planning Policy (SPP) or any subsequent government guidance which supersedes it.

In particular, within certain defined risk categories, particularly where the risk is greater than 0.5% annual flooding probability or 1 in 200 year flood risk, which will normally be the case for functional flood plains, some forms of development will generally not be acceptable. These include:

1. Development comprising essential civil infrastructure including schools, emergency services and telecommunications;
2. Additional built development in sparsely developed areas.

Other forms of development will be subject to an assessment of the risk and mitigation measures.

Developers will be required to provide, including if necessary at outline stage:

1. A competent flood risk assessment and/or drainage assessment in support of the application; and
2. A report of the measures that are proposed to prevent and minimise the flood risk.

The information used to assess the acceptability of development will include:

1. Information and advice from consultation with SEPA and where appropriate, the Flood Liaison and Advice Group;
2. Flood risk maps provided by SEPA including, when available, the second generation flood maps which will indicate the extent of the flood plain;
3. Historical records and flood studies held by the Council and other agencies, including past flood risk assessment reports carried out by consultants and associated comments from SEPA, held by the Council.

POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to

require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

1. Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
2. Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
3. Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
4. Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
5. Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
1. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY Inf5 – WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
2. negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
3. agreement with Scottish Water to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:

4. for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

5. it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
6. it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

POLICY Inf6 – SUSTAINABLE URBAN DRAINAGE

1. Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on Sustainable Urban Drainage Systems (SUDS) to the satisfaction of the Council, Scottish Environment Protection Agency, Scottish Natural Heritage and other interested parties.
2. Development will be refused unless surface water treatment is dealt with in a sustainable manner that avoids flooding, pollution, extensive canalisation and culverting of watercourses.
3. A drainage strategy should be submitted with planning applications to include treatment and flood attenuation measures and details for the long term maintenance of any necessary features.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

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

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local

- biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.
2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
 3. Development that could impact on local biodiversity through impacts on habitats and species should
 - i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
 - ii) Aim to avoid the fragmentation or isolation of habitats,
 - iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
 4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.
 5. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

POLICY NE5 – DEVELOPMENT AFFECTING THE WATER ENVIRONMENT

The Council aims to protect the quality of the water resource and requires developers to consider how their proposals might generate potentially adverse impacts and to build in

measures that will minimise any such impacts and enhance and restore the water environment.

Development affecting a water body, water catchment area, river corridor or other waterside areas, that is judged to have an unacceptable impact on nature conservation, biodiversity, landscape, fisheries, recreation, riverworks or public access, will be refused.

Decision-making will be guided by an assessment of:

1. pollution of surface or underground water, including water supply catchment areas, as a result of the nature of any surface or waste water discharge or leachate,
2. pollution resulting from the disturbance of contaminated land,
3. flooding risk or the exacerbation of existing flooding problems, within the site or the wider river catchment,
4. compliance with current best practice on Sustainable Urban Drainage (SUDS).

Other Material Considerations

Supplementary Planning Guidance on New Housing in the Borders Countryside 2008

Supplementary Planning Guidance on Placemaking and Design January 2010

Supplementary Planning Guidance on Privacy and Sunlight Guide 2007

Supplementary Planning Guidance on Landscape and Development 2008

Supplementary Planning Guidance on Trees and Development 2007

Supplementary Planning Guidance on Development Contributions 2011

Supplementary Planning Guidance on Biodiversity 2005

Scottish Borders Proposed Local Development Plan 2013

Scottish Planning Policy 2014

Planning Advice Note 72 – Housing in the Countryside 2005

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Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000127921-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	<input type="text" value="Cockburn's Consultants"/>
Ref. Number:	<input type="text"/>
First Name: *	<input type="text" value="Brent"/>
Last Name: *	<input type="text" value="Quinn"/>
Telephone Number: *	<input type="text" value="07708971120"/>
Extension Number:	<input type="text"/>
Mobile Number:	<input type="text"/>
Fax Number:	<input type="text"/>
Email Address: *	<input type="text" value="cockburnsconsultants@gmail.com"/>

You must enter a Building Name or Number, or both:*

Building Name:	<input type="text"/>
Building Number:	<input type="text" value="29"/>
Address 1 (Street): *	<input type="text" value="Ryehill Terrace"/>
Address 2:	<input type="text"/>
Town/City: *	<input type="text" value="Edinburgh"/>
Country: *	<input type="text" value="UK"/>
Postcode: *	<input type="text" value="EH6 8EN"/>

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

You must enter a Building Name or Number, or both:*

Other Title:

Building Name:

per Sunnyside Farm

First Name:

Building Number:

Last Name:

Address 1 (Street): *

Sunnyside Farm

Company/Organisation: *

Messrs Morgan Partnership

Address 2:

Telephone Number:

Town/City: *

by Reston

Extension Number:

Country: *

Scotland

Mobile Number:

Postcode: *

TD14 5LN

Fax Number:

Email Address:

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land South of Riding Centre, Sunnyside Farm

Northing

661212

Easting

385237

Description of the Proposal

Please provide a description of the proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time of expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please see attached Grounds of Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the determination on your application was made? *

Yes No

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Grounds of Appeal Statement
All Original Plans, Application Form, etc.
Decision Notice (Note: File too large to upload)
Report of Handling

Application Details

Please provide details of the application and decision.

What is the application reference number? *

15/00424/FUL

What date was the application submitted to the planning authority? *

16/04/15

What date was the decision issued by the planning authority? *

22/06/15

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist - Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare - Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Brent Quinn

Declaration Date: 04/08/2015

Submission Date: 04/08/2015

Local Review Body (LRB) Grounds of Appeal
Statement:

For: Messrs Morgan Partnership

To Support: Proposed Erection of Single
Dwellinghouse at Land South Of Riding
Centre, Newlands, Sunnyside Farm,



Prepared by:
Brent Quinn MA(Hons) MRTPI PRINCE2
Cockburn's Consultants
August 2015
www.cockburnsconsultants.com

JOB REFERENCE: HH/15004(A)/BQ
ON BEHALF OF: MR ANDREW MORGAN
VERSION: 2ND DRAFT (REVIEW)
DATE: 4TH AUGUST 2015

PREPARED BY:



BRENT D QUINN MA (Hons)

Cockburn's Consultants 2015

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1. Introduction, Site & Proposal

Introduction

This grounds of appeal statement has been prepared by Cockburn's Consultants on behalf of the Messrs Morgan Partnership (hereafter the 'Partnership'). Collectively, the Partnership owns all of the land pertaining to this appeal. The proposed house is for Mr & Mrs Hewit, whereby Mrs Hewit is a Partner in the Partnership. The application and this appeal seek planning permission to erect a much needed new family house on existing farmland and adjacent to the Berwickshire Riding for the Disabled Association (RDA), all at Sunnyside Farm, Reston.

The planning application was submitted to Scottish Borders Council by Cockburn's Consultants, as agents, on 16th April 2015 and was accompanied by a complete set of drawings and a supporting planning statement.

The decision to refuse planning permission was issued on the 22nd June 2015. The decision to refuse planning permission was delegated and the officer's report was also issued on 22nd June 2015. The single reason for refusal was as follows:

- 1. 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.*

The refusal is solely concerned with the notion that the proposal results in isolated development and fails to respect the character of the existing house group in terms of siting and layout. We dispute that this proposal is contrary to the current Development Plan, the SPG on Housing in the Scottish Borders Countryside or the Supplementary Planning Guidance note on Place-making and Design.

There have been no objections whatsoever in connection with the planning application, but a letter of support was received.

A further planning application (14/01288/FUL) for the new dwelling was lodged by Fleming Homes on behalf of the applicant on 22nd November 2014 and was subsequently withdrawn on 25th February 2015. Cockburn's Consultants were not associated with this original application. The withdrawal was instructed on account of an understanding from the planning officer that the application was likely to be refused. There were two apparent issues that may (or may not) have acted as reasons for refusals. It is understood that these issues centred around a) the proposed siting of the proposed dwellinghouse and b) some legal misunderstandings. We would consider that the revised submission to which this appeal relates

demonstrates full compliance with the Development Plan and takes cognisance of other relevant material considerations such that planning permission should be granted by the LRB.

A location plan showing the appeal site is shown below in Figure 1.

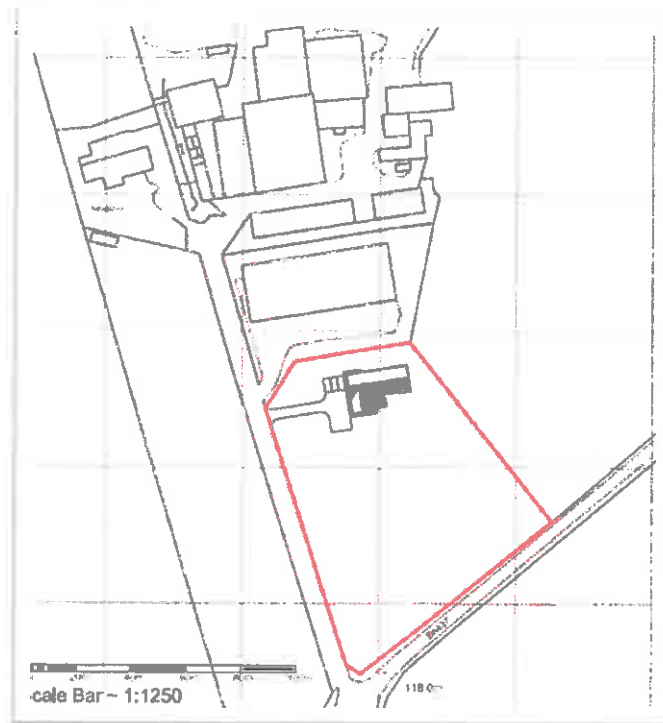


Figure 1: Location Plan (not to scale)

Site Description

The site is some 1.5 acres or thereby in size and is irregular in shape. It wholly comprises agricultural grazing grass.

The site is generally open in character although it is bounded to the north by an indoor riding arena, and further beyond this there is a substantial grouping of farm buildings and residences of varying size and style. A partly tarmacked access road that serves the farm and the riding arena runs from the B6437 to the south, and runs on a north to south axis. The access road acts as the western boundary, which is further defined in its entirety by a mature beech hedge whilst the B6437 bounds the site to the south. Again, the site is generally open to the east, but this would be defined better with the introduction of trees, shrubbery and planting.

The wider area is generally characterised by open pasture agricultural land with the main A1 dual carriageway being located some 1km due north of the site and the small settlement of Auchencrow is positioned some 600m or thereby to the south.

Proposal

Full planning permission is sought through this LRB appeal for the erection of a single dwellinghouse. Figure 2, below, provides an indicative plan on how the site could be broken up in terms of landscaping and the siting of the new house.

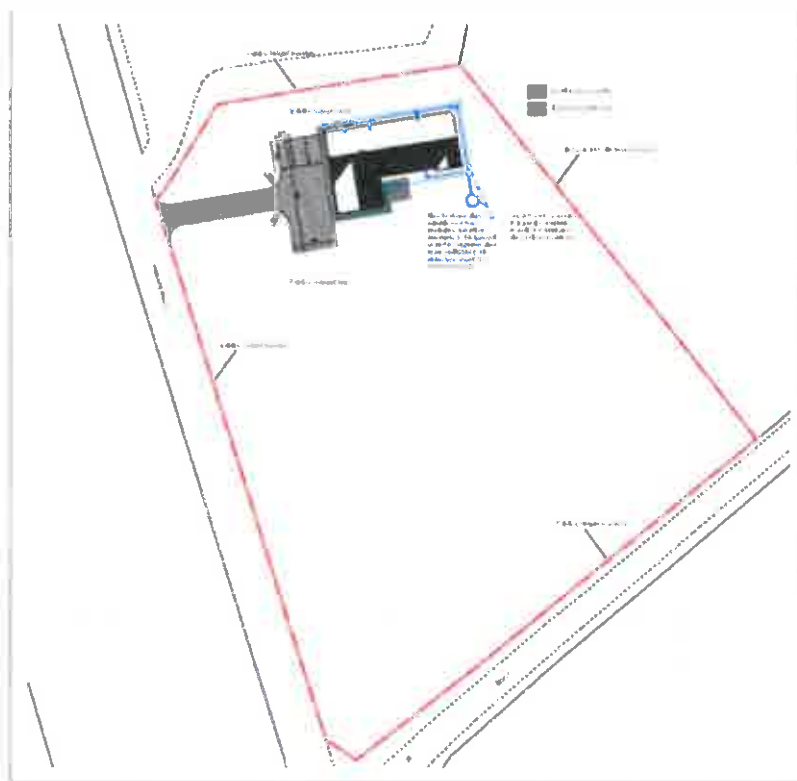


Figure 2: Site Plan (not to scale)

Elevations that illustrate what is being sought in terms of the overall scale and massing of the proposed house are shown below, in Figure 3. It is considered that this architectural approach is very much in keeping with the rural vernacular found throughout the Scottish Borders. The proposed house would be single storey in height with a pitched roof design with wall head dormers and single storey outshots and similar in design to the houses proposed immediately to the east. The materials proposed include slate, render and timber cladding. Trees, shrubbery and planting will define each of the proposed boundaries as per the red line, and further detail in this regard could be enshrined with a landscape plan, that could be the subject of a suitably worded planning condition, should that be deemed appropriate.



Figure 3: Elevations (not to scale)

Report Structure

Following this introduction, this report comprises:

- Section 2: Background
- Section 3: Planning Policy
- Section 4: Assessment; and
- Section 5: Conclusion.

It is respectfully requested that this appeal against the refusal of planning application is upheld and that planning permission be granted by the Scottish Borders Council Local Review Body (LRB).

2. Background

Agricultural Overview

Currently Mr Andrew Morgan runs business day to day management of Sunnyside Farm, in particular in respect of the sheep flock, including sheep health and safety. The management plan for the future operation of Sunnyside Farm is for Mr Philip Hewit to take over the full day to day sheep care in early 2016 following the retirement of Mr Andrew Morgan in early 2016.

As an agricultural business, the farm produces approximately 1600 tons of wheat rape Barley combined, as well as around 1750 lambs for meat and replacements and 5 tons of wool. They also plough sow and combine 200 acres for other farmers.

At present, the farm employs 2 full time staff plus seasonal labour, as well as Mr Andrew Morgan full time, (although as referred to above he is set to retire in early 2016).

Equestrian Centre/Riding School – A Community & Regional Facility



The operation and history of the riding school (Berwickshire Riding for the Disabled Association (RDA)) is important in the consideration of this LRB appeal, but more importantly its physical relationship with the proposed site is paramount. This section considers the former, whilst Section 4 goes into further detail on the latter.

Riding School History

Berwickshire Group RDA was formed in 1982 and for the first ten years of its life moved around various locations in eastern Berwickshire before successfully settling at Sunnyside and Buskin for the last 8 years.

At this point the Group rode outside in fields on Wednesday and Thursday mornings however in 1999 the weather changed and many days had to be cancelled because of overhead and ground conditions. At this time, the Group was also seeing a much bigger demand for riding places so Mr Andrew Morgan offered land at Sunnyside Farm (i.e. its current location) for a peppercorn rent for the Group so that the Group could build an indoor riding arena. Following a tremendous amount of hard work the Princess Royal officially opened the arena in October 2001.

In 2015, after some 14 years at Sunnyside Farm, the Group currently offers Riding and Equestrian Vaulting and has over regular 40 clients. It is so successful that there is now a substantial waiting list.

Riding School Operation

Each week the Group is helped by 6 horses and ponies and 50 volunteers. The Group currently receives no government funding and the only Council assistance is through payment for buses and taxis from schools and centres. The unpaid Group Committee, Coaches and volunteers work hard to raise enough money to provide feeding, shoeing and veterinary care for our horses and up keep the building and equipment to a high standard. The general public have been generous in their support and for this the Group is grateful.

The school now has a considerable collection of equipment and the indoor arena is vulnerable as it is slightly outwith the farm buildings and security is always a worry so having a key holder with visibility of the building would be a help and for emergency access and to open the door for the other Groups who make use of the Riding Arena. Currently, these are

- Reivers Vaulting Group,
- South of Scotland Select Vaulters,
- Berwickshire Pony Club,
- South Lammermuir Riding Club,
- Navigator Dogs Club, and
- Duns Rugby Club.

Clients coming to an RDA session benefit from the opportunity to work with an animal and the physiotherapists have fed back that the unique movement of a horse cannot be reciprocated in a clinical situation. Further, the warmth and movement of the horse allows muscles and joints to respond in a gentle way and gives wheelchair users the chance to walk on legs. Other benefits are improvement in balance, coordination, muscle tone, fitness, speech, taking instruction, memory, raising self-esteem, challenge, enjoyment, meeting and talking to the Group volunteers and for a lot of the people who benefit from the group it is essentially the chance to take part in a sport. Strong bonds develop with both horses and volunteers making a riding session an event to be looked forward to.

Clients range in age from 5 years to over 60 and have a wide variety of disabilities, with some in wheel chairs. The Group also offers the opportunity to take RDA Grade Tests, partake in the ASDAN program and to enter competitions which many of these people would find hard to do in other situations. As the volunteer population ages replacing key people is always a problem so having a constant on site presence who can deal with emergencies and cope with day to day running of the Group would be a great comfort and help to everyone.

In the recent past, schools and centres who have participated with the group or whom have referred clients are:

- Berwickshire High School
- Eyemouth High School
- Eyemouth Primary
- Duns Primary
- Coldstream Primary
- Chirnside Primary
- Coldingham primary
- Ayton Primary
- Greenlaw Primary
- Reston Primary
- Cockburnspath Primary
- Lanark Lodge Day Centre
- Station Avenue Care Home
- Others who come independently

The foregoing clearly illustrates that RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach.

Riding School - Future

Currently, the day to day horse management is undertaken by Mrs Margaret Morgan, who at the time of the original application was aged at 67 years. The business plan for the school will see Mrs Morgan retire sometime this year (2015) and for Rebecca Hewit, (her daughter) to immediately then take over this role.

Riding School – Application Comments

The following support comment from the Secretary of the Berwickshire Group RDA was received in respect of the planning application:

I am commenting as Secretary of the Berwickshire Group RDA, which operates the Riding Arena to the North of the proposed planning application site. The Minutes of the Committee Meeting of the Berwickshire Group RDA of 4th December 2014 state that there were no objections to the building of a house in the field to the South of the Riding Arena. The Trustees of the Group consider that the proposed siting of a house in front of the Arena will provide increased security for the riding facility and the equipment inside (valued at approx £20,000). The Group are currently raising funds to purchase a mechanical horse at a cost of £25,000, which will be kept at the arena, increasing the value of the equipment and the need for security. The position of the Berwickshire Group RDA trustees is that the proposed residential building will be of benefit to the Group's operation, since the occupants will be on hand to facilitate access to the arena, to ensure the security of the arena and equipment and to help ensure the welfare of the horses used by the Group.

3. Planning Policy

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan

The Development Plan is made up of the SESplan Strategic Development Plan (Approved) 2013 and the Scottish Borders Consolidated Local Plan (Adopted) 2011.

SESplan Strategic Development Plan (Approved) 2013

The Strategic Development Planning Authority in June 2013 received note from Scottish Ministers of the approval of SESplan (SDP). It therefore supersedes the Scottish Borders Structure Plan (SBSP). Many of the policy principles remain, however, the geographic area covered has increased substantially with the overall content diluted (particularly with regard to rural housing). The focus, in terms of determining applications like that proposed, will be more on the Local Development Plan (LDP).

The site falls within a rural area of the Scottish Borders but one that is located within close proximity of the A7 strategic transport corridor.

In relation to housing SESplan outlines the housing land requirements for each of the authority areas and the preferred locations for growth. The Scottish Ministers in their approval have sought modifications particularly with regard to what they see as being an under provision in current housing allocations.

A number of infrastructure type policies (8,9,15) are outlined with regard to transport, infrastructure and flooding again ensuring sustainable principles are applied in LDPs and that development does not occur on land known to be of a high risk of flooding.

'Scottish Borders Local Plan' (Adopted) 2011

The Scottish Borders Local Plan (SBLP) provides greater detail on the overall acceptability of individual developments. It begins with Policy G1 'Quality Standards for New Development'. It seeks high quality design and one which can be appropriately accommodated on the site, respects its surroundings and is sustainable in terms of accessibility.

It is recognised via Policy G4 'Flooding' that large parts of the Scottish Borders can be vulnerable to flooding. Areas that are thought to be at significant risk of flooding or would increase flooding would not be permitted in terms of developing houses.

Applicants even at outline stage maybe required to undertake a competent flood risk assessment and one which identifies measures that are proposed to prevent and minimise flood risk.

Policy NE5 'Development Affecting the Water Environment' seeks that consideration be given to how development may impact on the water environment and what measures can be taken to restore the water environment. It encourages the use of Sustainable Urban Drainage (SUDs) techniques in particular. Related to this Policy Inf5 'Waste Water Treatment Standards' and Policy Inf6 'Sustainable Urban Drainage' provide specific guidelines that require to be followed by all types of new development. Development in the countryside not within or adjacent to a publicly sewered area may use a private sewerage solution provided it would not have a detrimental impact on public health or local watercourses.

One of the principle policies in the determination of the LRB appeal is Policy D2 'Housing in Countryside' and associated Supplementary Planning Guidance. It is noted that the Council wishes to promote rural housing development and in doing so:

- village locations will be preferable to open countryside
- preference will be to develop land associated to building groups where it does not adversely affect their character or surrounding area
- guidance contained within SPG on siting, design and interpretation should be taken into consideration

Policy D2(E) Housing in the Countryside states that: housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing and
4. no appropriate sites exists within a building group and

5. there is no suitable existing house or other building capable of conversion for the required residential use

Material Considerations

There are numerous material considerations in the determination of an LRB appeal of this nature (and subsequent Approval of Matters Specified in Conditions (AMSC)), including:

- Supplementary Planning Guidance:
 - 'New Housing in the Borders Countryside' (2008).
 - 'Placemaking & Design' (2010)
- Scottish Borders Council Proposed Local Development Plan (2013)
- Scottish Planning Policy (as referred to above)
- PAN 44 Fitting New Housing into the Landscape
- PAN 72: Housing in the Countryside

The principle of these documents have been adhered to when making both the original application and this LRB appeal.

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and manmade boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

The context of these documents are taken on board within Chapter 5 It is worth highlighting that SPP in particular recognises that in remote rural areas new development can often help to sustain fragile communities.

It outlines that decision making should promote small scale housing and other development that supports sustainable economic growth in rural areas subject to it adhering to environmental protection policies and addressing issues such as siting, design and environmental impact.

It goes further to state that where appropriate the construction of single houses outwith settlements should be allowed provided they are well sited and designed to fit with the local landscape character and adhere to other relevant environmental policies (para. 83).

4. Assessment

The case for planning permission to be granted centres around 3 main issues. These are as follows:

1. The house is required for an agricultural worker under policy D2(E) (retiring farmer with son-in law taking over his duties).
2. There is a requirement for on-site supervision of the riding school facilities utilised by the Berwickshire branch of the RDA.
3. There is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group

It is considered that the following will respond to each of these issues and demonstrate that the proposal is wholly compliant and that consequently planning permission should be granted. Taking cognisance of the refusal, it is reasonable to conclude that the only extant issue centres on the third point i.e. whether or not the site is well related to the existing building group at the site.

LRB History & Single House Cases

It is worth noting that in the past year, 5no. similar cases have been approved at LRB when planning permission had initially been refused at delegated level. These are as follows:

1. Erection of dwellinghouse and garage
 Land North East Of School House Heriot Scottish Borders
 Ref. No: 14/01063/PPP
2. Alterations and extension to reinstate dwellinghouse and erection of garage
 1 Prendergust Farm Cottages Eyemouth Scottish Borders TD14 5RW
 Ref. No: 14/00951/FUL
3. Erection of dwellinghouse, detached garage/stable block and formation of sand paddock
 (change of house type previously approved under consent 11/01093/FUL)
 Site 3 Rhymers Tower Land At Huntshaw Farm Huntshaw Road Earlston Scottish Borders
 Ref. No: 14/00467/FUL
4. Erection of farmhouse and detached garage
 Land South Of Mossfennan House Broughton Scottish Borders
 Ref. No: 14/00026/PPP
5. Erection of dwellinghouse and outbuilding/stables
 Plot 2 (Site 2) Land At Huntshaw Farm Steading Huntshaw Road Earlston Scottish Borders
 Ref. No: 13/00892/FUL

1. Principle

The Scottish Government, in conjunction with PAN 72, issued further policy guidance (SPP15, later enshrined in SPP) which, in general terms, seeks to facilitate appropriate development in rural areas. With regard to new development paras 10 & 18 are particularly relevant and, in the opinion of the applicants, offer clear support for this proposal. It is acknowledged that the Scottish Borders Council have generally been amongst the more pro-active Planning Authorities in seeking to embrace the tenets of rural planning policy.

This consideration is also specifically dealt with in para.29 of PAN 73 (Rural Diversification), which makes specific reference to both (now out of date) SPP's 3 & 15, where it states that "Limited new build...may be acceptable where it results in a cohesive grouping, well related to its landscape setting. " It is submitted that these views support the contention that a constructive approach to development proposals, wherein they are viewed from the aspect of whether or not they compromise the aims, and objectives, behind specific development plan policies, rather than simply contravene the literal wording, offers an opportunity to reach a much more rational solution.

Notwithstanding the above, as part of the pre-application process in respect of the withdrawn application, in an email dated 28 October 2014, planning officer Lucy Hoad stated:

'I would advise from the information you have supplied on 25 September there would appear to be an economic need for an additional dwellinghouse to support the current agricultural business at this location. I would advise that on these grounds the proposal for a dwelling would, in principle, be acceptable to the local planning authority'

The farm business includes the original stone farmhouse occupied by a family member (daughter), a bungalow occupied by Mr Morgan, and 3 further residential properties, 2 no occupied by farm workers and a third rented out to non-farm worker. On Mr Morgan's retirement it is intended that he shall remain in the existing bungalow. The farm sheds are all in use in connection with the operation of the farm and the riding school. Economic Development were consulted on the application and were supportive of the proposals:

Two aspects of agricultural economic case are considered - labour requirement and financial viability of the unit. The farm is of a size and output to demonstrate that current labour force of 3 in terms of standard man days (SMD) is satisfied. With the retirement of Mr Morgan and replacement by Mr Hewitt the number of labour units will remain at 3. Accounts demonstrate farm unit is viable.

Under Policy D2(E) the planning officer accepted that there is a direct operational need for a dwelling under these circumstances, the retirement of the principal farmer (Criteria 1 and 2). The farm unit requires 3 farm workers (taking into account standard man hours). Thus with Mr Morgan retiring and Mr Hewitt taking over the management of the business, the workers required on the farm would remain static at three.

However, under Policy D2(E) it is recognised that consideration should also be given to the siting of the proposed dwelling. The policy requires an examination of the building grouping, to establish the fact of whether no appropriate site already exists within the group (Criteria 4), and the matter of whether there is no suitable existing housing available for the required residential use (Criteria 5). Both of these matters are addressed further below in terms of Issue 3.

In respect of the criteria of policy D2(E), the planning officer concluded that *'a sufficient case has been made to demonstrate that a house may be justified at this farm in terms of employment need. This is assessed on the basis that the farm requires 3no workers and taking into account the fact that Mr Hewitt intends to take over the management duties of Mr Morgan on his retirement.'* The planning officer has further stated that *'it has not been adequately demonstrated that another dwelling on the farm could not be utilised for his accommodation.'* However, it is not unreasonable to expect that Mr Morgan should be able to retire within his present home, where he has resided for a number of years and where he is comfortable.

The planning application was submitted by the Messrs Morgan Partnership, of which Mr & Mrs Morgan and Mrs Hewit are all Partners. The Hewits are a local family whom currently reside at Greenlaw, which is some 15 miles from the site. At present, the Partnership owns the surrounding farm (which is managed by Mr Morgan) and the land on which the riding school is sited, whilst Mrs Hewit owns the planning application site. Both adjacent land uses are significant in relation to this planning application. Mr & Mrs Morgan will retire in early 2016. With the impending retirements, it is imperative that arrangements are in place for accommodation on site for Mr & Mrs Hewit to take over the management of the farm (Mr Hewit) and the riding school (Mrs Hewit). At over 15 miles away, their current residence is simply not accessible nor practical for the 24hour on site requirements of both businesses. The grant of this LRB appeal and the erection of the proposed dwellinghouse are fundamental to ensuring both the business continuity and future viability of both important local businesses.

Land ownership is not always a land use planning issue, but in this case it is pertinent. In terms of the farm element, the proposal is presented as an 'agricultural needs case' whereby planning permission can be granted on account of there being a proven agricultural need for a new dwelling. This has been accepted at the pre-application stage, as referred to above. In that regard, the applicant is happy to enter into a S.75 Legal Agreement that would control the occupancy of the proposed house so that it would be 'tied' to the agricultural operation. At present, on account of land ownership and legal restrictions thereof, this Agreement could be entered into wholly by the Partnership, as ALL of the land relating to the application is owned by Partners in the Partnership. It should be noted, however, that it is considered that a S.75 is not strictly required in this instance as a suitably worded planning condition should suffice.

The proposal is therefore acceptable in principle and Issue 1 is satisfied.

2. On-Site Security

A key consideration that has driven the choice of the siting of the house in the location proposed is security. The access road to the farm and riding centre both have to pass the proposed position of the house and

would be clearly visible from the house. It has been well documented that there has been an increase in vehicle/machinery thefts in the Scottish Borders area in the last few years, thus security in design is a high priority. As the Council are no doubt aware, this approach is fully supported by Secured by Design (SBD), a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures.

In the course of both previous applications, it was suggested to site the house in the grouping of properties to the north of the riding centre. This would not provide a satisfactory level of security as the access road and riding arena where valuable equipment is stored would not be visible whatsoever. This very crucial point has unfortunately been wholly overlooked by the planning officer in their consideration of the case.

In this respect, there are a few key incidents that it is important to bring to the Council's attention to highlight the pertinence of the integral role of security in respect of the siting of the proposed house:

- The RDA houses more than £20,000 worth of equipment within the arena.
- In terms of the farm, some time ago there was an accident whereby a motor vehicle car ran into a major boundary fence. The proximity of the main farmhouse facilitated immediate fence repair and horse round up so that damage was minimised.
- In 2014 a horse took ill during the night and Mrs Morgan had to attend every 2 hours, whereas with increasing age this is not going to be possible or safe for her.
- The RDA trains at least one horse care student each year from the Scottish Borders College, which requires constant supervision.

The proposed site is the only location whereby security can be maximised to the extent required for both the farm operation and more significantly, in respect of the Riding School. Point 2 is therefore proven to be acceptable. The location for the proposed house is also acceptable in terms of its siting, as discussed further below:

3. Siting & Relationship with Building Group

The planning officer concluded that: *'Taking into account the pattern of development at the farm up to this point in time, the proposed plot has a weak relationship to the group.'* We would fundamentally disagree with this position and respond as follows:

Firstly, whilst it is accepted that, owing to the natural development of the agricultural grouping, there are several sites within the grouping that may also accord with the requirements of Policy D2 and also SPG. However, the crucial point is that the proposal site **does** also meet these requirements **and** the security requirements of the appellants as discussed above.

The site in question adjoins and relates well to an established and substantial rural building group. The main farm buildings collectively represent a significant grouping of buildings, amounting to some 15 or so different buildings in total. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' **immediate** south. Figure 4, below, depicts the building group and delineates a broad 'oval' around the grouping. This oval clearly envelopes the application site and demonstrates its proximity to, and relationship with, the building group. All of the buildings are positioned appropriately to form this loose flattened oval.

Indeed the inclusion of the ancillary building within this proposal adds to, and securely anchors the development with the others. It is also considered that the farm building is entirely belonging and with its own sense of place as it actually continues the theme, and streetscape of that as existing. To this end it is considered that the inclusion of the farm building, both existing and proposed, sits very contently and appropriately with the sense of place contained within the development as a whole.

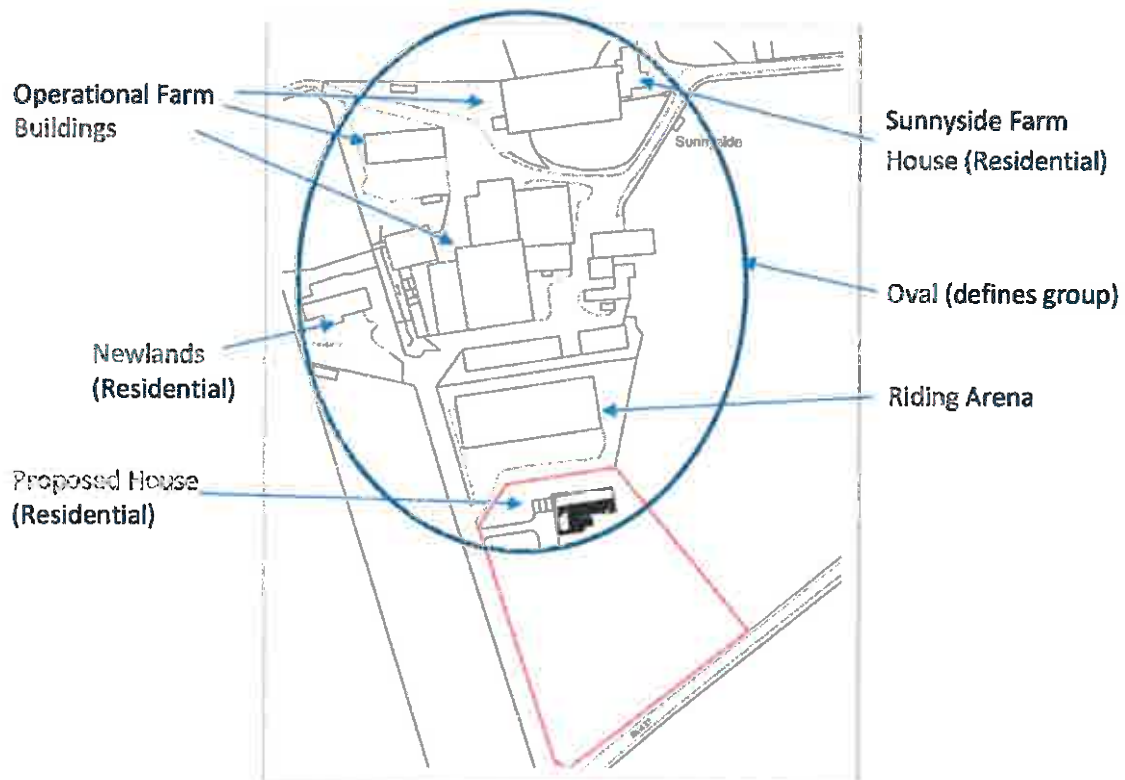


Figure 4: Relationship of Site with Existing Building Group

By working with the farm buildings as noted before, the development of the site strengthens the structure and character of the existing building group, and completes the 'flattened oval'. Outwith the security issue discussed above, it is considered that the site actually sits very well with the shared sense of place which is a requisite of the SPG guidance; but importantly not falling foul of other areas such as skyline, roofline and slopes/landform.

Open countryside adjoins the plots eastern, western and southern boundaries. The proposal recognises the sensitivities that this may give rise to and the reasoning for substantial boundary treatment in these locations. In the landscape plan that would be required at the next stage in the planning process could incorporate provision of new woodland/planting. In other instances where there is an open boundary this have proven to be acceptable elsewhere in the Scottish Borders (e.g. application 12/00046/AMC) and, if implemented to the satisfaction of the planning department, should be seen as an acceptable way of softening any potential visual impact.

Given the lack of infill opportunities of a similar plot size within the farm context, taken together with the need to be in close proximity to the riding school (as discussed above), the chosen plot is considered the next development option in that it feels part of the existing building group's sense of place, directly abuts existing built form. The plot can in no way be deemed as being sited in an unduly prominent location.

SPG on Placemaking & Design guidance notes its first observation as the requirement in relation to the sustainable nature of any proposed development. The proposal here is for a passive house and so very much in accordance with the guidance. Whilst it is not in itself a pure siting issue it does represent the appellant's desire to accord with all of the planning principles to provide the best dwelling that is possible on the site that does seek to meet all of the various requirements of planning policies.

It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it. We fundamentally disagree with the planning officer's position on this matter, which was the sole reason for refusal. This third point is accordingly satisfied.

Consultee Responses

No objections whatsoever were received in respect of the planning application:

SEPA: No objection. Informative advised in respect of contact details for regulatory advice.

Roads Planning: No objection subject to condition in respect of access visibility improvements and parking/turning requirements. Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence. Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

Community Council: No objection

Other Material Considerations

Landscaping

There will be no adverse impact on the adjacent landscape as a result of this proposal owing to the proximity to its siting and the topography of the surrounding landform. The site will be enclosed by a post and wire fence, a beech hedge and a reinstated stone wall. These are all features that are entirely in keeping with the mainly rural setting within which the site sits.

Scale, Massing & Design

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. It is proposed that the house will be a modest single storey in height, and traditional in appearance, all to sympathetically respect both the wider vernacular and more immediately, the existing 'Newlands' residence, located to the north west of the site. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general. The house will be a well-proportioned family home.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate.

The proposed house therefore fully complies in respect of scale, massing and design.

Access

A new access to the site will be formed from the principal access road that runs from north to south which will ensure that the required sight lines can be achieved ensuring safe access and egress from the plot. This access, as so formed, will be designed and constructed in accordance with the requirements of the roads department.

Energy and Sustainability

The proposed house is south facing, with the majority of glazing proposed being located on the southern elevation, thus maximising solar gain. Notwithstanding the outwardly traditional appearance of the new dwelling it is intended that the house will be designed to the highest thermal and energy standards using 'Passive House' principals. With very low u-values to all external elements (walls, floors, windows, doors and roofs), high levels of air tightness, solar gains and a heat recovery system the house will benefit from very low heating requirements. The effect of this will be a significant reduction in CO2 emissions greatly exceeding the requirements of the current and proposed building regulations

Services

Mains Water and Power are available nearby. Drainage will be to a private system comprising of a septic tank and soakaway system within the boundary of the site. Surface water will be discharge to localised soakaways.

Flooding

The site in question is considered to have no flooding history. It sits at a higher level and located some distance from any watercourse.

There are no significant flood risks noted on or around the site with the acceptance that Sustainable Urban Drainage techniques will be adopted where necessary and based on advice from the Council, SEPA and Scottish Water. The proposal therefore complies with guidance contained within Policy G4 of the local plan.

Contributions

In line with supplementary guidance, developer contributions are sought for local education provision (Reston Primary and Eyemouth High Schools). A contribution of £5275 is sought for the Primary School and £4512 for the High School, making a total contribution of £9787.

Many of the other policy considerations contained within the local plan are on matters such as infrastructure (eg. Policy Inf6 'Sustainable Urban Drainage') and which we would expect to form conditions on any PPP.

Overall, in respect of material considerations, the foregoing makes it clear that the proposed dwellinghouse can be satisfactorily accommodated at this location.

Conclusion

The principle is accepted and the proposal fully complies with the Development Plan and there are no material considerations that outweigh the development plan presumption in favour of the proposal. It is therefore respectfully requested that this appeal against refusal of planning permission is upheld by the LRB of Scottish Borders Council.

5. Conclusion

Overall, this LRB appeal against the refusal of planning permission for a single house can be justified, both in terms of planning policy and also material considerations.

The proposed dwellinghouse at this location is acceptable as confirmed in an email from a Scottish Borders Council Planning Officer as part of the pre-application process in respect of the previous planning application. The house could be tied to the existing farm business either by a Legal Agreement or condition, as required. However, there is no reason why a suitably worded planning condition would not suffice.

The RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach. The ongoing viability of this business depends on the success of this planning application. Further, the siting of the proposed house in respect of the security of that business and the wider farm is critical. It simply cannot be amended.

The site in question adjoins and relates well to an established and substantial rural building group, as part of an 'oval' as defined in Figure 4. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' **immediate** south. It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it.

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate. Requisite sightlines can be wholly achieved and the proposal is therefore considered to be acceptable in this regard.

The principle is accepted and the proposal fully complies with the Development Plan and there are no material considerations that outweigh the development plan presumption in favour of the proposal. For the reasons outlined in this report, we consider the reason for refusal is unjustified. The appeal proposals comply with all relevant policies of the Development Plan and all material considerations. In these circumstances, this appeal should be allowed and planning permission should be granted. It is therefore respectfully requested that planning permission be granted by the LRB of Scottish Borders Council

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Application for Planning Permission

Reference : 15/00424/FUL

**To : Messrs Morgan Partnership per Cockburn's Consultants Per Brent Quinn 29 Ryehill Terrace
Edinburgh EH6 8EN**

With reference to your application validated on **23rd April 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal: Erection of dwellinghouse

at: Land South Of Riding Centre Newlands Sunnyside Reston Scottish Borders

The Scottish Borders Council hereby **refuse** planning permission for the reason(s) stated on the attached schedule.

**Dated 22nd June 2015
Regulatory Services
Council Headquarters
Newtown St Boswells
MELROSE
TD6 0SA**

Signed 
Service Director Regulatory Services

APPLICATION REFERENCE: 15/00424/FUL

Schedule of Plans and Drawings Refused:

Plan Ref	Plan Type	Plan Status
6022.SP	Site Plan	Refused
6022PL2	Site Plan	Refused
6022PL1	General	Refused

REASON FOR REFUSAL

- 1 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.

FOR THE INFORMATION OF THE APPLICANT

If the applicant is aggrieved by the decision of the Planning Authority to refuse planning permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under Section 43A of the Town and Country Planning (Scotland) Act 1997 within three months from the date of this notice. The notice of review should be addressed to Corporate Administration, Council Headquarters, Newtown St Boswells, Melrose TD6 OSA.

If permission to develop land is refused or granted subject to conditions, whether by the Planning Authority or by the Scottish Ministers, and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner may serve on the Planning Authority a purchase notice requiring the purchase of his interest in the land in accordance with the provisions of Part 5 of the Town and Country Planning (Scotland) Act 1997.

SCOTTISH BORDERS COUNCIL

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO
SERVICE DIRECTOR REGULATORY SERVICES**

PART III REPORT (INCORPORATING REPORT OF HANDLING)

REF : 15/00424/FUL

APPLICANT : Messrs Morgan Partnership

AGENT : Cockburn's Consultants

DEVELOPMENT : Erection of dwellinghouse

LOCATION: Land South Of Riding Centre
Newlands
Sunnyside
Reston
Scottish Borders

TYPE : FUL Application

REASON FOR DELAY: No Reason

DRAWING NUMBERS:

Plan Ref	Plan Type	Plan Status
6022.SP	Site Plan	Refused
6022PL2	Site Plan	Refused
6022PL1	General	Refused

NUMBER OF REPRESENTATIONS: 1
SUMMARY OF REPRESENTATIONS:

Education: The proposed development is located within the catchment area for Reston Primary School and Eyemouth High School.
A contribution of £5275 is sought for the Primary School and £4512 for the High School, making a total contribution of £9787.

SEPA: No objection. Informative advised in respect of contact details for regulatory advice.

Roads Planning: No objection subject to condition in respect of access visibility improvements and parking/turning requirements.

Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence.

Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

Community Council: No objection Concerns raised include:

Consideration to be given to passing place
Selection of materials
Consideration of reflection from glazing south elevation

Economic Development: No objection. Two aspects of agricultural economic case are considered - labour requirement and financial viability of the unit. The farm is of a size and output to demonstrate that current labour force of 3 in terms of standard man days (SMD) is satisfied. With the retirement of Mr Morgan and replacement by Mr Hewitt the number of labour units will remain at 3. Accounts demonstrate farm unit is viable. No consideration has been given for Disabled Riding School - it does not constitute an economic benefit.

A third party comment has been received supporting the proposals: Main points raised include:
No objections from the Berwickshire Group RDA
The site will increase security for the riding facility and equipment
The proposal will be of benefit to the RDA operation as the occupants will be on hand to facilitate access to the arena, to ensure security and to ensure welfare of the horses used by the group

PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Council Consolidated Local Plan 2011

G1 Quality Standards for New Development
G5 Developers Contributions
D2 Housing in the Countryside
H2 Protection of Residential Amenity
NE3 Local Biodiversity
NE4 Trees, Woodlands and Hedgerows
Inf4 Parking Standards

Supplementary Planning Guidance
New Housing in the Borders Countryside

Recommendation by - Lucy Hoad (Planning Officer) on 22nd June 2015

Site

Newlands Sunnyside Farm, is located 2.4km to the west of Reston and 0.7km north of Auchencrow. The landscape is characterised mainly by an open landscape comprising a series of undulating hills. The farm complex sits on rising land and comprises the main farmhouse located to the north, three farm cottages to the north west, and a bungalow to the north east. There is a mixture of traditional and modern sheds immediately adjacent and central to the group. The site lies to the south of the indoor riding arena directly visible from the B6437 to the east and south. Access is to be taken via the southern private access route off the public road. The site is not within any natural heritage designations

History

14/01288/FUL An earlier application for the erection of a dwellinghouse for a farm worker on the site was withdrawn by the applicant. The applicant was advised at the time that the site did not relate well to the existing group extending beyond the limits of the group, and that preferable alternative sites within the farm complex existed.

Proposal

This application seeks planning consent in full for the erection of a dwellinghouse on land to the south of the indoor riding arena. The site (7260 sqm) is roughly rectangular in shape and comprises arable grassland. The application is accompanied by plans, elevations and a supporting planning statement.

The layout plan illustrates the footprint of a house, set back within the plot (north) with provision of a new access, parking area, and amenity space. The plans depict a single storey house (pitched roof) with full height projection (south elevation). External materials include a mixture of render, and timber with slate roof.

The planning statement sets out the case that the house is justified on the following grounds.

1 The house is required for an agricultural worker under policy D2(E) (retiring farmer with son-in law taking over his duties).

2 There is an existing building group at this location, and the proposed dwelling would be a suitable addition to the group

3 There is a requirement for on-site supervision of the riding school facilities utilised by the Berwickshire branch of the RDA.

Policy

Under Policy D2(E) Housing in the Countryside, housing with a location essential for business needs may be acceptable if the Council is satisfied that

1 the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominately employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement or,

2 it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside and

3 the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing and

4 no appropriate sites exists within a building group and

5 there is no suitable existing house or other building capable of conversion for the required residential use

The Council's Supplementary Planning Guidance: New Housing in the Borders Countryside states that the existence of a group will be identifiable by a sense of place which will be contributed to by natural and man-made boundaries. Sites should not normally break into undeveloped fields particularly where there exists a definable natural boundary between the building group and the field and the new development should be limited to the area contained by that sense of place. Any new development should be within a reasonable distance of the existing properties within the building group and this distance should be guided by the spacing between the existing properties in the building group. The scale and siting of new development should reflect and respect the character and amenity of the existing building group.

Assessment

The planning statement explains that the proposed dwelling is for the son-in-law Mr Hewitt who intends to take over the running of the business from the principle farmer who intends to retire (Mr Morgan). In addition the statement advises that Mrs Hewitt intends to take over the management of the adjacent riding school currently used by the Berwickshire RDA group.

The farm business includes the original stone farmhouse occupied by a family member (daughter), a bungalow occupied by Mr Morgan, and 3 further residential properties, 2no occupied by farm workers and a third rented out to non-farm worker. On Mr Morgan's retirement it is intended that he shall remain in the existing bungalow. The farm sheds are all in use in connection with the operation of the farm and the riding school. Economic Development has been consulted on the application and is supportive of the proposals.

Under Policy D2(E) it is accepted that there may be a direct operational need for a dwelling under these circumstances, the retirement of the principal farmer (Criteria 1 and 2). The farm unit requires 3 farm workers (taking into account standard man hours). Thus with Mr Morgan retiring and Mr Hewitt taking over the management of the business, the workers required on the farm would remain static at three. However, under Policy D2(E) it is recognised that consideration should also be given to the siting of the proposed dwelling. The policy requires an examination of the building grouping, to establish the fact of whether no appropriate site already exists within the group (Criteria 4), and the matter of whether there is no suitable existing housing available for the required residential use (Criteria 5).

Taking into account the pattern of development at the farm up to this point in time, the proposed plot has a weak relationship to the group. The site would break into the undeveloped field to the south of the riding school, and extend/enlarge the group of agricultural buildings southward towards the roadway. A walk over of the farm was undertaken by the applicant and the planning officer during the site visit. It appeared that there were alternative sites within the group that could provide for a more logical expansion of the group, for example land adjacent to the existing farm cottages lying to the north west of the grouping. However, during the site visit the applicant advised that the current site was the preferred location for the new dwelling in order to provide security to the riding school.

In consideration of the issue of siting, it is noted that criteria four of Policy D2 has not been met, given the existing pattern of development at the farm.

It is the councils understanding that there is 1 property under the control of the farm which is rented out to non-farm workers within the group which raises the issue of whether there is a shortfall of accommodation at the farm. It appears that there may be availability of another property on the farm that could provide accommodation for a farm worker contrary to criteria five of Policy D2.

Design

The scale, mass and form of the proposed dwelling reflects the design of new modern housing recently approved within the Scottish Borders countryside, with use of traditional materials.

Amenity

In terms of neighbouring amenity, the proposal raises no privacy or daylight issues.

Access and parking

The Roads Officer has been consulted on the application and has no objection to the proposals subject to works to improve visibility at the junction with the public road which will require removal of a short section of hedging along the road side boundary and minor fence alterations. He requires 2No parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity. The plot provides ample room for turning and parking as required by roads standards.

Landscaping

It is intended to retain the existing field boundaries and erect a new post and wire fence to the western boundary of the site. No additional planting has been proposed.

Services

The applicant has indicated that the development will receive its water from a public mains supply. A new sewage treatment plant/septic tank and related private foul and surface water drainage system is proposed within the plot. Drainage proposals would require to be assessed by the Building Standards Officer via the building warrant process. Connection to the public mains water supply would be assessed by application to Scottish Water.

Representations

A letter of support has been received from the Secretary of the Berwickshire Group RDA.. The group is supportive of the proposed development as the siting of the house will provide security for the riding facility and equipment inside. In addition the occupants would be on hand to facilitate access to the arena, to ensure security, and to help ensure welfare of the horses used by the group.

There has been no further third party comments/representation received in respect of this application.

Legal

In line with supplementary guidance, developer contributions are sought for local education provision (Reston Primary and Eyemouth High Schools). A Legal Agreement would be required to tie the housing to the farm.

In terms of occupancy the submitted planning statement requests that there should be no requirement placed upon the applicant to have any consent unduly restricted by S75 agreement. A condition on occupancy is preferred.

Policy D2 states that the applicant or landowner may be required to enter a Section 75 agreement with the authority to tie the proposed house or any existing house to the business for which it is justified, and to

restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants.

Conclusion

In terms of the criteria of policy D2(E), it is considered that a sufficient case has been made to demonstrate that a house may be justified at this farm in terms of employment need. This is assessed on the basis that the farm requires 3no workers and taking into account the fact that Mr Hewitt intends to take over the management duties of Mr Morgan on his retirement. However, it has not been adequately demonstrated that another dwelling on the farm could not be utilised for his accommodation.

The form of development layout does not relate well to the existing group at Newlands. In considering the extent of the site, and the footprint of the proposed development, it was felt that the site and footprint of the house extended beyond the limits of the group, bounded on the southern side by the agricultural sheds. The applicant was advised to consider an alternative site to ensure the new house would sit comfortably within the limits of the group.

The applicant has sought to keep the development close to the riding stables and at a distance from the existing residential properties at the farm. The proposed site is located within an area of land that is clearly visible from the public road. No planting has been proposed to help screen or integrate the development into the existing group.

The proposal is not considered acceptable under the criteria of policy D2(E) as the site extends the group outwards into the unbroken field with related adverse effects on the landscape and amenity of the surrounding area. Alternative sites that are better related to the existing buildings and sense of place created by the group, exist within the farm complex and these should be tested through the planning process. Furthermore, an existing farm cottage, albeit occupied but a non-farm worker, could be made available for the required residential use.

REASON FOR DECISION :

The proposal is contrary to policies G1 and D2 of the Consolidated Local Plan 2011, in that the site would break into a previously undeveloped field outwith the identifiable boundaries of the building group giving rise to an adverse visual impact on the setting, appearance and character of the established building group.

Recommendation: Refused

- 1 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.

“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.



Newtown St Boswells Melrose TD6 0SA

Tel: 01835 825251

Fax: 01835 825071

Email: itsystemadmin@scotborders.gov.uk

Applications cannot be validated until all necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 000117196-001

The online ref number is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the Planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

We strongly recommend that you refer to the help text before you complete this section.

- Application for Planning Permission (including changes of use and surface mineral working)
- Application for Planning Permission in Principle
- Further Application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Have the works already been started or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant, or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Cockburn's Consultants
Ref. Number:	
First Name: *	Brent
Last Name: *	Quinn
Telephone Number: *	07708971120
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address: *	cockburnsconsultants@gmail.com

You must enter a Building Name or Number, or both:*

Building Name:	
Building Number:	29
Address 1 (Street): *	Ryehill Terrace
Address 2:	
Town/City: *	Edinburgh
Country: *	UK
Postcode: *	EH6 8EN

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	
Other Title:	
First Name:	
Last Name:	
Company/Organisation: *	Messrs MorganPartnership
Telephone Number:	
Extension Number:	
Mobile Number:	
Fax Number:	
Email Address:	

You must enter a Building Name or Number, or both:*

Building Name:	per Sunnyside Farm
Building Number:	
Address 1 (Street): *	Sunnyside Farm
Address 2:	
Town/City: *	by Reston
Country: *	Scotland
Postcode: *	TD14 5LN

Site Address Details

Planning Authority:

Scottish Borders Council

Full postal address of the site (including postcode where available):

Address 1:

Address 5:

Address 2:

Town/City/Settlement:

Address 3:

Post Code:

Address 4:

Please identify/describe the location of the site or sites.

Land South of Riding Centre, Sunnyside Farm

Northing

661212

Easting

385237

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (Max 500 characters)

This application is a resubmission of no. 14/01288/FUL. In advance of the last submission, the following key outcome advised by Lucy Hoad in an email dated 28/10/2014 should be noted:

From the information you have supplied there would appear to be an economic need for an additional dwellinghouse to support the current agricultural business at this location. I would advise that on these grounds the proposal for a dwelling would, in principle, be acceptable to the local planning authority.

Title:

Ms

Other title:

First Name:

Lucy

Last Name:

Hoad

Correspondence Reference Number:

14/00747/PREAPP

Date (dd/mm/yyyy):

28/10/14

Note 1. A processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

7260.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: (Max 500 characters)

Grazing land for horses

Access and Parking

Are you proposing a new or altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any changes to public paths, public rights of way or affecting any public rights of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application site? *

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the total of existing and any new spaces or a reduced number of spaces)? *

3

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycle spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
- No – proposing to make private drainage arrangements
- Not Applicable – only arrangements for water supply required

What private arrangements are you proposing? *

- New/Altered septic tank.
- Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
- Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: * (Max 500 characters)

Proposed Treatment Plant with outflow to soakaway

Do your proposals make provision for sustainable drainage of surface water? (e.g. SUDS arrangements) *

Yes No

Note: -

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details:(Max 500 characters)

A Utility is indicated on the floor plans, where household waste and recycling will be stored until collection day.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development - Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATIONS 2013

One Certificate must be completed and submitted along with this application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding.

Signed: Brent Quinn

On behalf of: Messrs MorganPartnership

Date: 14/04/2015

Please tick here to certify this Certificate. *

Checklist - Application for Planning Permission

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major developments (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and County Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan. *

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Planning Statement

Declare - For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying plans/drawings and additional information are provided as a part of this application .

Declaration Name: Brent Quinn

Declaration Date: 15/04/2015

Submission Date: 15/04/2015

Planning Statement:

For: Messrs Morgan Partnership

To Support: Proposed Erection of Single Dwellinghouse at Land South Of Riding Centre, Newlands, Sunnyside Farm, Reston, Scottish Borders



Prepared by:
Brent Quinn MA(Hons) MRTPI PRINCE2
Cockburn's Consultants
April 2015
www.cockburnsconsultants.com

JOB REFERENCE: HH/15004/BQ
ON BEHALF OF: MR ANDREW MORGAN
VERSION: FINAL DRAFT (SUBMISSION)
DATE: 14 APRIL 2015

PREPARED BY:



BRENT D QUINN MA (Hons)

Cockburn's Consultants 2015

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1. Introduction, Site & Proposal

Introduction

This supporting statement has been prepared by Cockburn's Consultants on behalf of the Messrs Morgan Partnership (hereafter the 'Partnership'). Collectively, the Partnership owns all of the land pertaining to this planning application. The proposed house is for Mr & Mrs Hewitt, whereby Mrs Hewitt is a Partner in the Partnership. This application seeks full planning permission to erect a much needed new family house on existing farmland and adjacent to the Berwickshire Riding for the Disabled Association (RDA), all at Sunnyside Farm, Reston.

An original planning application (14/01288/FUL) for the new dwelling was lodged by Fleming Homes on behalf of the applicant on 22 November 2014 and was subsequently withdrawn on 25 February 2015. Cockburn's Consultants were not associated with this original application. The withdrawal was instructed on account of an understanding from the planning officer that the application was likely to be refused. There were two apparent issues that may (or may not) have acted as reasons for refusals. It is understood that these issues centred around a) the proposed siting of the proposed dwellinghouse and b) some legal misunderstandings. This revised submission demonstrates full compliance with the Development Plan and takes cognisance of other relevant material considerations such that planning permission should be granted.

A location plan showing the application site is shown below in Figure 1.

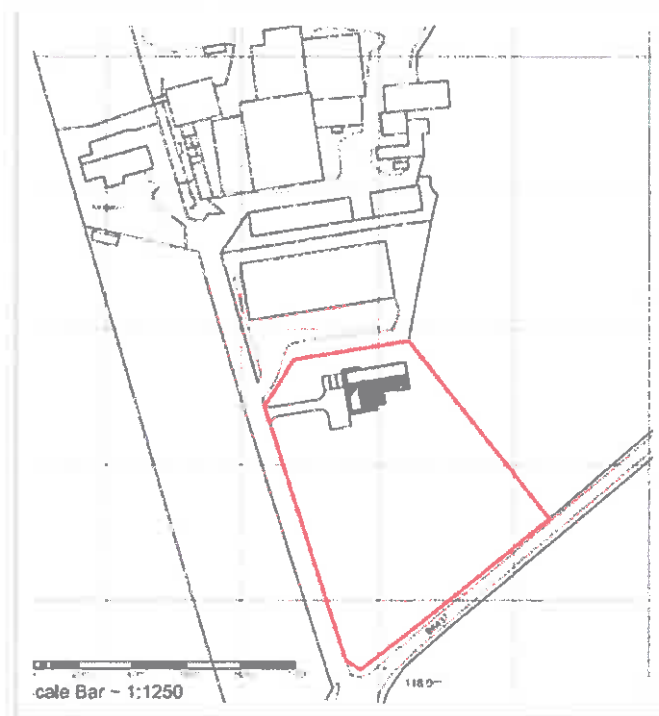


Figure 1: Location Plan (not to scale)

Site Description

The site is some 1.5 acres or thereby in size and is irregular in shape. It wholly comprises grazing grass for horses in relation to the riding school to the north.

The site is bounded to the north by a post and wire fence, beyond which lies an indoor riding arena, and further beyond this there is a substantial grouping of agricultural buildings of varying size and style. A partly tarmacked access road that serves the farm and the riding arena runs from the B6437 to the south, and runs on a north to south axis. The access road acts as the western boundary, which is further defined in its entirety by a mature beech hedge whilst the B6437 bounds the site to the south. Although the site is generally open to the east, a small post and wire fence does act as a border to the site on this boundary.

The wider area is generally characterised by open pasture agricultural land with the main A1 dual carriageway being located some 1km due north of the site and the small settlement of Auchencrow is positioned some 600m or thereby to the south.

Proposal

Full planning permission is sought for the erection of a single dwellinghouse. Figure 2, below, provides a site plan that illustrates how the site will be broken up in terms of landscaping, open space and the positioning of the new house.



Figure 2: Site Plan (not to scale)

Elevations that illustrate what is being sought in terms of the overall scale and massing of the proposed house are shown below, in Figure 3. It is considered that this architectural approach is very much in keeping with the rural vernacular found throughout the Scottish Borders. The proposed house would be single storey in height with a pitched roof design with wall head dormers and single storey outshots and similar in design to the houses proposed immediately to the east. The materials proposed include slate, render and timber cladding.



Figure 3: Elevations (not to scale)

Report Structure

Following this introduction, this report comprises:

- Section 2: Background
- Section 3: Planning Policy
- Section 4: Assessment; and
- Section 5: Conclusion.

Due to the small size of the site and that only a single dwellinghouse is being proposed, the application is classed as a "Local Development" in terms of the Town and Country Planning (Hierarchy of Developments) (Scotland) Regulations 2009.

It is respectfully requested that this planning application is granted by the Scottish Borders Council.

2. Background

Agricultural Overview

Currently Mr Andrew Morgan runs business day to day management of Sunnyside Farm, in particular in respect of the sheep flock, including sheep health and safety. The management plan for the future operation of Sunnyside Farm is for Mr Philip Hewit to take over the full day to day sheep care in early 2016 following the retirement of Mr Andrew Morgan in early 2016.

As an agricultural business, the farm produces approximately 1600 tons of wheat rape Barley combined, as well as around 1750 lambs for meat and replacements and 5 tons of wool. They also plough sow and combine 200 acres for other farmers.

At present, the farm employs 2 full time staff plus seasonal labour, as well as Mr Andrew Morgan full time, (although as referred to above he is set to retire in early 2016).

Equestrian Centre/Riding School – A Community & Regional Facility



The operation and history of the riding school (Berwickshire Riding for the Disabled Association (RDA)) is important in the consideration of this planning application, but more importantly its physical relationship with the proposed site is paramount. This section considers the former, whilst Section 4 goes into further detail on the latter.

Riding School History

Berwickshire Group RDA was formed in 1982 and for the first ten years of its life moved around various locations in eastern Berwickshire before successfully settling at Sunnyside and Buskin for the last 8 years.

At this point the Group rode outside in fields on Wednesday and Thursday mornings however in 1999 the weather changed and many days had to be cancelled because of overhead and ground conditions. At this time, the Group was also seeing a much bigger demand for riding places so Mr Andrew Morgan offered land at Sunnyside Farm (i.e. its current location) for a peppercorn rent for the Group so that the Group could build an indoor riding arena. Following a tremendous amount of hard work the Princess Royal officially opened the arena in October 2001.

In 2015, after some 14 years at Sunnyside Farm, the Group currently offers Riding and Equestrian Vaulting and has over regular 40 clients. It is so successful that there is now a substantial waiting list.

Riding School Operation

Each week the Group is helped by 6 horses and ponies and 50 volunteers. The Group currently receives no government funding and the only Council assistance is through payment for buses and taxis from schools and centres. The unpaid Group Committee, Coaches and volunteers work hard to raise enough money to provide feeding, shoeing and veterinary care for our horses and up keep the building and equipment to a high standard. The general public have been generous in their support and for this the Group is grateful.

The school now has a considerable collection of equipment and the indoor arena is vulnerable as it is slightly outwith the farm buildings and security is always a worry so having a key holder with visibility of the building would be a help and for emergency access and to open the door for the other Groups who make use of the Riding Arena. Currently, these are

- Reivers Vaulting Group,
- South of Scotland Select Vaulters,
- Berwickshire Pony Club,
- South Lammermuir Riding Club,
- Navigator Dogs Club, and
- Duns Rugby Club.

Clients coming to an RDA session benefit from the opportunity to work with an animal and the physiotherapists have fed back that the unique movement of a horse cannot be reciprocated in a clinical situation. Further, the warmth and movement of the horse allows muscles and joints to respond in a gentle way and gives wheelchair users the chance to walk on legs. Other benefits are improvement in balance, coordination, muscle tone, fitness, speech, taking instruction, memory, raising self-esteem, challenge, enjoyment, meeting and talking to the Group volunteers and for a lot of the people who benefit from the group it is essentially the chance to take part in a sport. Strong bonds develop with both horses and volunteers making a riding session an event to be looked forward to.

Clients range in age from 5 years to over 60 and have a wide variety of disabilities, with some in wheel chairs. The Group also offers the opportunity to take RDA Grade Tests, partake in the ASDAN program and to enter competitions which many of these people would find hard to do in other situations. As the volunteer population ages replacing key people is always a problem so having a constant on site presence

who can deal with emergencies and cope with day to day running of the Group would be a great comfort and help to everyone.

In the recent past, schools and centres who have participated with the group or whom have referred clients are:

- Berwickshire High School
- Eyemouth High School
- Eyemouth Primary
- Duns Primary
- Coldstream Primary
- Chirnside Primary
- Coldingham primary
- Ayton Primary
- Greenlaw Primary
- Reston Primary
- Cockburnspath Primary
- Lanark Lodge Day Centre
- Station Avenue Care Home
- Others who come independently

The foregoing clearly illustrates that RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach.

Riding School - Future

Currently, the day to day horse management is undertaken by Mrs Margaret Morgan, who at the time of the application is aged at 67 years. The business plan for the school will see Mrs Morgan retire sometime this year (2015) and for Rebecca Hewit, (her daughter in law) to immediately then take over this role.

3. Planning Policy

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 requires that where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Development Plan

The Development Plan is made up of the SESplan Strategic Development Plan (Approved) 2013 and the Scottish Borders Consolidated Local Plan (Adopted) 2011.

SESplan Strategic Development Plan (Approved) 2013

The Strategic Development Planning Authority in June 2013 received note from Scottish Ministers of the approval of SESplan (SDP). It therefore supersedes the Scottish Borders Structure Plan (SBSP). Many of the policy principles remain, however, the geographic area covered has increased substantially with the overall content diluted (particularly with regard to rural housing). The focus, in terms of determining applications like that proposed, will be more on the Local Development Plan (LDP).

The site falls within a rural area of the Scottish Borders but one that is located within close proximity of the A1 strategic transport corridor.

In relation to housing SESplan outlines the housing land requirements for each of the authority areas and the preferred locations for growth. The Scottish Ministers in their approval have sought modifications particularly with regard to what they see as being an under provision in current housing allocations.

A number of infrastructure type policies (8,9,15) are outlined with regard to transport, infrastructure and flooding again ensuring sustainable principles are applied in LDPs and that development does not occur on land known to be of a high risk of flooding.

'Scottish Borders Local Plan' (Adopted) 2011

The Scottish Borders Local Plan (SBLP) provides greater detail on the overall acceptability of individual developments. It begins with Policy G1 'Quality Standards for New Development'. It seeks high quality design and one which can be appropriately accommodated on the site, respects its surroundings and is sustainable in terms of accessibility.

It is recognised via Policy G4 'Flooding' that large parts of the Scottish Borders can be vulnerable to flooding. Areas that are thought to be at significant risk of flooding or would increase flooding would not be permitted in terms of developing houses.

Applicants even at outline stage maybe required to undertake a competent flood risk assessment and one which identifies measures that are proposed to prevent and minimise flood risk.

Policy NE5 'Development Affecting the Water Environment' seeks that consideration be given to how development may impact on the water environment and what measures can be taken to restore the water environment. It encourages the use of Sustainable Urban Drainage (SUDs) techniques in particular.

Related to this Policy Inf5 'Waste Water Treatment Standards' and Policy Inf6 'Sustainable Urban Drainage' provide specific guidelines that require to be followed by all types of new development. Development in the countryside not within or adjacent to a publicly sewered area may use a private sewerage solution provided it would not have a detrimental impact on public health or local watercourses.

One of the principle policies in the determination of the application is Policy D2 'Housing in Countryside' and associated Supplementary Planning Guidance. It is noted that the Council wishes to promote rural housing development and in doing so:

- village locations will be preferable to open countryside
- preference will be to develop land associated to building groups where it does not adversely affect their character or surrounding area
- guidance contained within SPG on siting, design and interpretation should be taken into consideration

Material Considerations

There are numerous material considerations in the determination of an application of this nature, including:

- Supplementary Planning Guidance:
 - 'New Housing in the Borders Countryside' (2008).
 - 'Placemaking & Design' (2010)
- Scottish Borders Council Proposed Local Development Plan (2013)
- Scottish Planning Policy (as referred to above)
- PAN 44 Fitting New Housing into the Landscape
- PAN 72: Housing in the Countryside

The principle of these documents have been adhered to when making this application.

The context of these documents are taken on board within Chapter 4. It is worth highlighting that SPP in particular recognises that in remote rural areas new development can often help to sustain fragile communities.

It outlines that decision making should promote small scale housing and other development that supports sustainable economic growth in rural areas subject to it adhering to environmental protection policies and addressing issues such as siting, design and environmental impact.

It goes further to state that where appropriate the construction of single houses outwith settlements should be allowed provided they are well sited and designed to fit with the local landscape character and adhere to other relevant environmental policies (para. 83).

4. Assessment

Due to the proposal falling within a countryside location 'Policy D2: Housing in the Countryside' is a key over-riding policy in the overall determination of the application. However, the 5 key issues to be considered in the determination of this case are:

- 1) The principle of the application,
- 2) If occupancy of the proposed development can be controlled in a satisfactory manner,
- 3) The siting of the plot, having regard to need for security, natural surveillance, etc.,
- 4) Is the proposed plot acceptable in principle at the location, taking cognisance of the siting of the relationship with the building group,
- 5) If the proposed development can be accommodated within the site without any adverse impact on landscape setting, transport, and other material considerations

It is considered that the following will respond to each of these issues and demonstrate that the proposal is wholly compliant and that consequently planning permission should be granted.

Issue 1 –The principle of the application

The Scottish Government, in conjunction with PAN 72, issued further policy guidance (SPP15, later enshrined in SPP) which, in general terms, seeks to facilitate appropriate development in rural areas. With regard to new development paras 10 & 18 are particularly relevant and, in the opinion of the applicants, offer clear support for this proposal. It is acknowledged that the Scottish Borders Council have generally been amongst the more pro-active Planning Authorities in seeking to embrace the tenets of rural planning policy.

This consideration is also specifically dealt with in para.29 of PAN 73 (Rural Diversification), which makes specific reference to both (now out of date) SPP's 3 & 15, where it states that "Limited new build...may be acceptable where it results in a cohesive grouping, well related to its landscape setting. " It is submitted that these views support the contention that a constructive approach to development proposals, wherein they are viewed from the aspect of whether or not they compromise the aims, and objectives, behind specific development plan policies, rather than simply contravene the literal wording, offers an opportunity to reach a much more rational solution.

Notwithstanding the above, as part of the pre-application process in respect of the withdrawn application, in an email dated 28 October 2014, planning officer Lucy Hoad stated:

'I would advise from the information you have supplied on 25 September there would appear to be an economic need for an additional dwellinghouse to support the current agricultural business at this location. I would advise that on these grounds the proposal for a dwelling would, in principle, be acceptable to the local planning authority'

The proposal is therefore acceptable in principle and Issue 1 is satisfied.

Issue 2: If occupancy of the proposed development can be controlled in a satisfactory manner

This planning application is submitted by the Messrs Morgan Partnership, of which Mr & Mrs Morgan and Mrs Hewit are all Partners. The Hewits are a local family whom currently reside at Greenlaw, which is some 15 miles from the site. At present, the Partnership owns the surrounding farm (which is managed by Mr Morgan) and the land on which the riding school is sited, whilst Mrs Hewit owns the planning application site. Both adjacent land uses are significant in relation to this planning application. Mr & Mrs Morgan will retire in early 2016. With the impending retirements, it is imperative that arrangements are in place for accommodation on site for Mr & Mrs Hewit to take over the management of the farm (Mr Hewit) and the riding school (Mrs Hewit). At over 15 miles away, their current residence is simply not accessible nor practical for the 24hour on site requirements of both businesses. The grant of this planning application and the erection of the proposed dwellinghouse are fundamental to ensuring both the business continuity and future viability of both important local businesses.

Land ownership is not always a land use planning issue, but in this case it is pertinent. In terms of the farm element, the proposal is presented as an 'agricultural needs case' whereby planning permission can be granted on account of there being a proven agricultural need for a new dwelling. This has been accepted at the pre-application stage, as referred to above. In that regard, the applicant is happy to enter into a S.75 Legal Agreement that would control the occupancy of the proposed house so that it would be 'tied' to the agricultural operation. At present, on account of land ownership and legal restrictions thereof, this Agreement could be entered into wholly by the Partnership, as ALL of the land relating to the application is owned by Partners in the Partnership. It should be noted, however, that it is considered that a S.75 is not strictly required in this instance as a suitably worded planning condition should suffice.

Issue 3: The siting of the plot, having regard to need for security, natural surveillance, etc.

A key consideration that has driven the choice of the siting of the house in the location proposed is security. The access road to the farm and riding centre both have to pass the proposed position of the house and would be clearly visible from the house. It has been well documented that there has been an increase in vehicle/machinery thefts in the Scottish Borders area in the last few years, thus security in design is a high priority. As the Council are no doubt aware, this approach is fully supported by Secured by Design (SBD), a police initiative to guide and encourage those engaged within the specification, design and build of new homes to adopt crime prevention measures.

In the course of the previous application, it was suggested to site the house in the grouping of properties to the north of the riding centre. This would not provide a satisfactory level of security as the access road and riding arena where valuable equipment is stored would not be visible whatsoever.

In this respect, there are a few key incidents that it is important to bring to the Council's attention to highlight the pertinence of the integral role of security in respect of the siting of the proposed house:

- The RDA houses more than £15,000 worth of equipment within the arena.

- In terms of the farm, some time ago there was an accident whereby a motor vehicle car ran into a major boundary fence. The proximity of the main farmhouse facilitated immediate fence repair and horse round up so that damage was minimised.
- In 2014 a horse took ill during the night and Mrs Morgan had to attend every 2 hours, whereas with increasing age this is not going to be possible or safe for her.
- The RDA trains at least one horse care student each year from the Scottish Borders College, which requires constant supervision.

To conclude, the proposed site is the only location whereby security can be maximised to the extent required for both the farm operation and more significantly, in respect of the Riding School. The location for the proposed house is also acceptable in terms of its siting, as discussed further below:

Issue 4: Is the proposed plot acceptable in principle at the location, taking cognisance of the siting of the relationship with the building group

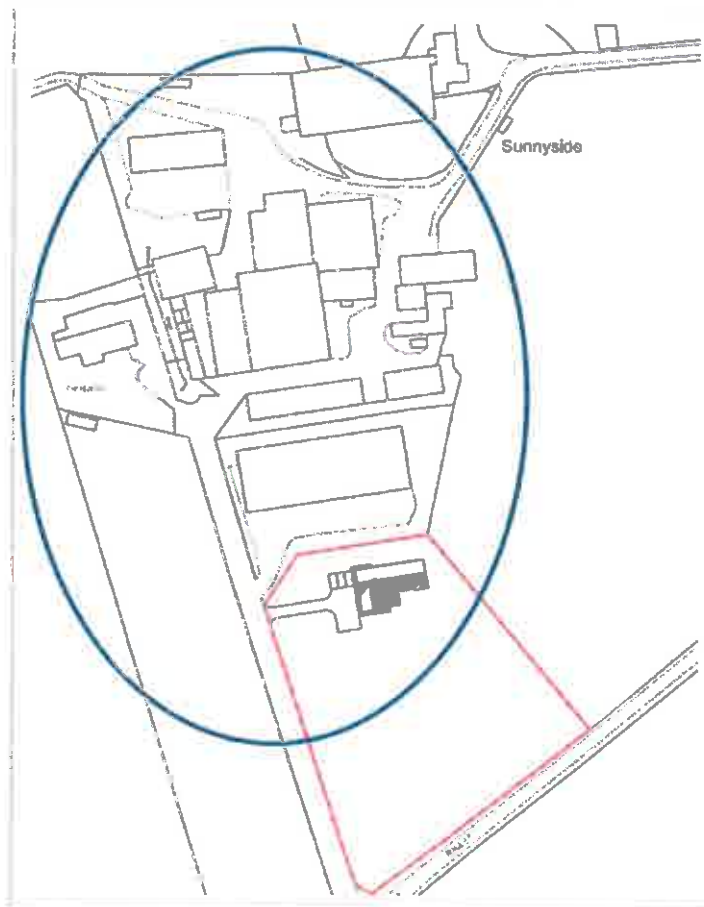


Figure 4: Relationship of Site with Existing Building Group

The site in question adjoins and relates well to an established and substantial rural building group. The main farm buildings collectively represent a significant grouping of buildings, amounting to some 15 or so different buildings in total. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' **immediate** south. Figure 4, above, depicts the building group and delineates a broad circle around the grouping. This circle clearly envelopes the application site and demonstrates its proximity to, and relationship with, the building group.

Open countryside adjoins the plots eastern, western and southern boundaries. The proposal recognises the sensitivities that this may give rise to and the reasoning for substantial boundary treatment in these locations. In the landscape plan that would be required at the next stage in the planning process could incorporate provision of new woodland/planting. In other instances where there is an open boundary this have proven to be acceptable elsewhere in the Scottish Borders (e.g. application 12/00046/AMC) and, if implemented to the satisfaction of the planning department, should be seen as an acceptable way of softening any potential visual impact.

Given the lack of infill opportunities within the farm context, taken together with the need to be in close proximity to the riding school (as discussed above), the chosen plot is considered the next development option in that it feels part of the existing building group's sense of place, directly abuts existing built form. The plot can in no way be deemed as being sited in an unduly prominent location.

It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it.

Issue 5: If the proposed development can be accommodated within the site without any adverse impact on landscape setting, transport, and other material considerations

Landscaping

There will be no adverse impact on the adjacent landscape as a result of this proposal owing to the proximity to its siting and the topography of the surrounding landform. The site will be enclosed by a post and wire fence, a beech hedge and a reinstated stone wall. These are all features that are entirely in keeping with the mainly rural setting within which the site sits.

Scale, Massing & Design

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate.

It is proposed that the house will be a maximum of two storeys and traditional in appearance. The house will be a well-proportioned family home. External materials will be driven by those used locally. Therefore it is expected that this would include natural slate roofing, stone and/or rendered walls and painted windows. Windows would observe traditional proportions.

The proposed house therefore fully complies in respect of scale, massing and design.

Access

No new access will be formed from the main road, but a new access to the site will be formed from the existing, private access road that runs from north to south which will ensure that the required sight lines can be achieved ensuring safe access and egress from the plot. This access, as so formed, will be designed and constructed in accordance with the requirements of the roads department.

Energy and Sustainability

The proposed house is south facing, with the majority of glazing proposed being located on the southern elevation, thus maximising solar gain. Notwithstanding the outwardly traditional appearance of the new dwelling it is intended that the house will be designed to the highest thermal and energy standards using 'Passive House' principals. With very low u-values to all external elements (walls, floors, windows, doors and roofs), high levels of air tightness, solar gains and a heat recovery system the house will benefit from very low heating requirements. The effect of this will be a significant reduction in CO2 emissions greatly exceeding the requirements of the current and proposed building regulations

Services

Mains Water and Power are available nearby. Drainage will be to a private system comprising of a septic tank and soakaway system within the boundary of the site. Surface water will be discharge to localised soakaways.

Flooding

The site in question is considered to have little to no flooding history. It sits at a higher level and located some distance from any watercourse.

There are no significant flood risks noted on or around the site with the acceptance that Sustainable Urban Drainage techniques will be adopted where necessary and based on advice from the Council, SEPA and Scottish Water. The proposal therefore complies with guidance contained within Policy G4 of the local plan.

Overall, in respect of Issue 4, the foregoing makes it clear that the proposed dwellinghouse can be satisfactorily accommodated at this location.

Conclusion

The principle is accepted and the proposal fully complies with the Development Plan and here are no material considerations that outweigh the development plan presumption in favour of the proposal. It is therefore respectfully requested that planning permission be granted by the Scottish Borders Council.

5. Conclusion

Overall, the planning application for a single house can be justified, both in terms of planning policy and material considerations.

The proposed dwellinghouse at this location is acceptable as confirmed in an email from a Scottish Borders Council Planning Officer as part of the pre-application process in respect of the previous planning application.

At present, a S.75 Legal Agreement could be entered into by the applicants, the Sunnyside Farming Partnership that would tie the house with the farm operation. It should be noted, however, that it is considered that a S.75 is not strictly required in this instance as a suitably worded planning condition should suffice.

The RDA serves a wide range clients and a wide part of Berwickshire and all of its unpaid volunteers are happy to give their time to help. It is an essential and much valued community facility with a considerable reach. The ongoing viability of this business depends on the success of this planning application. Further, the siting of the proposed house in respect of the security of that business and the wider farm is critical. It simply cannot be amended.

The site in question adjoins and relates well to an established and substantial rural building group. The plot in question is positioned so that it would form part an integral part of this well-defined and established group, being located to its' immediate south. It is unequivocally concluded that the plot and overall siting of the building will be a natural extension to the existing building group and will feel part of it.

The proposed house incorporates a scale and massing that is entirely in keeping with the context within which it sits. Indeed, the main reference in this respect was a balance derived from a mix of the adjacent configuration arrangement. Similarly, the proportions in terms of the openings and fenestration also are sympathetic to both the immediate area and the local Scottish Borders area in general.

Further, the design incorporates traditional features, materials and styles that are commonplace in the local vernacular. For example, on all elevations there is a mix of natural stone and roughcasting. All openings are to be of a timber construction and the roof would be entirely clad in natural slate. Requisite sightlines can be wholly achieved and the proposal is therefore considered to be acceptable in this regard.

The principle is accepted and the proposal fully complies with the Development Plan and here are no material considerations that outweigh the development plan presumption in favour of the proposal. It is therefore respectfully requested that planning permission be granted by the Scottish Borders Council



Reston and Auchencrow Community Council



Date 27/05/2015

Your ref 15/00424/ful

Please find below observations from Reston and Auchencrow community council.

15/00424/FUL | Erection of dwelling house | Land South of Riding Centre Newlands Sunnyside
Reston Scottish Borders

Please find below the views and observations of Reston and Auchencrow community council pertaining to the above planning application.

The community council does not **object** to this planning application.

The proposed development is not seen as a serious intrusion for nearby residents.

The community council considered policy H8 of the Scottish Borders Structure Plan 2001-2018 and policies D2, G1 and H2 of the Scottish Borders Local Plan.

The proposal of this new location is better suited to this application; it no longer appears to be out with the building group.

Consideration is required to the south facing elevation; the reflection from the glass could impact on driver's vision or be a distraction.

It is hoped that construction materials of similar characteristics to the surrounding buildings excluding the RDA stables and arena can be incorporated in the design.

The access road to and from the proposed application may slightly increase the road traffic at the junction, but we do not feel this would prejudice road safety; consideration may be sought for passing places for this road.

Yours sincerely

J.Logan Inglis

(Chairman)

Reston and Auchencrow community council.

PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 24th April 2015

Contact: Lucy Hoad ☎ 01835 825113

Ref: 15/00424/FUL

PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 15th May 2015, If further time will be required for a reply please let me know. If no extension of time is requested and no reply is received by 15th May 2015, it will be assumed that you have no observations and a decision may be taken on the application.

Name of Applicant: Messrs Morgan Partnership

Agent: Cockburn's Consultants

Nature of Proposal: Erection of dwelling house

Site: Land South Of Riding Centre, Newlands Sunnyside Reston Scottish Borders

OBSERVATIONS OF: Economic Development Section

CONSULTATION REPLY

In consideration of the above application the following observations are made. Two aspects of the agricultural economic case are considered ; a)the agricultural labour requirement and b) the financial viability of the unit.

- a) The farm unit is of such a size and output that demonstrate that the current labour force of 3 in terms of standard man days (SMD) is satisfied. As Mr Andrew Morgan is due to retire and be replaced by his son in law Mr Philip Hewit. The number of labour units will remain at 3, and as the size and scope of the farming unit is of a size to sustain this number of workers and there is no indication of any change in respect of this.
- b) The accounts supplied with this application demonstrate that this farming unit appears to be financially viable.

There has been no consideration for the Disabled Riding School on the farm as it does not constitute an economic benefit to the agricultural element of the farm.

Based on the above, the Economic Development Section has no issue with this application.

PLANNING CONSULTATION

On behalf of: Director of Education & Lifelong Learning

From: Head of Property & Facilities Management
Contact: Marc Bedwell, ext 5242

To: Head of Planning & Building Standards
Contact: Lucy Hoad ☎ 01835 825113

Date: 06 August 2015
Ref: 15/00424/FUL

PLANNING CONSULTATION

Name of Applicant: Messrs Morgan Partnership

Agent: Cockburn's Consultants

Nature of Proposal: Erection of dwellinghouse

Site: Land South Of Riding Centre Newlands Sunnyside Reston Scottish Borders

OBSERVATIONS ON BEHALF OF: Director of Education & Lifelong Learning

CONSULTATION REPLY

I refer to your request for Education's view on the impact of this proposed development, which is located within the catchment area for Reston Primary School and Eyemouth High School.

A contribution of £5275 is sought for the Primary School and £4512 for the High School, making a total contribution of £9787.

Rolls over 90% place strain on the school's teaching provision, infrastructure and facilities and reduce flexibility in timetabling, potentially negatively effecting quality standards within the school environment. Contributions are sought to raise capital to extend or improve schools, or where deemed necessary to provide new schools, in order to ensure that over-capacity issues are managed and no reduction in standards is attributed to this within the Borders Area.

The new Eyemouth High School replaces a previous building that was under severe capacity pressure and with facilities unsuitable for further expansion. Following consultation, the decision was made to replace it and two others in the Borders under the 3 High Schools project with the three new modern schools opened on time for the 2009-10 academic years. Developer contributions for Berwickshire, Earlston and Eyemouth high schools will apply in their respective catchment areas, supplementing Scottish Borders Council's investment in the new facilities.

This contribution should be paid upon receipt of detailed planning consent but may be phased subject to an agreed schedule.

Please note that the level of contributions for all developments will be reviewed at the end of March each year and may be changed to reflect changes in the BCIS index – therefore we reserve the right to vary the level of the contribution if the contribution detailed above is not paid before 1 April 2016.

If you require any further information, please do not hesitate to contact me.

REGULATORY SERVICES



To: **Development Management Service**
FAO Lucy Hoad

Date: **21 May 2015**

From: **Roads Planning Service**
Contact: **Keith Patterson**

Ext: **6637**

Ref: **15/00424/FUL**

**Subject: Erection of Dwellinghouse, Land South of Riding Centre,
Newlands, Reston.**

I shall have no objections to this proposal provided the following are included in any consent issued:

- Visibility to the left at the junction with the public road to be improved to provide a splay of 2.4m by 120m and maintained thereafter in perpetuity. This requires the removal of a short section of hedge, and minor alterations to the fence.
- Two parking spaces and turning to be provided within the curtilage of the site and retained in perpetuity thereafter.

JAF

Our ref: PCS/139926
Your ref: 15/00424/FUL

Lucy Hoad
Scottish Borders Council
Planning & Economic Development
Council Headquarters
Newtown St Boswells
Melrose
TD6 0SA

If telephoning ask for:
Silvia Cagnoni-Watt

14 May 2015

By email only to: dcconsultees@scotborders.gov.uk

Dear Lucy Hoad

Town and Country Planning (Scotland) Acts
Planning application: 15/00424/FUL
Erection of dwellinghouse
Land South Of Riding Centre Newlands, Sunnyside Reston Scottish Borders

Thank you for your consultation letter which SEPA received on 24 April 2015.

We responded to a previous consultation, now withdrawn, on the 12 December 2014 (our ref: PCS/137350) where had no objection to the development.

We have **no objection** to this planning application. Please note the advice provided below.

Advice for the planning authority

1. Waste water drainage

- 1.1 We note the applicant intends to deal with foul drainage arising from the site by way of a septic tank discharging to a soakaway. Assuming the porosity is suitable, this is acceptable to us and potentially consentable under the Water Environment (Controlled Activities) (Scotland) Regulations (also known as CAR). The applicant should contact our SEPA Local Regulatory Team at the number below in order to discuss the CAR registration process.

Regulatory advice for the applicant

2. Regulatory requirements

- 2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the [Regulations section](#) of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the operations team in your local SEPA office at:



Chairman
David Sigsworth
Chief Executive
Terry A'Hearn

Page 443

Edinburgh Office

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If you have any queries relating to this letter, please contact me by telephone on 01786 452430 or e-mail at planning.se@sepa.org.uk.

Yours sincerely

Silvia Cagnoni-Watt
Senior Planning Officer
Planning Service

ECopy to: cockburnsconsultants@gmail.com and to:

Messrs Morgan Partnership
Sunnyside Farm
By Reston
TD14 5LN

Disclaimer

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, as such a decision may take into account factors not considered at the planning stage. We prefer all the technical information required for any SEPA consents to be submitted at the same time as the planning application. However, we consider it to be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising. We have relied on the accuracy and completeness of the information supplied to us in providing the above advice and can take no responsibility for incorrect data or interpretation, or omissions, in such information. If we have not referred to a particular issue in our response, it should not be assumed that there is no impact associated with that issue. If you did not specifically request advice on flood risk, then advice will not have been provided on this issue. Further information on our consultation arrangements generally can be found in [How and when to consult SEPA](#), and on flood risk specifically in the [SEPA-Planning Authority Protocol](#).

Application Comments for 15/00424/FUL

Application Summary

Application Number: 15/00424/FUL

Address: Land South Of Riding Centre Newlands Sunnyside Reston Scottish Borders

Proposal: Erection of dwellinghouse

Case Officer: Lucy Hoad

Customer Details

Name: Mrs Sharon Baker

Address: Windshiel Farm Windshiel Road Private Road From B6355 South East Of Ellemford Bridge To Windshiel, Duns, Scottish Borders TD11 3TU

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: I am commenting as Secretary of the Berwickshire Group RDA, which operates the Riding Arena to the North of the proposed planning application site. The Minutes of the Committee Meeting of the Berwickshire Group RDA of 4th December 2014 state that there were no objections to the building of a house in the field to the South of the Riding Arena. The Trustees of the Group consider that the proposed siting of a house in front of the Arena will provide increased security for the riding facility and the equipment inside (valued at approx £20,000). The Group are currently raising funds to purchase a mechanical horse at a cost of £25,000, which will be kept at the arena, increasing the value of the equipment and the need for security. The position of the Berwickshire Group RDA trustees is that the proposed residential building will be of benefit to the Group's operation, since the occupants will be on hand to facilitate access to the arena, to ensure the security of the arena and equipment and to help ensure the welfare of the horses used by the Group.

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List of Policies

Local Review Reference: 15/00020/RREF

Planning Application Reference: 15/00424/FUL

Development Proposal: Erection of dwellinghouse

Location: Land south of riding centre, Newlands, Sunnyside, Reston

Applicant: Messrs Morgan Partnership

SESPLAN

None applicable

Consolidated Scottish Borders Local Plan 2011

POLICY G1 - QUALITY STANDARDS FOR NEW DEVELOPMENT

All new development will be expected to be of high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings. The standards which will apply to all development are that:

1. It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
 1. it can be satisfactorily accommodated within the site,
 2. it retains physical or natural features or habitats which are important to the amenity or biodiversity of the area or makes provision for adequate mitigation or replacements,
 3. it creates developments with a sense of place, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
 4. in terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance referred to in Appendix D,
 5. it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary, to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape/open space maintenance,
 6. it provides open space that wherever possible, links to existing open spaces and that is in accordance with current Council standards pending preparation of an up-to-date open space strategy and local standards. In some cases a developer contribution to wider neighbourhood or settlement provision may be appropriate, supported by appropriate arrangements for maintenance,
 7. it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
 8. it provides for linkages with adjoining built up areas including public transport connections and provision for bus laybys, and new paths and cycleways, linking where possible to the existing path network; Green Travel Plans will be encouraged to support more sustainable travel patterns,
 9. it provides for Sustainable Urban Drainage Systems where appropriate and their after-care and maintenance,
 10. it provides for recycling, re-using and composting waste where appropriate,
 11. it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

12. it is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building,
13. it incorporates, where required, access for those with mobility difficulties,
14. it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

Developers may be required to provide design statements, design briefs or landscape plans as appropriate.

POLICY D2 – HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

1. in village locations in preference to the open countryside,
2. associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
3. in dispersed communities in the Southern Borders housing market area.

These general principles will be the starting point for the consideration of applications for housing in the countryside which will be supplemented by Supplementary Planning Policy Guidance on siting, design and interpretation.

POLICY D2 (A) BUILDING GROUPS

Housing of up to a total of 2 additional dwellings or a 30% increase of the building group, whichever is the greater, associated with existing building groups may be approved provided that:

1. The Council is satisfied that the site is well related to an existing group of at least three houses or building(s) currently in residential use or capable of conversion to residential use. Where conversion is required to establish a cohesive group of at least three houses, no additional housing will be approved until such conversion has been implemented,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings or a 30% increase in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The cumulative impact of new development on the character of the building group, and on the landscape and amenity of the surrounding area will be taken into account when determining new applications. Additional development within a building group will be refused if, in conjunction with other developments in the area, it will cause unacceptable adverse impacts.

The calculations on building group size are based on the existing number of housing units within the group as at the start of the Local Plan period. This will include those units under construction or nearing completion at that point.

POLICY D2 (B) DISPERSED BUILDING GROUPS

In the Southern Housing Market area there are few building groups comprising 3 houses or more, and a more dispersed pattern is the norm. In this area a lower threshold may be appropriate, particularly where this would result in tangible community, economic or environmental benefits. In these cases the existence of a sense of place will be the primary consideration.

Housing of up to 2 additional dwellings associated with dispersed building groups acting as anchor points may be approved provided that:

1. The Council is satisfied that the site lies within a recognised dispersed community that functions effectively as an anchor point in the Southern Borders housing market area,
2. Any consents for new build granted under this part of this policy should not exceed two housing dwellings in addition to the group during the Plan period. No further development above this threshold will be permitted,
3. The design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

POLICY D2 (C) CONVERSIONS

Development that is a change of use of a building to a house may be acceptable provided that:

1. the Council is satisfied that the building has architectural or historic merit or is physically suited for residential use,
2. the building stands substantially intact (normally at least to wallhead height) and the existing structure requires no significant demolition. A structural survey will be required where in the opinion of the Council it appears that the building may not be capable of conversion, and
3. the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

POLICY D2 (D) REBUILDING

The proposed rebuilding or restoration of a house may be acceptable provided that either:

1. the existing building makes a positive contribution to the landscape,
2. the walls of the former residential property stand substantially intact (normally at least to wallhead height),
3. no significant demolition is required (a structural survey will be required where it is proposed to fully demolish the building, showing that it is incapable of being restored),
4. the restoration/rebuilding and any proposed extension or alteration is in keeping with the scale, form and architectural character of the existing or original building,
5. significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a more sustainable and energy efficient design, or

6. there is evidence of the existence of the building in terms of criteria (a)-(c) immediately above, or, alternatively, sufficient documentary evidence exists relating to the siting and form of the previous house and this evidence is provided to the satisfaction of the Council, and
7. the siting and design of new buildings reflects and respects the historical building pattern and the character of the landscape setting, and
8. the extent of new building does not exceed what is to be replaced.

POLICY D2 (E) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

1. the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and it is for a worker predominantly employed in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Such development could include businesses that would cause disturbance or loss of amenity if located within an existing settlement, or
2. it is for use of a person last employed in an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and also employed on the unit that is the subject of the application, and the development will release another house for continued use by an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside, and
3. the housing development would help support a business that results in a clear social or environmental benefit to the area, including the retention or provision of employment or the provision of affordable or local needs housing, and
4. no appropriate site exists within a building group, and
5. there is no suitable existing house or other building capable of conversion for the required residential use.

The applicant and, where different, the landowner, may be required to enter into a Section 75 agreement with the planning authority to tie the proposed house or any existing house to the business for which it is justified and to restrict the occupancy of the house to a person solely or mainly employed, or last employed, in that specific business, and their dependants. A Business Plan, supported by referees or independent business adjudication, may be required in some cases.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning Policy Guidance where it meets the terms of this policy and development must not negatively impact on landscape and existing communities. The cumulative effect of applications under this policy will be taken into account when determining impact.

POLICY G5 – DEVELOPER CONTRIBUTIONS

Where a site is otherwise acceptable but cannot proceed due to deficiencies in infrastructure and services or to environmental impacts, any or all of which will be created or exacerbated as a result of the development, the Council will require developers to make a full or part contribution through S.75 or alternative Legal Agreements towards the cost of addressing such deficiencies.

Each application will be assessed to determine the appropriate level of contribution guided by: the requirements identified in the Council's Supplementary Planning Guidance on developer contributions; planning or development briefs; outputs from community or agency liaison; information in settlement profiles; other research and studies such as Transport Assessments; the cumulative impact of development in a locality; provisions of Circular 12/96 in respect of the relationship of the contribution in scale and kind to the development. Contributions will be required at the time that they become necessary to ensure timely provision of the improvement in question. The Council will pursue a pragmatic approach, taking account of the importance in securing necessary developments, and exceptional development costs that may arise. Contributions are intended to address matters resulting from new proposals, not existing deficiencies. In general, the Council does not intend to require contributions arising from the needs of affordable housing. Contributions towards maintenance will generally be commuted payments covering a 10 year period.

Contributions may be required for one or more of the following:

- 1 Treatment of surface or foul waste water in accordance with the Plan's policies on preferred methods (including SUDS maintenance);
- 2 Provision of schools, school extensions or associated facilities, all in accordance with current educational capacity estimates and schedule of contributions;
- 3 Off-site transport infrastructure including new roads or road improvements, Safer Routes to School, road safety measures, public car parking, cycle-ways and other access routes, subsidy to public transport operators; all in accordance with the Council's standards and the provisions of any Green Travel Plan;
- 4 Leisure, sport, recreation, play areas and community facilities, either on-site or off-site;
- 5 Landscape, open space, trees and woodlands, including costs of future management and maintenance;
6. Protection, enhancement and promotion of environmental assets either on-site or off-site, having regard to the Local Biodiversity Action Plan and the Council's Supplementary Planning Guidance on Biodiversity, including compensation for any losses and/or alternative provision;
7. Provision of other facilities and equipment for the satisfactory completion of the development that may include: measures to minimise the risk of crime; provision for the storage, collection and recycling of waste, including communal facilities; and provision of street furniture.

POLICY INF4 – PARKING PROVISIONS AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with the Council's published adopted standards, or any subsequent standards which may subsequently be adopted by the Council (see Appendix D).

Relaxation of standards will be considered where the Council determines that a relaxation is required owing to the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

In town centres where there appear to be parking difficulties, the Council will consider the desirability of additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

POLICY Inf5 – WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

1. direct connection to the public sewerage system, including pumping if necessary, or failing that:
2. negotiating developer contributions with Scottish Water to upgrade the existing sewerage network and/or increasing capacity at the waste water treatment works, or failing that:
3. agreement with Scottish Water to provide permanent or temporary alternatives to sewer connection including the possibility of stand alone treatment plants until sewer capacity becomes available, or, failing that:
4. for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage providing it can be demonstrated that this can be delivered without any negative impacts to public health, the environment or the quality of watercourses or groundwater.

In settlements served by the public foul sewer, permission for an individual private septic tank will normally be refused unless exceptional circumstances prevail and the conditions in criterion 4 can be satisfied,

Development will be refused if:

5. it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
6. it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

POLICY H2 – PROTECTION OF RESIDENTIAL AMENITY

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

1. The principle of the development, including where relevant, any open space that would be lost; and
2. The details of the development itself particularly in terms of:
 - (i) the scale, form and type of development in terms of its fit within a residential area,
 - (ii) the impact of the proposed development on the existing and surrounding properties particularly in terms of overlooking and loss of privacy. These considerations apply especially in relation to garden ground or 'backland' development,
 - (iii) the generation of traffic or noise,
 - (iv) the level of visual impact.

POLICY NE3 - LOCAL BIODIVERSITY

1. The Council will seek to safeguard the integrity of habitats both within and outwith settlements which are of importance for the maintenance and enhancement of local biodiversity. The rationale and detail for this is set out in the Supplementary Planning Guidance for Biodiversity.
2. Where development is proposed on a site for which there is evidence to suggest that a habitat or species of importance exists, the developer may be required, at their own expense, to undertake a survey of the site's natural environment. Major developments, as defined by the categories of development identified in the Council's biannual Scottish Government Planning Application Returns, may require an Ecological Impact Assessment.
3. Development that could impact on local biodiversity through impacts on habitats and species should
 - i) Be sited and designed to minimise adverse impacts on the biodiversity of the site, including its environmental quality, ecological status and viability,
 - ii) Aim to avoid the fragmentation or isolation of habitats,
 - iii) Aim to enhance the biodiversity value of the site through the creation or restoration of habitats and wildlife corridors and provision for their long term management and maintenance.
4. Development that would have an unacceptable adverse effect on habitats or species of Conservation Concern as identified in the regional listings in the Local Biodiversity Action Plan (LBAP) will be refused unless it can be demonstrated that the public benefits of the development clearly outweigh the value of the habitat for biodiversity conservation.
5. Where the reasons in favour of development clearly outweigh the desirability of retaining particular habitat features, mitigation measures aimed at ensuring no net loss of LBAP habitats will be sought, including the creation of new habitats or the enhancement of existing habitats, in accordance with Policy G5 Developer Contributions and the associated Supplementary Planning Guidance.

POLICY NE4 – TREES, WOODLANDS AND HEDGEROWS

The Council supports the maintenance and management of trees, woodlands, including ancient woodlands and ancient woodland pastures, and hedgerows, (hereafter referred to as the 'woodland resource') and requires developers to incorporate, wherever feasible, the existing woodland resource into their schemes.

1. Development that would cause the loss of, or serious damage to the woodland resource, will be refused unless the public benefits of the development at the local level clearly outweigh the loss of landscape, ecological, recreational, historical or shelter value. Decision making will be informed by the Scottish Borders Woodland Strategy, expert advice from external agencies, the existing condition of the woodland resource and BS5837: Trees in Relation to Construction;
2. The siting and design of the development should aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability;
3. Where there is an unavoidable loss of the woodland resource, appropriate replacement planting will normally be a condition of planning permission. In some locations planning agreements will be sought to enhance the woodland resource;
4. Development proposals should demonstrate how the protection of the woodland resource will be carried out during construction, adopting British Standard 5837.

Other Material Considerations

Supplementary Planning Guidance on Placemaking and Design 2010
Supplementary Planning Guidance on New Housing in the Borders Countryside 2008
Supplementary Planning Guidance on Privacy and Sunlight Guide 2006
Supplementary Planning Guidance on Landscape and Development 2008
Supplementary Planning Guidance on Development Contributions 2011
Supplementary Planning Guidance on Biodiversity 2005
Planning Advice Note 72 – Housing in the Countryside
Scottish Borders Proposed Local Development Plan 2013
Scottish Planning Policy 2014