

# Public Document Pack



## LOCAL REVIEW BODY MONDAY, 19 DECEMBER 2016

A MEETING of the LOCAL REVIEW BODY will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, TD6 0SA on MONDAY, 19 DECEMBER 2016 at 10.00 am

J. J. WILKINSON,  
Clerk to the Council,

7 December 2016

<b>BUSINESS</b>		
1.	<b>Apologies for Absence.</b>	
2.	<b>Order of Business.</b>	
3.	<b>Declarations of Interest.</b>	
4.	<p><b>Consider request for review of refusal of planning consent in respect of erection of 2 No dwellings for holiday let and associated infrastructure works on land North West of 4 Rink Farm Cottages, Galashiels. 16/00844/FUL 16/00027/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Decision Notice</b>	(Pages 1 - 2)
	(b) <b>Notice of Review</b>	(Pages 3 - 208)
	(c) <b>Officer's report</b>	(Pages 209 - 218)
	(d) <b>Consultations</b>	(Pages 219 - 228)
	(e) <b>List of Policies</b>	(Pages 229 - 238)
5.	<p><b>Consider request for review of refusal of planning consent in respect of erection of poultry cold store/hay store in Field No 0328, Kirkburn, Cardrona. 16/01114/FUL 16/00028/RREF</b></p> <p>Copies of the following papers attached:-</p>	
	(a) <b>Decision Notice</b>	(Pages 239 - 240)
	(b) <b>Notice of Review</b>	(Pages 241 - 248)

	(c) <b>Officer's report</b>	(Pages 249 - 254)	
	(d) <b>Papers referred to in report</b>	(Pages 255 - 286)	
	(e) <b>Consultations</b>	(Pages 287 - 292)	
	(f) <b>List of policies</b>	(Pages 293 - 296)	
6.	<b>Any Other Items Previously Circulated</b>		
7.	<b>Any Other Items which the Chairman Decides are Urgent</b>		

#### **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.**

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**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

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Please direct any enquiries to Fiona Walling 01835 826504  
email [fwalling@scotborders.gov.uk](mailto: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 : 16/00844/FUL**

**To : Mr J M & R Bayne per Ferguson Planning 54 Island Street Galashiels Scottish Borders TD1 1NU**

With reference to your application validated on **14th July 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Erection of 2 No dwellings for holiday let, and associated infrastructure works**

**At : Land North West Of 4 Rink Farm Cottages Galashiels Scottish Borders**

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

**Dated 23rd September 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**

A large black rectangular redaction box covering the signature of the Chief Planning Officer.

.....

**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00844/FUL**
**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
P415-SK-003B	Location Plan	Refused
A097556_001	Other	Refused
A097556_701	Other	Refused
A097556_002	Other	Refused
P415-SK-004A	Elevations	Refused
P415-SK-001A	Elevations	Refused
P415-SK-002A	Elevations	Refused
SDA	Photos	Refused

**REASON FOR REFUSAL**

- By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Ettrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts

**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 the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100028008-001

The online reference 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:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1NU
Email Address: *	tim@fergusonplanning.co.uk		

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="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="JM &amp; R Bayne"/>	Building Name:	<input type="text" value="C/O Ferguson Planning"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Shiel House"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="54 Island Street"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
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 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="632567"/>	Easting	<input type="text" value="347669"/>
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## Description of Proposal

Please provide a description of your 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 two 5\* holiday cottages, car park, 2.5kw solar array, plant room, access and associated infrastructure works at Rink Farm, Galashiels, TD1 3PS.

## 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 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.

Refer to 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

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

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)

Refer to Appendix 1 of Appeal Statement

## Application Details

Please provide details of the application and decision.

What is the application reference number? \*

16/00844/FUL

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

12/07/2016

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

23/09/2016

## 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: Ferguson Planning Tim Ferguson

Declaration Date: 07/11/2016



## LOCAL REVIEW BODY – STATEMENT OF APPEAL

PLANNING REF: 16/00844/FUL

ERECTION OF TWO 5\* HOLIDAY COTTAGES, CAR  
PARK, 2.5KW SOLAR ARRAY, PLANT ROOM,  
ACCESS AND ASSOCIATED INFRASTRUCTURE  
WORKS

RINK FARM, GALASHIELS, TD1 3PS



CLIENT: J M & R BAYNE

NOVEMBER 2016

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## CONTENTS

1.	Introduction	1
2.	Reason for Refusal	2
3.	Planning Context	6
4.	Grounds of Appeal	8
5.	Conclusion	18

Appendix 1: Appeal Document List

Appendix 2: Sequential Site Plan

Appendix 3: Visuals from A707

Ref: BAY1  
LPA Ref: SBC  
Author: TF/GF  
Telephone: 01896 668 744  
Date of Issue: November 2016

## 1. Introduction

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of our client, JM & R Bayne, who seek to erect two 5\* holiday cottages on their land at Rink Farm some 3 miles south of Galashiels.
- 1.2 The proposal (16/00844/FUL) for the holiday cottages was lodged on 12<sup>th</sup> July 2016 with a decision, via delegated powers, to refuse the application received on 23<sup>rd</sup> September 2016. As such, we now seek to appeal the decision via the Local Review Body.
- 1.3 This statement responds to the reason for refusal and, where appropriate, cross referring to the delegated officer's report, Development Plan and material considerations. The relevant documentation is listed within Appendix 1.

## 2. Reason for Refusal

2.1 Within the 'Decision Notice' the single reason for refusal was that:

*"By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Ettrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 AND EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts".*

### Representations

2.2 There was a total of 5 consultee representations to the proposal.

2.3 **Roads Planning Service** had **no objections** to the proposal. They have raised a number of points that will be incorporated into the final design.

2.4 **Economic Development** support the application as it fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:

- Increasing the volume of overnight visitors
- Increasing overnight visitor spend
- Ensure the regions accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.
- Ensure a relevant range of types of accommodation is available across the region to meet evolving market demand and expectations.
- Identify opportunities where better quality and new products can lead and generate new demand and continue to raise average quality quotient across all forms of accommodation.

2.5 The **Landscape Architect** could not support the development for the following reason.

*"The site is part of the larger Tweed/Gala Ettrick Confluences LCA and is deemed as having High Visual Sensitivity given the dense and widespread network of road routes on valley floors and lower valley sides". I consider contemporary style development in the countryside can contribute to the vibrancy of an area, if it can be shown that it will not detract from the wider landscape setting, I consider the two holiday cottages in this particular location would be seen from a short section of the minor road (B7060) immediately to the south, breaking the skyline, as seen from Viewpoint 3 (fig 7) but is more likely to be seen from locations across the valley and from elevated locations in the*

area. From the A707 there will be stretches of the road that will have visibility of the cottages on the hillside across the valley as a built feature on the side of a largely bare hillside, and at certain times of the day, the glazed elevation will make the cottages more noticeable and this is a concern to me.

I have the following additional concerns:

- 1) *The track improvements, and especially the entrance/exit improvements including visibility splays, will alter the character of this road and may require the felling of a number of roadside trees to the west to improve visibility.*
- 2) *The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the visualisation.*
- 3) *The effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley.*
- 4) *I would be concerned if it was envisaged that even more cottages of this style could be accommodated in this location. I consider that due to the visual sensitivity of the site the proposal is not acceptable and would not safeguard landscape quality of this part of the SLA.*

2.6 The **Archaeology Officer supports** the principle of the proposal and feels impacts on cultural heritage can be mitigated by the following:

- A suitably worded condition to facilitate open access and interpretation of the Rink Fort from the development area. This can be negotiated at a later date with myself and our Access Officers.
- A suitably worded informative that seeks a proposal to emphasise the heritage elements within the site itself.
- No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation outlining a Watching Brief.

2.7 **Environmental Health** agrees with the proposal in principle subject to the following conditions:

- No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.
- No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition.

- Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.
  - All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
- 2.8 Further to the Council responses the applicant received a letter from **Visit Scotland** and who strongly **supported** the proposal. They outlined that the Borders is a predominantly leisure tourism destination and that this proposal could contribute to the area becoming a sustainable year round destination. They stated that sustainability is a key theme in the national tourism strategy and stated that the proposal *"has the potential to compliment the built and cultural heritage priorities through the creation of a business which would safe guard a rural farm business securing its future"*.

## Planning Considerations and Policies

- 2.9 The key planning policies in the determination of this application is **Policy ED7 Business, Tourism and Leisure Development in the Countryside, Policy PMD2 Quality Standards, Policy PMD4 Development outwith Development Boundaries, Policy ED9 Renewable Energy Development and Policy HD2 Protection of Residential Amenity.**
- 2.10 A key material consideration is **Scottish Planning Policy (SPP)**. Paragraph 77 states that in rural areas the emphasis should be on *"maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place"*.
- 2.11 Paragraph 93 states the planning system should:
- *"promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
  - *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
  - *give due weight to net economic benefit of proposed development"*



- 2.12 The **'Role of the Planning System in delivering the Visitor Economy' Visit Scotland (2013)** is referred to as a key document within the SPP and is the first Tourism Development framework for Scotland.
- 2.13 Paragraph 2.75 states that there are some gaps in the higher quality end of the self-catering tourist accommodation market in Scotland.
- 2.14 Visit Scotland encourages development planning authorities to encourage investment in new self-catering accommodation in rural areas (where deficiencies are identified) (Action, Paragraph 2.75).
- 2.15 Another strong material consideration is the **Scottish Borders Tourism and Strategy Action Plan** whose vision is:
- "To grow tourism visits and spend in The Scottish Borders, through positioning and promotion as, a sustainable, year-round destination, which capitalises on its unique geography, heritage, natural environment and people"*
- 2.16 **"The Borders Railway Maximising the Impact: A Blueprint for the Future"** (2014) aims to realise fully the economic benefits of the Borders Railway and outlines the Borders as a great destination to visit.
- 2.17 It states that The Borders Railway *"is a fundamental part of delivering our Tourism Scotland 2020 strategy and promoting growth in Scotland's visitor economy to 2020". "It will inspire more visitors to spend time in the Scottish Borders".*

### 3. Planning Context

3.1 Within the 'Report of Handling' the Planning Officer has focussed the determination of the application on **Policy ED7 Business, Tourism and Leisure Development in the Countryside, Policy EP5 Special Landscape Areas and Policy PMD2 Quality Standards.**

3.2 Policy **ED7** states:

Proposals for business, tourism and leisure development in the countryside **will be approved** and rural diversification initiatives will be **encouraged** provided that:

- a) The development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) The development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan.

In addition the following criteria will also be considered:

- a) The development must respect the amenity and character of the surrounding area,
- b) The development must have no significant adverse impact on nearby uses, particularly housing,
- c) Where a new build is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) The impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) The development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) The development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal **will be required** to be submitted as part of the application process.

3.3 Policy **EP5** states:

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and **will have particular regard** to the

landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

- 3.4 **Policy PMD2** ensures that all new development is of a high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.
- 3.5 In response to the reason for refusal we will now outline our clear grounds of appeal and to why the application merits approval.

## 4. Grounds of Appeal

### Reason for Refusal

- 4.1 The reason for refusing the application is outlined in chapter 2. It centres on the belief that the application fails to comply with Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 in that it would have an unacceptable landscape and visual impact and will adversely affect the landscape quality of the Tweed, Ettrick and Yarrow Confluences SLA within which the site is located. It is taken that the proposal complies with all other related policy matters.
- 4.2 Our response to the reason for refusal forms the Grounds of Appeal and which are now listed below.

### Grounds of Appeal (GOA)

#### GOA 1

- 4.3 We would like to emphasise the concept of this unique proposal. Whilst there is undoubtedly high quality holiday accommodation in the Borders, there is a distinct lack of one-bedroom 5-star accommodation like this. The proposal has been designed with exactly this market in mind and has the aspiration to be amongst the very best in the whole country let alone the Scottish Borders. One would refer to the positive impact the Blue Reef Cottages have done for Harris and they themselves located in a prominent coastal landscape (<http://www.stay-hebrides.com/>) in addition to the Croft 103 cottages in Durness, Sutherland (<http://www.croft103.com/hill-cottage/>).
- 4.4 The proposal will give guests uninterrupted views and will offer complete privacy for couples seeking the ultimate rural escape. The client's vision is to create a feeling of serenity and space for their guests where they can completely unwind and escape from the pressures of modern life in an oasis of calm.
- 4.5 The location of the proposal is quite stunning, offering unrivalled views of the surrounding Borders countryside yet only an hour from the city by rail or car. The location and view are absolutely central to the wow factor of the overall development but it is also vital that the building is in complete harmony with its natural surroundings too.
- 4.6 We stress that if this development is not located in this stunning location the business case or ethos is lost. As it will lose pivotal aspects such as the view and the privacy that this target market is looking for (and which is not being catered for currently in the Scottish Borders). We have undertaken a sequential review of the farm buildings and adjoining lands. Appendix 2 clearly shows that no suitable brownfield site exists within or near Rink Farm.

## GOA 2

- 4.7 The Economic Development Service of the Council supports the application as *"it fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target"*.
- 4.8 This strategy is to increase the volume of overnight visitors in the Scottish Borders from a 50% room occupancy in 2011 to circa 62% by 2020. This aims to increase visitor overnight expenditure by 10-15% by 2020.
- 4.9 A business plan has been lodged and is supported by a feasibility study outlining significant economic benefits that this proposal would bring.
- 4.10 The Report of Handling acknowledges that the proposal is supported by a business plan, is supported by the Economic Development Service of the Council and also notes *"the support provided in principle from the regional director of Visit Scotland"*. The case officer states that the current location could be possible for a tourist development but the site in question is described as *"elevated, and is sensitive in landscape and visual terms"*.

## GOA 3

- 4.11 The application is supported by Visit Scotland. They stipulate that tourism is a major contributor to the economy of the Scottish Borders and that, overall, *"visitors to Scotland spend 21% of their holiday budget on eating and drinking. Overnight visitors are spending £800m on food and drink"*.
- 4.12 They outlined that the Borders is a predominantly leisure tourism destination and that this proposal could contribute to the area becoming a sustainable year round destination. Sustainability is a key theme in the national tourism strategy and stated that the proposal *"has the potential to compliment the built and cultural heritage priorities through the creation of a business which would safe guard a rural farm business securing its future"*.
- 4.13 They acknowledge the vision *"to establish and offer additional bed stock in an area with limited provision and the new infrastructure of the borders railway means that the demand for exceptional nature based tourism assets and adventure tourism assets has increased from both the UK and international markets. This in turn could generate an additional economic impact to the wider visitor economy"*.
- 4.14 The proposal will be able to take advantage of the vision set out in the 'Borders Railway, Maximising the Impact: A Blueprint for the Future' by offering visitors to the Borders high quality accommodation in close proximity to the railway.

## GOA 4

- 4.15 We appreciate the sites sensitivity and elevated nature. It is for this reason why we produced a Landscape and Visual Impact Assessment (LVIA) and great lengths were made in the design as shown below.



- 4.16 We believe that each application should be determined on their own merits. The determination of this application should not be whether it's within a SLA designation but whether it will have a **significant** impact on the local landscape. The LVIA clearly finds that this is not to be the case.
- 4.17 A total of six viewpoints were assessed with the visual effects ranging from **none to moderate** adverse effects. The majority of receptors have limited views towards the proposed site due to the areas of distinct mature woodlands resulting in **None/Minor** adverse effect. Where visible the proposed developments siting into the hill, low height, colouring and embankments will further help to reduce the prominence of the new buildings and parked cars.
- 4.18 It found that the setting of the proposal will have a **minor/moderate** adverse effect upon the characteristics of the Upland Fringe Valley with Settlements Landscape Character Type (LCT).

- 4.19 The greatest effects on the existing sites features will come from permanent changes to the landform and change of use from agricultural land to leisure will result in a **moderate/minor** adverse effect.
- 4.20 It was also found that there will be a **moderate/minor** adverse effect on the Tweed, Ettrick and Yarrow Confluences Special Landscape Areas (SLA).

#### GOA 5

- 4.21 The Landscape Architect (Refer to Appendix 1) considers the two holiday cottages in this location would be seen from a "short" section of the "minor road" (B7060) immediately to the south, "*breaking the skyline, as seen from Viewpoint 3 (Fig 7 in the LVIA)*".
- 4.22 The proposed cottages have been intentionally set down within the field so not to appear against the skyline. This is acknowledged within the report of handling;
- "The LVIA addendum sets out that these dwellings have been positioned lower down the slope of the hillside so as to not appear against the skyline. Whilst this is correct, and the development would not be considered against the skyline, I would contend that the location is still highly visible from the A707, and a much lower location than is proposed would reduce the impact."*
- 4.23 Furthermore, the LVIA finds that Viewpoint 3 (fig 7) is determined as having **None to Minor** adverse visual effect upon road users.
- 4.24 We have outlined why other locations closer to the farm steading are not feasible or viable but beyond this it is the significance of any impact that this application hinges, according to the landscape officer. For reasons clearly shown in the Planning Statement, LVIA and this statement the impacts will be in no way significant.

#### GOA 6

- 4.25 The report of handling states that the greatest area of concern is the stretch of road of the A707 with open views of the site.
- "The site is not screened from the roadside and it is in this area that the development will be visible. There is no mitigation possible to reduce the impact of the view at this location to an acceptable level. The LVIA addendum identifies that the proposed development would be experienced transiently by road users along this 600m. This area of road is not just experienced by passing motorists however. There is a forestry commission car park towards Yair Bridge, and the road is well used by horse riders and cyclists as well as passing motorists"*.
- 4.26 The LVIA acknowledges that the site is visible from a small section of the A707. It is understood it would not only be motorised vehicles using this road. Road users would

imply all forms of transport. The site cannot be seen from the Forestry Commission Car Park towards Yair Bridge (See Visual in Appendix 3).

- 4.27 The LVIA determined that there would be a **Moderate to Moderate/Minor** adverse effect upon the transient views of road users at this point in the road. We strongly relate that any glimpses from this area, as shown in Appendix 3, not to be significant in landscape impact terms.

#### GOA 7

- 4.28 The Landscape Architect also raised concerns regarding the glazed elevation which *“will make the cottages more noticeable”*.
- 4.29 As stated in the LVIA addendum, this is not expected to cause significant adverse effects on the users views. The length of glass panels are divided up with several dark coloured frames which together with the shading cast by the overhanging roof and side walls will help to reduce any potential glare from the sun.
- 4.30 In addition, the embankment will minimise the views. Should a further natural boundary is needed, much like that proposed in front of the car park, it could be put in place.

#### GOA 8

- 4.31 The visual effects regarding the construction phase on the site is short lived and would be undertaken using best practice. The majority of construction material is sourced from the farm and thus construction traffic would be minimal.

#### GOA 9

- 4.32 The Report of Handling mentions that *“the proposed development will add two distinct new built features into this distinct rural view. Views will contain full front profiles of the two proposed holiday cottages sited within the slope of the site and partial views of the proposed energy features and pathway from this point”*.
- 4.33 The main frontages will be formed with natural whin stone dry bedded collected from the farm. All timber will be sustainably harvested from local woodlands on our client’s land, milled and seasoned on site.
- 4.34 The frontage is fully designed to reduce any impact to the frontage, with additional dry stone walling to shield external sitting areas, all visible faces will be green roofed and finished with recycled turning from site to ensure minimal impact from any view point.
- 4.35 We do not consider that proposal will impinge upon any views from identified key receptors for reasons previously outlined. The cottages will largely go unnoticed and bed into the landscape much like the Blue Reef Cottages in Harris shown below.





### GOA 10

- 4.36 The Landscape Architect stated that the proposal did not address the issues of the impact of the car parking which *"would be very prominent when seen across the valley"*.
- 4.37 It is clearly shown on the site plan that car parking will be hidden by a grass bank and thus will have no significant impact from key receptors.
- 4.38 We note that the officers report further states that *"views of the main parking area will be partially contained by the shaped embankments around it"*.
- 4.39 Again, we stress that the car parking will be largely hidden from any viewpoint.
- 4.40 The image below provides a current view of a car parked in front of the site without the proposed bank. It is clear that there is a low visual impact.



## GOA 11

- 4.41 The council's landscape architect states that the proposed development would not "safeguard landscape quality of this part of the SLA" due to the visual sensitivity of the proposed site"
- 4.42 However, the LVIA has already determined that effects on the Tweed, Ettrick and Yarrow Confluences SLA will be confined by its lower scale and the SLA characteristic areas of woodland and valley sides which restrict its visibility. Where visible the proposed development will result in localised **Moderate/Minor** adverse effect upon user's experience of the SLA.
- 4.43 The relatively small scale of the proposed holiday dwellings and their siting on the western flanks of Rink Hill will mean it will have limited visibility from within the SLA and any potential visual receptors.

## GOA 12

- 4.44 The roofing aspect of the proposal will again not be visible from key public receptor points. It will also be screened from the sides by grass banks. Further to this stone walling and douglas fir obtained on the farm will ensure a clear synergy with the local landscape.
- 4.45 In relation to Viewpoint 3 (Fig 7 LVIA) and other related commentary we do not consider that the roofline of the lodges will be that visible on skyline from this point on B7060 once they are dug back into the hillside.
- 4.46 The position of the cottages has been chosen so as not to break any hill skylines. The development is built into the hillside – not rising above it.

## GOA 13

- 4.47 A sequential site analysis was undertaken as part of the application which found that no suitable brownfield site exists within or near Rink Farm where available or viable. Our analysis can be found within **Appendix 2**.
- 4.48 We consider that there is not a full understanding of the proposal development. The report of handling states that "an option for a lower lying site was not pursued". It also states it is "desirable" by the agent for the holiday cottages to be located away from the farm operations.
- 4.49 We stress that is not only desirable, but paramount. One of the major selling points of this proposal are the views, sceneries and tranquil setting that are on offer. Placing holiday cottages next to farm operations, existing buildings and/or closer to the road would significantly diminish the value of these cottages.
- 4.50 The landscape and officers report, in our opinion, does not take full regard of our consultation response dated 19<sup>th</sup> September. It clearly outlines that any associated visual

impacts on the landscape are low to moderate and thus cannot be deemed as being significant.

#### GOA 14

- 4.51 Policy EP5 states that proposals that will have a significant adverse impact could still be permitted *"where the landscape impact is clearly outweighed by social or economic benefits of national or local importance"*.
- 4.52 The LVIA has demonstrated that there will be no significant adverse impacts and the case officer states that *"it is accepted that **significant** economic benefits would arise from this proposed development"*.
- 4.53 Therefore, we believe that the proposal is in accordance with Policy EP5 – Special Landscape Areas.

#### GOA 15

- 4.54 The Landscape Architect expressed concerns with the track improvements *"including the exit/entrance improvements including visibility splays will alter the character of this road and may require a felling of a number of roadside trees to the west to improve visibility"*.
- 4.55 The design and layout of the track is a result of dialogue with the Council's Road Department. The proposal will make the entrance/exit onto the B7060 much safer for existing farm traffic and lodge users and create an entrance that feels as though it has not changed.
- 4.56 The specification will ensure that the path is largely as is today when looking at it from a visual impact point of view.
- 4.57 The initial 20m tarmac finish will be largely hidden from view with only light hardcore improvements to the existing farm track meaning that there will be a near zero visual change to this area. Drystone dyke will be reinstated where possible which will help screen the curve of the new entrance. The old entrance onto the B7060 will be blocked off. The overall proposal is an enhancement to what currently exists.
- 4.58 We clearly stated in our Planning Statement that no trees will be felled as part of the improvements by the proposal (Paragraph 5.9).
- 4.59 Therefore, the proposal will not conflict with Policy EP13 Trees, Woodland and Hedgerows contrary to that stated in the report of handling.
- 4.60 However, the report of handling mentions that a condition requiring a detailed plan plotting the tree locations to BS:5837 should be submitted. We question the necessity of this as we have already demonstrated that no trees will be effected by the proposal and this is why the officer's report deems it in accordance with Policy EP13.

## GOA 16

- 4.61 Archaeology support the application in principle and states that impacts to cultural heritage can be mitigated.

## GOA 17

- 4.62 The proposal will not cause any privacy, visual impact or noise issues on residential areas and therefore complies with Policy HD3 of the Scottish Borders LDP.
- 4.63 The officer's report acknowledges this; *"the proposal will not affect the daylight to neighbouring properties, or the privacy of neighbours and are considered to comply with Policy HD3"*

## GOA 18

- 4.64 The officer's report states that the proposals make "modest" provisions of renewable energy technology.
- 4.65 We question the term "modest" as the proposal is completely off-grid.
- 4.66 The officer's report further states "Policy EP9 along with PMD1 supports the development of small scale renewable energy developments which include micro-scale photovoltaic/solar where they can be satisfactorily accommodated into their surroundings whilst ensuring that impact on the natural and built environment and upon the amenity of neighbouring properties is not significant. The cutting into the slope to accommodate the panels reduces their visual impact, and they will be screened by the proposed holiday lets".
- 4.67 One could argue that it is contradictory to find that the cutting into the slope for solar panels "reduces their visual impact" while the proposed holiday lets is considered to have an adverse landscape and visual impact.

## GOA 19

- 4.68 The officer's report states that water and drainage services would require confirmation in due course.
- 4.69 We have provided information regarding the water and drainage within the planning application form and the proposed site plan (Drawing No. P415-SK-003B), however, will be happy to be conditioned in these aspects.

## GOA 20

- 4.70 The officer's report refers to the Landscape Architects concerns regarding further development on the site.

- 4.71 It requires to be made clear that the proposal for two modestly scaled lodges on this site is the maximum proposed. Such comments have no relevance to this application.
- 4.72 The nature of the higher end luxury cottage market means that privacy and isolation for guests is paramount.

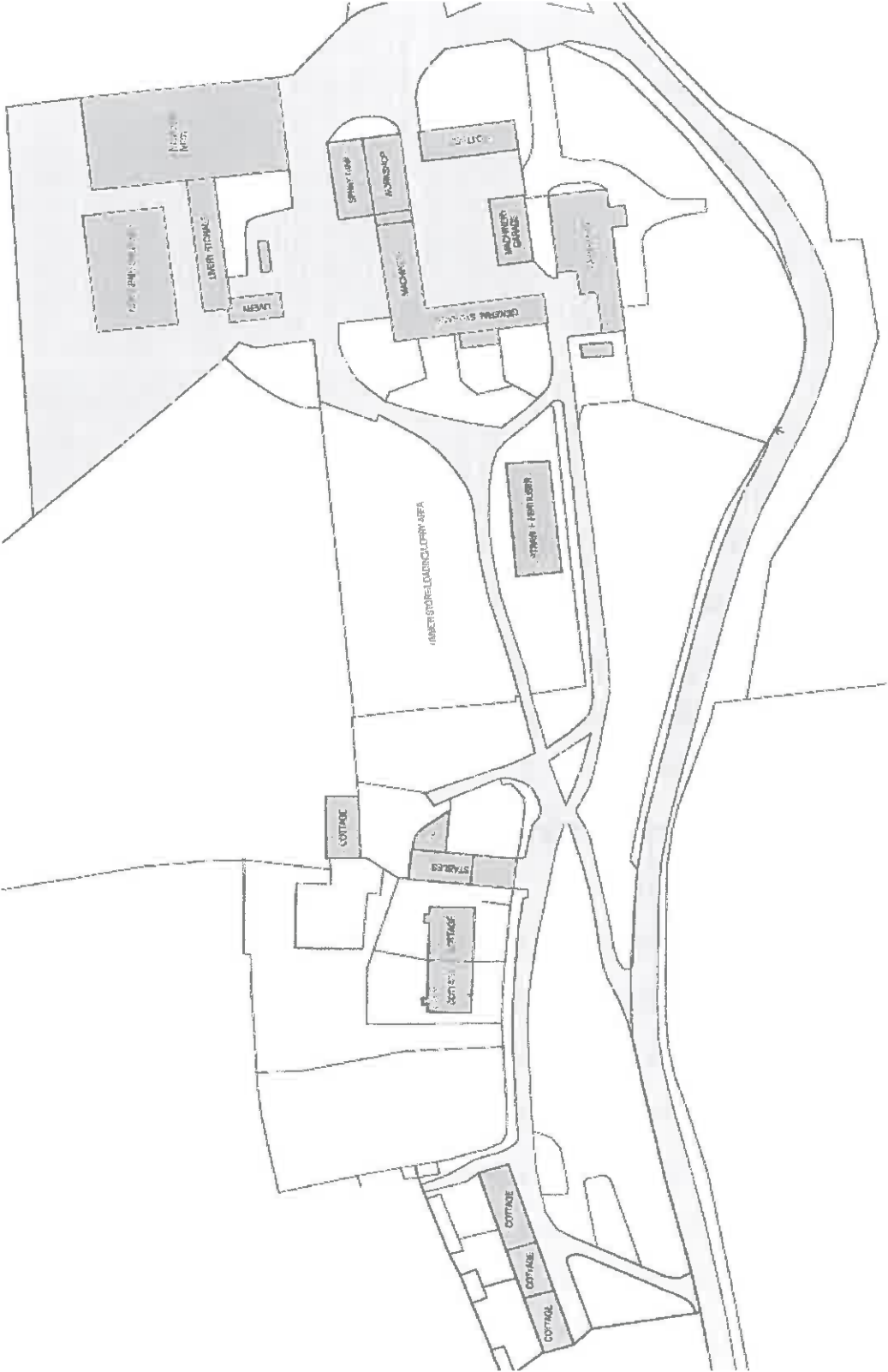
## 5. Conclusion

- 5.1 We believe that the proposed site offers a unique opportunity for the first 5-star one-bedroom holiday accommodation in the Scottish Borders.
- 5.2 The application is supported by a business plan, by *Visit Scotland* and the Council's Economic Development. It will improve tourism in the Borders and offer high quality accommodation in the region and as a result play an important role in the future of the Borders tourism economy and in the vision of the Borders Railway as set out in 'Borders Railway, Maximising the Impact: A Blueprint for the Future'.
- 5.3 One of the major selling points of holiday getaways are the views and sceneries that are on offer. The location was carefully chosen to offer visitors spectacular views of the River Tweed, Tweed Valley and surrounding hills while not impeding or breaking the skyline.
- 5.4 A stress free and tranquil environment is also paramount to holiday getaways and this is why the proposal is the maximum proposed and is located away from the farm operations. In saying this, the sequential plan shows that there is no existing building or brownfield site available for the proposed development as all buildings on the farm are currently being used for various operations. As is the land that neighbours them.
- 5.5 A Landscape and Visual Impact Assessment was undertaken and reveals that there will be no significant adverse effects on the surrounding environment or local SLA, thus complying with Policy EP5.
- 5.6 Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectfully request that this appeal be allowed.

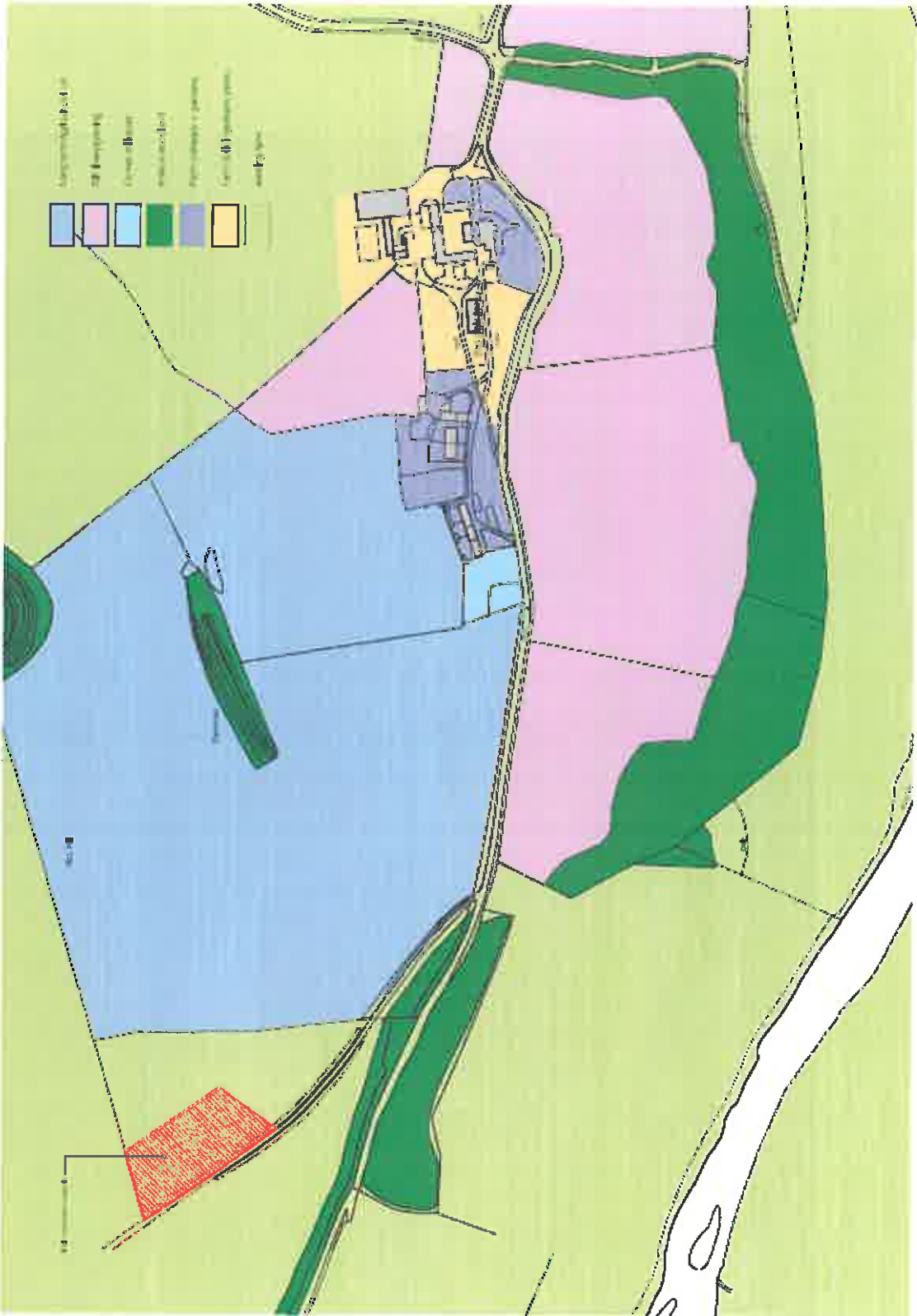
## Appendix 1: Appeal Document List

1. Appeal Form
2. Appeal Statement
3. Planning Application Form
4. Planning Statement
5. Location & Site Plan
6. Plant Room and Solar Plans & Elevations
7. Plot 1 Plans & Elevations
8. Plot 2 Plans & Elevations
9. Proposal Visuals
10. Archaeological Desk Based Assessment
11. Landscape and Visual Impact Assessment + LVIA Addendum
12. Access Drawing/Visibility Splay
13. Access Longitudinal Sections
14. Access Statement
15. Landscape Architect Representation - *included in Item 4 (d)*
16. SDA Design Statement
17. Bright Light Marketing Economic Statement (September 2016)
18. Ferguson Planning Response to Landscape Architect Comments (19<sup>th</sup> Sep 2016)
19. Sequential Site Plan (Also shown in Appendix 2)
20. Viewpoints Plan (Also shown in Appendix 3)
21. Report of Handling - *included as Item 4 (c)*
22. Decision Notice - *included as Item 4 (a)*
23. Feasibility Study and Business Plan (sent to Council on 14 July 2016 under private cover)

Appendix 2: Sequential Site Plan







Appendix 3: Visuals from A707



*To Rink Hill from A707 electric substation entrance*



*To Rink Hill from A707 entrance to Yair Forest Track*



*Looking east along A707 from Yair Forest Car Park (Lindinny)*





Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemsAdmin@scotborders.gov.uk

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

Thank you for completing this application form:

ONLINE REFERENCE 100019356-001

The online reference 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: \*

- 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 two 5\* holiday cottages, car park, 2.5kw solar array, plant room, access and associated infrastructure works

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

Has the work already been started and/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:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	
Telephone Number: *	01896 668 744	Address 1 (Street): *	54 Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1HR
Email Address: *	tim@fergusonplanning.co.uk		

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

Individual  Organisation/Corporate entity

## Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	C/O
First Name: *	JM & R	Building Number:	
Last Name: *	Bayne	Address 1 (Street): *	54 Island Street
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *			

## Site Address Details

Planning Authority:

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

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Nothing

Easting

## Pre-Application Discussion

Have you discussed your proposal with the planning authority? \*  Yes  No

## Pre-Application Discussion Details Cont.

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)

Pre-Application received noted the need to address policy ED7, consider the visual impacts and archaeological implications associated with the proposal. Advice was also given regarding access and drainage.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Carlos"/>	Last Name:	<input type="text" value="Clarke"/>
Correspondence Reference Number:	<input type="text" value="16/00139/PREAPP"/>	Date (dd/mm/yyyy):	<input type="text" value="22/02/2016"/>

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:

0.85

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 rough grazing land

## Access and Parking

Are you proposing a new 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 change to public paths, public rights of way or affecting any public right 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)? \*

4

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, cycles 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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

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).

What private arrangements are you proposing for the New/Altered septic tank? \*

- Discharge to land via soakaway.  
 Discharge to watercourse(s) (including partial soakaway).  
 Discharge to coastal waters.



Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: \*

Drainage to treatment tank with outfall from tank passing under access road and transferring to soakaway system. Please see drawing no: PK415-SK-003A.

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)

Storage areas are to be incorporated to the rear of the cottages (See drawings pk415-sk-001a/002a). Waste will be brought down to main road on collection days.

## 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? \*

2

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) REGULATION 2013

One Certificate must be completed and submitted along with the 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

Do you have any agricultural tenants? \*

Yes  No

## Certificate Required

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

Certificate E

# Land Ownership Certificate

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

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: \*

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and \*have/has been unable to do so –

Signed: Tim Ferguson

On behalf of: Mr JM & R Bayne

Date: 14/07/2016

Please tick here to certify this Certificate. \*

## Checklist – Application for Planning Permission

Town and Country 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 development (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 Country 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.

If Other, please specify: \* (Max 500 characters)

Transport: General Access Arrangement (A097556-001), Longitudinal Sections (A097556-701-702), Visibility Splay (A097556-002). Solar Array and Plant Room Elevations/Plans.

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 type="checkbox"/> Yes | <input checked="" 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)

Planning Supporting Statement, Access 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: Ferguson Planning Tim Ferguson

Declaration Date: 14/07/2016

4

## PLANNING STATEMENT

ERECTION OF TWO 5\* HOLIDAY COTTAGES, CAR  
PARK, 2.5KW SOLAR ARRAY, PLANT ROOM,  
ACCESS AND ASSOCIATED INFRASTRUCTURE  
WORKS

RINK FARM, GALASHIELS, TD1 3PS



CLIENT: J M & R BAYNE

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## CONTENTS

1.	Introduction	1
2.	Site Context	2
3.	The Proposal	3
4.	Planning Policy	7
5.	Policy Compliance	11
6.	Conclusion	14

### Appendices:

Appendix 1: Location Plan

Appendix 2: Plans/Elevations

Appendix 3: Visit Scotland Letter

Appendix 4: Proposal Visuals

Appendix 5: Access Route

Ref: BAY1  
LPA Ref: SBC  
Author: TF/GF  
Telephone: 01896 668 744  
Date of Issue: July 2016



## 1. Introduction

- 1.1 This statement has been prepared by Ferguson Planning on behalf of our client, J M & R Bayne, who seek to erect two 5\* holiday cottages on their land at Rink Farm some 3 miles south of Galashiels.
- 1.2 The Rink' farm is a family owned farm extending to approximately 530 acres and currently operates in cereals, grazing, DIY livery and cottage lets. Michael and Fiona Bayne are keen to diversify their business further and seek to lead the way in the Scottish Borders for five star one-bedroom holiday cottages.
- 1.3 The purpose of this statement is to provide details of the proposal and set out the key material considerations in the determination of this application. The remainder of this statement is structured as follows:
  - Section 2: Site Context
  - Section 3: The Proposal
  - Section 4: Planning Policy
  - Section 5: Policy Compliance
  - Section 6: Conclusion

## 2. The Site

- 2.1 Rink Farm is located approximately 3 miles south of Galashiels. The subject site extends to approximately 0.85 ha and is accessed via the A7/B7060.
- 2.2 The land is used as agricultural rough grazing which notably slopes from north to south. It is bound on the west by an access track and on the north side by a drystone wall with some post and wire fencing. The B7060 runs in a north westerly to south easterly direction approximately 50m to the south of the application site. A Location Plan is contained within **Appendix 1** and which puts the site in context with the wider Rink Farm operation.

### 3. The Proposal

- 3.1 The proposal is to erect two one-bedroom 5\* holiday cottages that are of the highest quality, sustainable and address an identified gap in the provision of bespoke holiday accommodation.
- 3.2 Pre-application advice was received from the council on 22<sup>nd</sup> February 2016 and to which we have sought to take on board when finalising the proposal.
- 3.3 In this section we seek to provide an overview of design, access and parking, the landscape and visual impact, archaeology and the overall economic benefits of the proposal.

#### *Design*

- 3.4 The cottages will be environmental friendly with renewable technologies used at every opportunity. The fascia will be finished in semi dressed Douglas Fir and scots pine sourced from the farm, with an insulated sandwich panel roof finish in mid grey.
- 3.5 To make most of the spectacular views there will be glass framed frontage which will consist of an anthracite grey aluminium folding door screen. Either side of the front glazing will be a free standing whinstone wall, which will again be sourced from the farm and which will mirror the nearby field stone walling.
- 3.6 The bank at the rear of the cottages will be cut back and turfed before completion ensuring it sympathetically blends back into the local landscape. A 2.5kw solar array will be erected behind each cottage providing electricity off grid. They have been designed so they go largely unnoticed from key visual receptors. **Appendix 2 and 4** provide layout plans and visuals of the proposal for further design context.

#### *Access and Parking*

- 3.7 The pre application enquiry outlined that detailed consideration would have to be given to the position of the junction onto the B7060.
- 3.8 The existing access will be upgraded with a new access junction 35m to the east of the existing field access which will become redundant. This will enable significantly improved visibility and ensure a safer environment for users of the access and drivers on the B7060.
- 3.9 The first 20m of the proposed access track will be finished in a bituminous surface and will incorporate two intervisible passing places (Refer to **Appendix 5**). A surface water filter trench running along the length of the track will outfall into a soakaway.

- 3.10 The track between the access junction and the proposed parking area for the cottages will be less than a 1 in 8 in gradient (12.5%). The maximum gradient at any point on the track is 11.6%.
- 3.11 To the west of plot 1 a new parking area will be cut into the bank with ridged face to front which will create a visual barrier and 4 spaces in total will be provided. A path to the rear of the cottages will link them with the parking area.

#### ***Landscape and Visual Impact Assessment (LVIA)***

- 3.12 An LVIA has been undertaken as part of this application with the key receptor points agreed with the council. The results of this exercise are as follows:
- Six viewpoints were assessed with the visual effects ranging from **none to moderate adverse** effects. The majority of receptors have limited views towards the proposed site due to the areas of distinct mature woodlands resulting in None/Minor adverse effect. Where visible the proposed developments siting into the hill, low height, colouring and embankments will further help to reduce the prominence of the new buildings and parked cars.
  - It found that the setting of the proposal will have a **minor/moderate adverse** effect upon the characteristics of the Upland Fringe Valley with Settlements Landscape Character Type (LCT).
  - The greatest effects on the existing sites features will come from permanent changes to the landform and change of use from agricultural land to leisure will result in a **moderate/minor adverse** effect.
  - There will be a **moderate/minor adverse** effect on the Tweed, Ettrick and Yarrow Confluences Special Landscape Areas (SLA).
- 3.13 Figure 1 below provides a photomontage of the proposal from a key receptor point. As can be seen it goes largely unnoticed. This is as a result of it being built into the bank and from not breaking the top of the hill.



*Figure 1: Photomontage: Along the A707 at Yair Hill Forest*

### ***Archaeology***

- 3.14 Due to Rink Hill Fort and Picts' Work being some 0.3km from the site an Archaeology Assessment has been undertaken as part of this application. It found that there is a small chance of encountering archaeological remains during construction works and this can be mitigated through an archaeological watching brief.
- 3.15 The appraisal found that the proposal will have **low to negligible** potential to directly or indirectly impact on designated or non-designated assets within the surrounding area, and has a low potential to disturb archaeological remains within the application site.
- 3.16 Therefore, no specific mitigation is expected or needed.

### ***Economic Benefits of Proposal***

- 3.17 Bright Light Marketing have put together a business case for the development and finds that there is a strong market demand for this proposal.
- 3.18 One-bedroom holiday rentals are popular in Northern Scotland, Western Isles and Skye, and despite their inaccessibility from major markets, have high levels of occupancy all year round. However, currently there is little to no provision of 5\* one-bedroom holiday cottages in the Scottish Borders and it is this gap in the market the proposal seeks to address.
- 3.19 The Rink Farm has a major advantage that the Western Isles and Skye do not have. That being easily accessible to major cities such as Edinburgh, Newcastle and Glasgow with excellent transport links. While being rural in nature the site is only c. 4 miles from Tweedbank and Galashiels train and bus stations.

- 3.20 The Borders Railway which opened in 2015 has the potential to provide significant opportunities for local businesses in the Scottish Borders and due to the close proximity to the railway our client hopes to make the most of these opportunities. As a result, they will offer their guests a pick-up and drop-off service at the stations.
- 3.21 A key selling point of the proposed development will be the incredible views. It is in a unique location with spectacular views of the River Tweed and The Three Brethren and no other sites in the area are capable of offering such a unique setting for visitors. Significant support to this proposal has been received from Visit Scotland. Refer to **Appendix 3**.
- 3.22 This proposal will promote the use of local services and shops. Our client will showcase the best of local arts and crafts within the properties and inform their guests where they can buy these products for themselves. They will also offer hampers upon arrival which will showcase the best of local food produce from local suppliers and encourage the use of local shops and restaurants. They will also seek to use local trades as part of the construction process.
- 3.23 An economic/market appraisal has been lodged with this application and provides further financial justification lodged under separate/private cover.

## 4. Planning Policy

- 4.1 The development plan is made up of the SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. Further material considerations being Scottish Planning Policy and related Supplementary Planning Guidance.

### Scottish Borders Local Development Plan (2016)

- 4.2 The following policies are considered key in the determination of this application:
- **Policy ED7 – Business, Tourism and Leisure Development in the Countryside**
  - **HD2 – Housing in the Countryside**
  - **PMD4 – Development outwith Development Boundaries**
  - **PMD2 – Quality Standards**
  - **EP5 – Special Landscape Areas**
  - **IS4 – Transport Development and Infrastructure**
  - **IS6 – Road Adoption Standards**
  - **IS7 – Parking Provision and Standards**
- 4.3 **Policy ED7 Business, Tourism and Leisure Development in the Countryside** states that proposals for business, tourism and leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:
- a) *The development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or*
  - b) *The development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the **Scottish Borders Tourism Strategy and Action Plan**.*

If the development falls into this category, then the following criteria will be considered;

- a) *Must be respectful to the amenity and character of surrounding area*
- b) *Have no significant adverse impacts on nearby uses*
- c) *Evidence that no appropriate existing building or brownfield site is available*
- d) *Impact of expansion/intensification of uses to rural character of area*

- e) *Meets design and siting criteria in accordance with PMD2 – Quality Standards*
- f) *Take account of accessibility issues in accordance with Policy IS4*

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

- 4.4 As the proposal represents development of housing, albeit holiday housing, ***Policy HD2 Housing in the Countryside*** is also a material consideration. Regarding the economic requirement this policy states that housing that is located for business needs may be acceptable if:
- a) *The housing development is a direct operational requirement of an agricultural enterprise which is itself appropriate to the countryside and is for a worker employed in the enterprise with that worker located on site to operate the enterprise efficiently, and*
  - b) *The housing development would help support a business that results in a clear social or environmental benefit to the area, and*
  - c) *No appropriate site exists within a building group, and*
  - d) *There is no suitable existing house or other building capable of conversion for the required residential use.*
- 4.5 As the proposed development is located outside development boundaries ***Policy PMD4 Development outwith Development Boundaries*** applies. This states that development may be granted if it is "a *job-generating development in the countryside that has an economic justification under Policy ED7 or HD2 or a development that offers significant community benefits*".
- 4.6 ***Policy PMD2 Quality Standards*** is relevant regarding the quality of the development. The development will be expected to be of high quality in relation to sustainability, accessibility and design.
- 4.7 ***Policy EP5 Special Landscape Areas*** states that the council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact.



## Material Considerations

- 4.8 Other material considerations include SPP, SESplan, Placemaking and Design SPG and the Scottish Borders Tourism and Strategy Action Plan.

### *SPP*

- 4.9 The SPP provides policy information with regards to promoting rural development (linked to tourism and leisure) and supporting business and employment with key paragraphs mentioned below.

- 4.10 Paragraph 75 states that the planning system should:

- *In all rural areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and*
- *Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality*

- 4.11 Paragraph 93 states the planning system should:

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
- *give due weight to net economic benefit of proposed development*

- 4.12 Paragraph 105 states that planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans.

### *SESPlan (Strategic Development Plan)*

- 4.13 The region is within one of the four Strategic Development Areas (SDAs) outlined in SESPlan.

- 4.14 It states that the Scottish Borders faces a challenging future with the continued erosion of its employment base in farming and there is a continued challenge to improve the area's connectivity.

- 4.15 The aim of the SDP is to support the continued economic growth of the area since it is

of key importance to delivering the overall SDP strategy. The quality of the natural and built environment is one of the key assets of the Scottish Borders and an opportunity to help achieve this strategy.

### ***Scottish Borders Tourism and Strategy Action Plan***

4.16 The vision of the Scottish Borders Tourism and Strategy is:

*"To grow tourism visits and spend in The Scottish Borders, through positioning and promotion as, a sustainable, year-round destination, which capitalises on its unique geography, heritage, natural environment and people"*

4.17 A key aim is to encourage responsible custodianship of the region's built and natural environment, scenic and wildlife assets by supporting government, local government, agencies, land owners and managers to manage and protect the region's landscape and wildlife assets in a manner that maintains and improves the qualities of beauty, remoteness, wildness, peace and tranquillity.

4.18 Furthermore, it aims to maximise the opportunities to be gained from raising and improving destination profile, awareness, market penetration, and economic benefit using events as a vehicle for change.

4.19 With regards to accommodation, it aims to ensure the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available can act as an attractor of demand in themselves.

### ***Place Making and Design SPG***

4.20 A final key consideration for this proposal is the Supplementary Planning Guidance (SPG) Place Making and Design (2010).

4.21 This provides guidance on the importance of achieving well designed places which can improve the social, economic and environmental well-being of our communities.

4.22 It sets out the key sustainable placemaking objectives that any new development in the Scottish Borders should strive to achieve.

4.23 The key place making and design principles include: siting of development, built character, infrastructure and access, views, sustainable development, energy efficient design, materials and the scale, massing and form, amongst others.

## 5. Policy Compliance

- 5.1 The purpose of this section is to reflect on how the proposal complies with the relevant planning policies that have been outlined in Section Four.
- 5.2 *Policy ED7* is one of the key policies in the overall determination of this application and we consider the proposal meets all development criteria.
- 5.3 The land is classified as permanent pasture which our client is keen to diversify their on-site farm business and to promote tourism in the Scottish Borders and lead the way in 5-star one-bedroom holiday rentals.
- 5.1 The Borders Railway Tourism Audit highlighted the demand/need for more five-star accommodation in the Scottish Borders. This development will address this and is supported by *Visit Scotland* as a result (refer to **appendix 3**).

### ***Design/Environment***

- 5.2 A key aim of this proposal and in accordance with SPG Place Making and Design is to achieve a high quality well designed place.
- 5.3 It will use on-site local materials and environmental friendly technology wherever possible. It seeks to use Douglas Fir, Scots Pine and Whinstone sourced from the farm. The intention is to use an off-grid power system and a 2.5kw solar array will be sensitively erected to the rear of each cottage. Our client intends to apply and are confident in delivering a Gold Green Tourism Award when operational.
- 5.4 The cottages are a truly unique proposal that will be built sensitively into the landscape. As the drawings contained within **Appendix 4** show it will respect and enhance the environmental quality, amenity and character of the surrounding countryside. The development will be dug into the hillside and with clever use of grass and stone walling, as like that used to divide the field, will go largely unnoticed.
- 5.5 In accordance with *Policy PMD2*, the proposal will protect, promote and enhance the green network and can satisfactorily be accommodated on site. We feel that the cottages scale, massing, height and density are appropriate to the surrounding landscape.
- 5.6 As the site is located within a Special Landscape Area (Policy EP5) an LVIA has been undertaken examining key visual receptors and has found that the proposed development will have no prominent adverse effects upon the characteristics of the surrounding area or views of various visual receptors.
- 5.7 The Strategic Development Plan outlines that the quality of the natural environment is one of the key assets of the Scottish Borders. We feel that this proposal will not adversely affect this key asset but instead enhance the use of it.

### ***Transport/Access***

- 5.8 The site is in a very accessible location and has excellent transport links with Galashiels and Tweedbank Train and Bus Stations less than four miles away. Our client will encourage the use of the Borders Railway and will offer a pick-up and drop-off service from both stations. The Tweed Cycle Way which is part of the National Cycle Network Route 1 passes through the farm. Bikes will be provided at each of the properties.
- 5.9 In accordance with *Policies IS4, IS6 and IS7* the access junction and track will be designed to comply with the requirements of Scottish Borders Council Roads Planning as identified during the pre-application discussions. The existing access will be upgraded with a new access junction 35m to the east of the existing field which will ensure a safer environment for users of the access and drivers on the B7060 (Refer to **Appendix 5**). No trees will be effected by the proposal. Further detail on the gradient, parking and passing places is found within the appended access statement and drawings.

### ***Economy/Tourism***

- 5.10 A business case has also been submitted as part of this application and emphasises our client's vision of attracting more visitors to the Scottish Borders, promoting the use of local businesses, events and festivals.
- 5.11 This proposal will help achieve the objectives of the Tourism and Strategy Action Plan and it can itself attract and improve visitor numbers to the Scottish Borders.
- 5.12 *Visit Scotland* state that food is essential to the visitor's experience and their research has found that visitors to Scotland spend 21% of their holiday budget on food and drink with overnight visitors contributing £800million on food and drink. Therefore, our client will offer visitors on arrival with hampers showcasing the very best of local produce.
- 5.13 *Visit Scotland* describe the Scottish Borders as a leisure tourism destination and states that this development can contribute to the area becoming a sustainable year round destination and safeguard a rural farm business securing its future. It can offer visitors exceptional nature based tourism assets (e.g. walking, cycling, festivals, heritage pursuits) which will in turn could generate additional economic impact to the wider visitor economy.

### ***Sequential Analysis***

- 5.14 One of the key selling points of these cottages will be the spectacular views along the Tweed. The setting is key to provide that 5-star holiday experience.
- 5.15 However, we appreciate the need to provide evidence that no other built form at Rink Farm is viable, suitable or available for this proposal. The map and table below

provides confirmation that existing buildings and associated yard areas are fully utilised by the farming operations and livery business.

- 5.16 There is no existing building or brownfield site available or suitable for the proposed development. All farm buildings are currently being used for various operations and therefore cannot be converted for holiday cottages. Beyond this the proposal seeks tranquillity from noise and is a further reason why it must be set away from the main farm operations and must be set in a location befitting of its 5\* status.

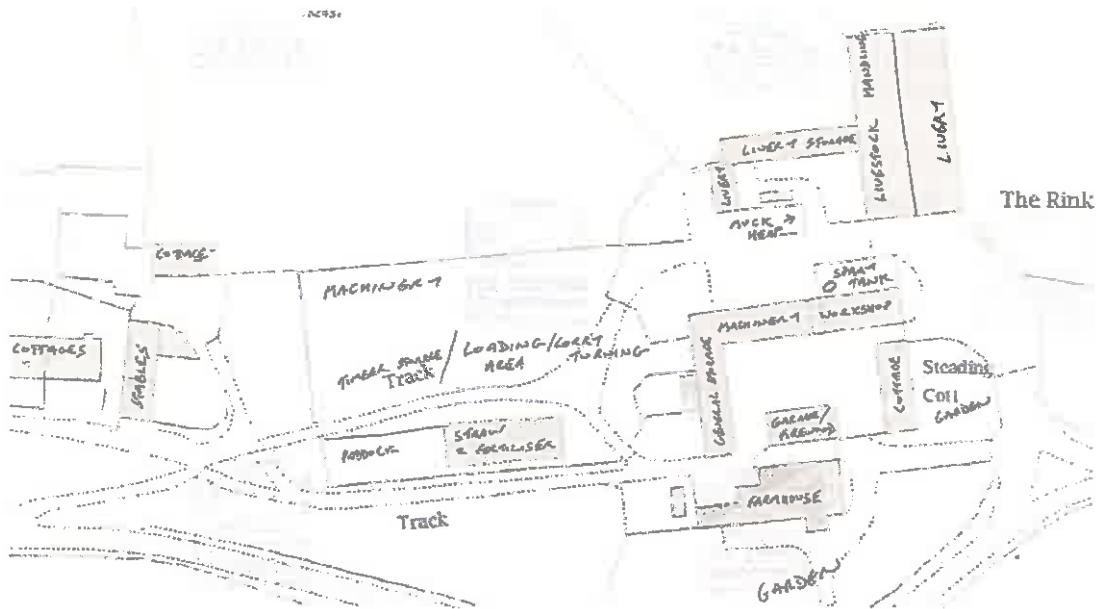


Figure 2: Farm Building Plan and Schedule

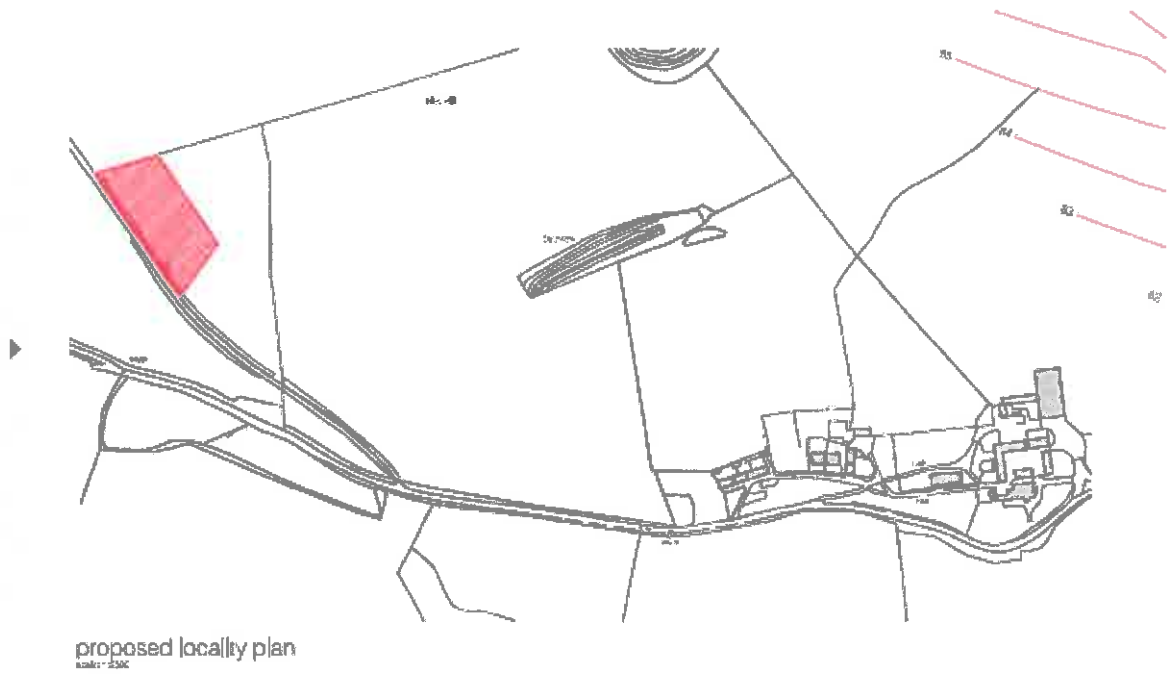
Cottages	Stables
Machinery	Timber Storage/Loading/Lorry Turning
Paddock	Straw & Fertiliser
Farmhouse	Livestock Storage
Machinery	Garages/Firewood
Spray Tank	Workshop
Cottage	Livery
Livery Storage	Livestock Handling
Livery	

- 5.17 For the reasons outlined in this section we feel that this proposal complies with the relevant policies within the 2016 Local Development Plan and material considerations such as SESPlan, SPP and the Scottish Tourism Strategy and Action Plan.

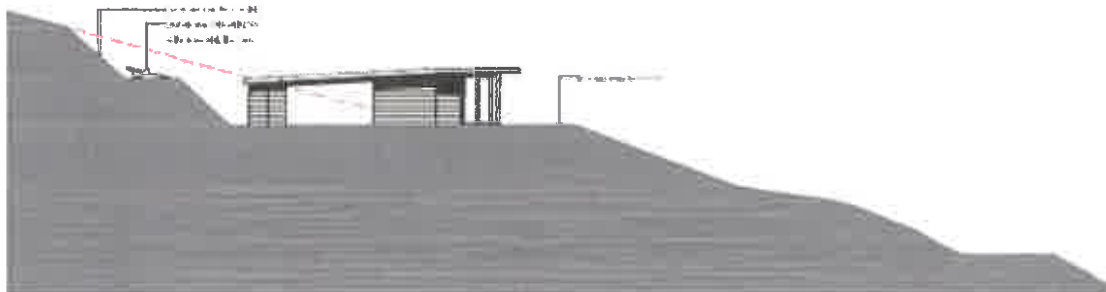
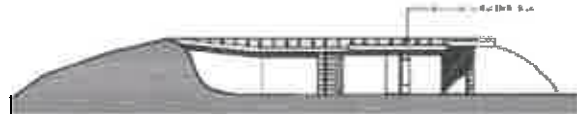
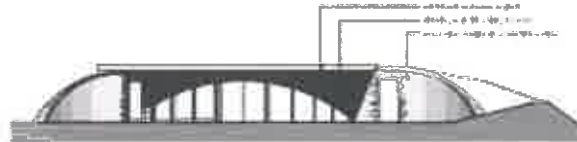
## 6. Conclusion

- 6.1 We believe that the proposed site offers a unique opportunity for the first 5-star one-bedroom holiday accommodation in the Scottish Borders.
- 6.2 The opening of the Scottish Borders Railway is a “game changer” in that it is now very accessible from major markets and cities. The site is in close proximity to the two Borders Railway Stations and therefore can tap into the lucrative Edinburgh visitor market and beyond. While the potential target market is likely to be those living within the central belt it is expected that visitors will come from across Scotland, the UK and further afield.
- 6.3 One of the major selling points of holiday getaways are the views and sceneries that are on offer. The Rink offers visitors spectacular views of the River Tweed, Tweed Valley and surrounding hills. In short it will provide a significant boost to tourism in the Borders and lead the way in design and quality.
- 6.4 There is no existing building or brownfield site available for the proposed development as all buildings on the farm are currently being used for various operations. Beyond this the steadings would not be appropriate for holiday cottages which require the appropriate tranquillity.
- 6.5 Finally, this proposal is supported by *Visit Scotland*. It will improve tourism in the Borders and offer high quality accommodation which is severely lacking in the region and as a result play an important role in the future of the Borders local economy.
- 6.6 It is respectfully requested that this application be approved for the reasons outlined within this statement.

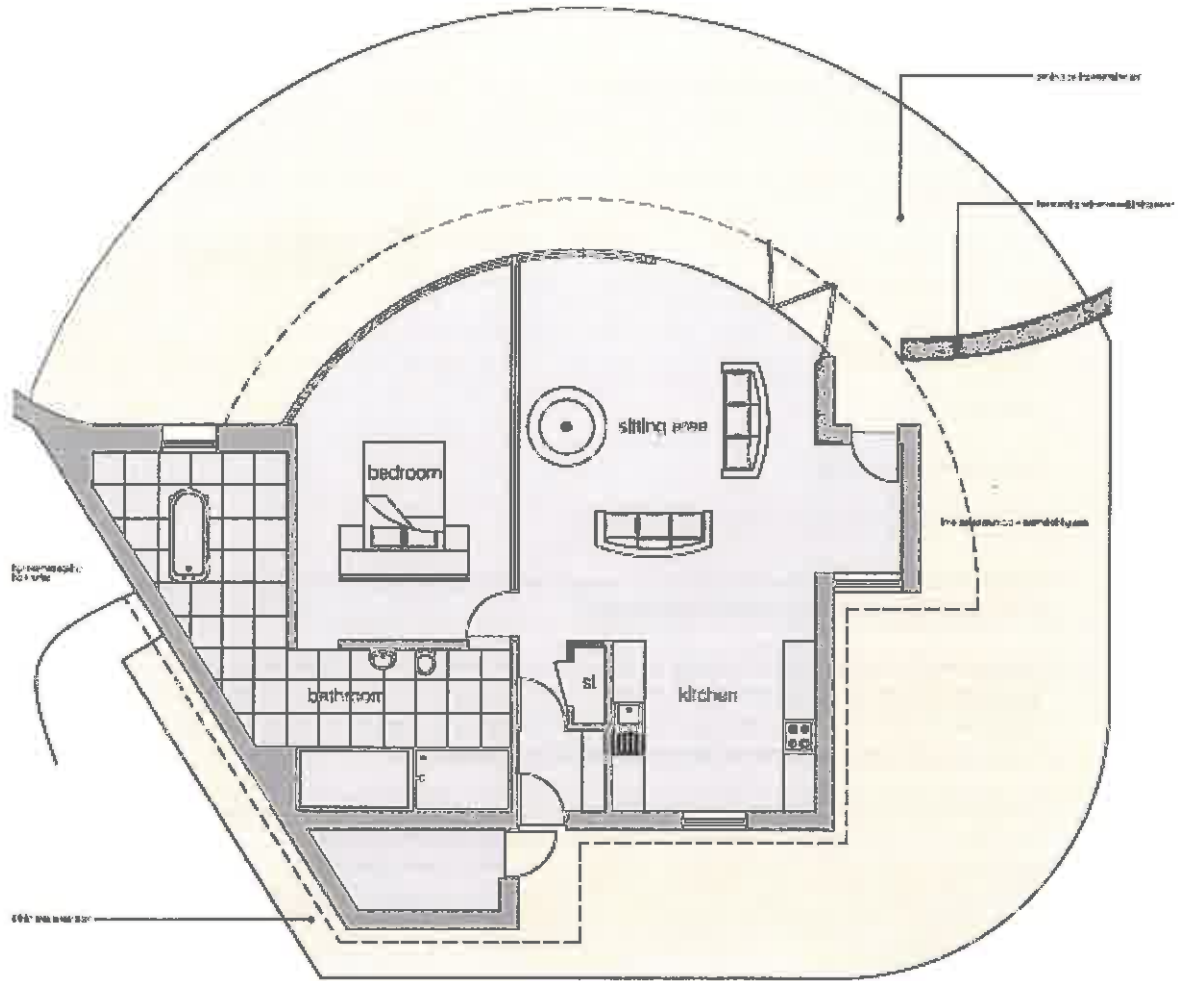
## Appendix 1: Location Plan



## Appendix 2: Plans/Elevations







### Appendix 3: Visit Scotland Letter

FRY/1102/007/2019 15/06/2019



Michael & Fiona Bayne  
The Rink  
Galashiels.

Dear Michael and Fiona

The Rink - Capital Investment Planning Application

I am writing on behalf of the national tourism organisation, VisitScotland, to express support in principal for the above proposed development.

Tourism is a key sector which is a major contributor to the economy of the Scottish Borders. The industry strategy for growth has been built around a number of key areas, of which capital investment is crucial. Any development adding to growth would be of benefit to the visitor economy within the immediate local and wider regional area.

The National Strategy: *Tourism Scotland 2020* was launched in June 2012. The strategy was developed to target those markets that offer us the greatest growth potential, to collaborate within and across Scotland's tourism destinations and to develop the authentic memorable experiences today's visitors seek, delivered to the consistently high quality they expect. Based on the information provided regarding the increase in capacity and the attention to the quality it would seem fair to assume that a quality experience would be a focus for this development.

The Scottish Borders is predominantly a leisure tourism destination and this development could contribute to the area becoming a sustainable year round destination. The vision to establish & offer additional bed stock in an area with limited provision and the new infrastructure of the Borders Railway means that demand for exceptional nature based tourism assets and adventure tourism assets (walking, cycling, festivals, events and heritage pursuits) has increased from both the UK and International markets. This in turn this could generate additional economic impact to the wider visitor economy.

**I would urge Michael and Fiona to take advantage of the incredible local larder within the Scottish Borders by showcasing local produce through the option to pre-order welcome hampers on arrival for visitors. This would immediately showcase local Food and Drink from the Scottish Borders and create a sense of place through authentic products. This could be factored into the "guest services" Food is essential to the overall visitor experience and research has shown that people will pay a premium for locally sourced produce that adds to the sense of place. Latest reports show that, overall, visitors to Scotland spend 21% of their holiday budget on eating and drinking. Overnight visitors are spending £800million on food and drink.**



Should the planning application be successful I would recommend The Rink engage with our Quality Assurance scheme which could assist by offering advice, guidance and a framework to achieve 5star status. This could ensure that the customer experience remains at the heart of everything they do.

Sustainability is a key theme in the The National Strategy: *Tourism Scotland 2020* and concern among tourists regarding the impact a holiday has on the environment has risen and visitor expectations are changing. Environmental sustainability is being addressed in a number of ways and the long term benefits, we believe, are profound. As well as encouraging continued tourism growth, sustainable tourism will ensure that Scotland's key tourism assets, our natural heritage, built heritage and our communities, will survive and thrive. This project has the potential to complement the built and cultural heritage priorities through the creation of a business which would safeguard a rural farm business securing its future.

**We appreciate the range of different factors that need to be considered in such an application and we are supportive of a full and transparent process. Within this process we hope that our views can be taken into account.**

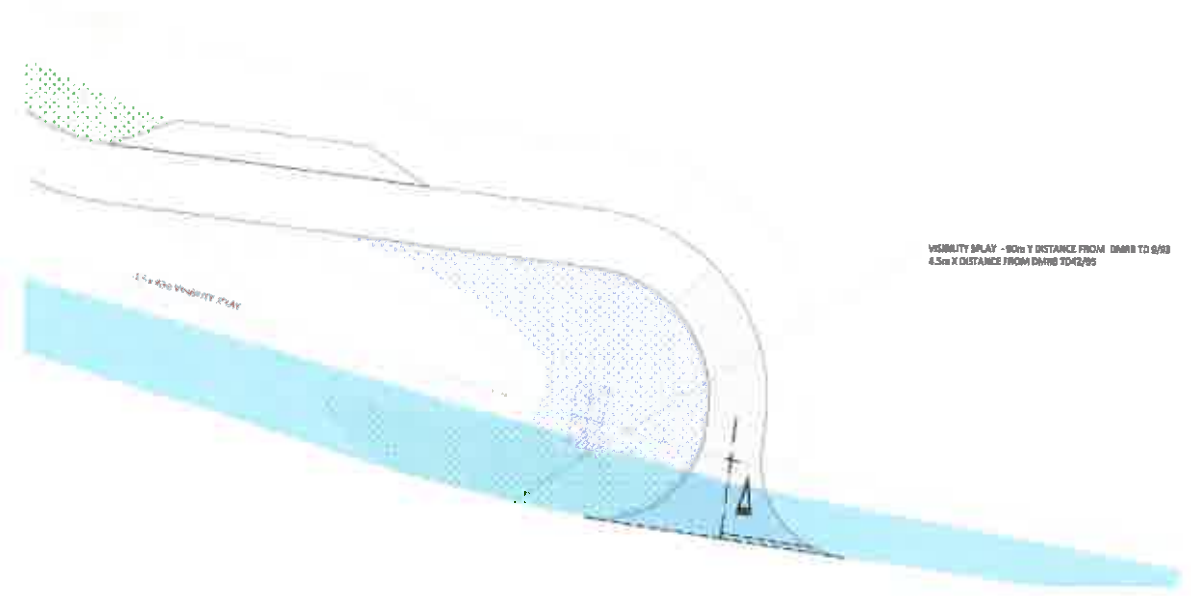
A handwritten signature in black ink that reads "Paula McDonald".

Paula McDonald  
Regional Director

**Appendix 4: Proposal Visuals**

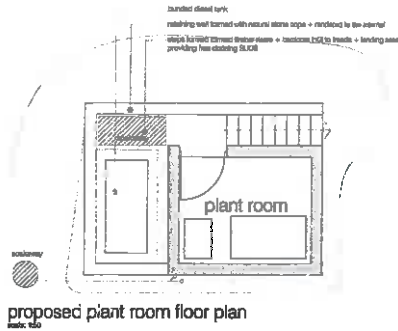


**Appendix 5: Access Route**





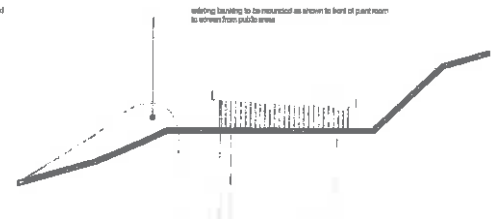




proposed plant room floor plan  
scale: 1:50



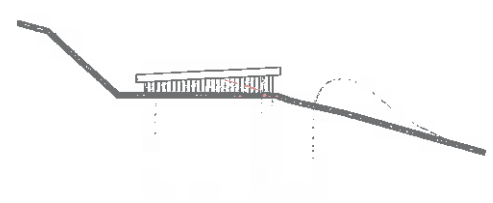
proposed front elevation  
scale: 1:50



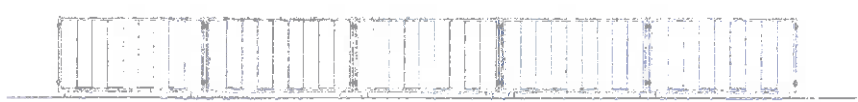
proposed side elevation  
scale: 1:50



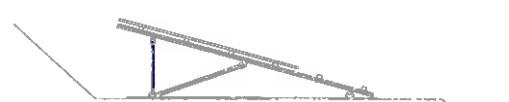
proposed rear elevation  
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proposed side elevation  
scale: 1:50



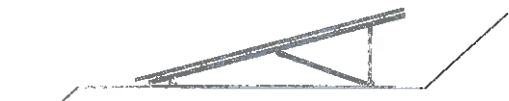
proposed solar panel front elevation  
scale: 1:50



proposed solar panel side elevation  
scale: 1:50



proposed solar panel rear elevation  
scale: 1:50



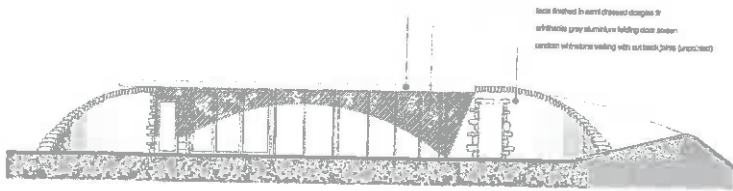
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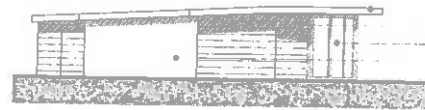
proposed locality plan  
scale: 1:500

proposed plant room/solar panel details

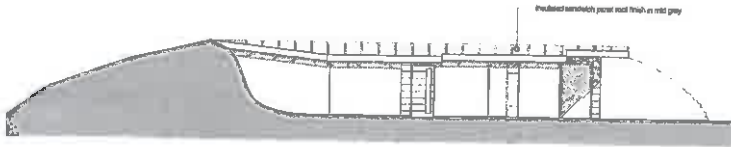




proposed south westerly elevation  
scale: 1:50



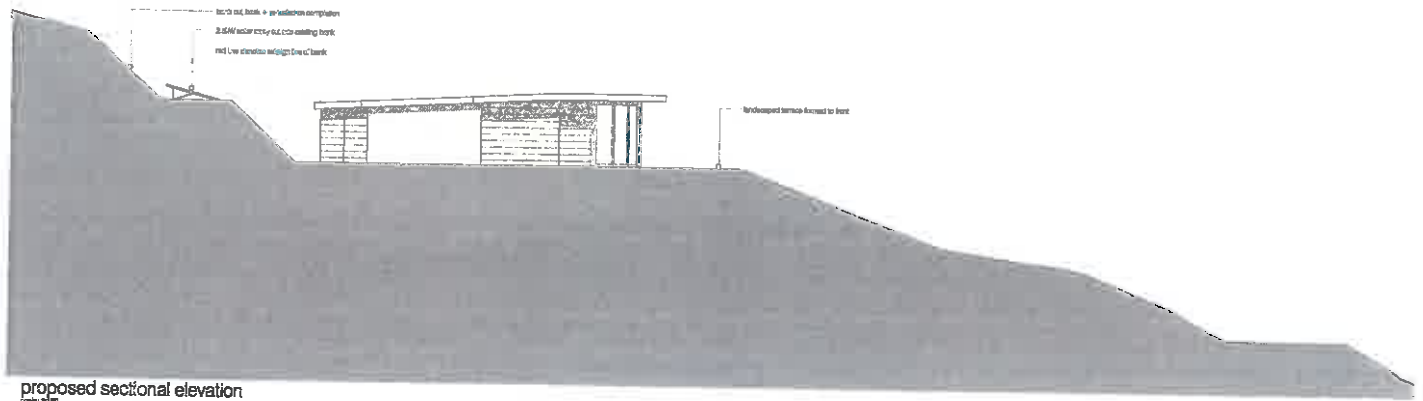
proposed north westerly elevation  
scale: 1:50



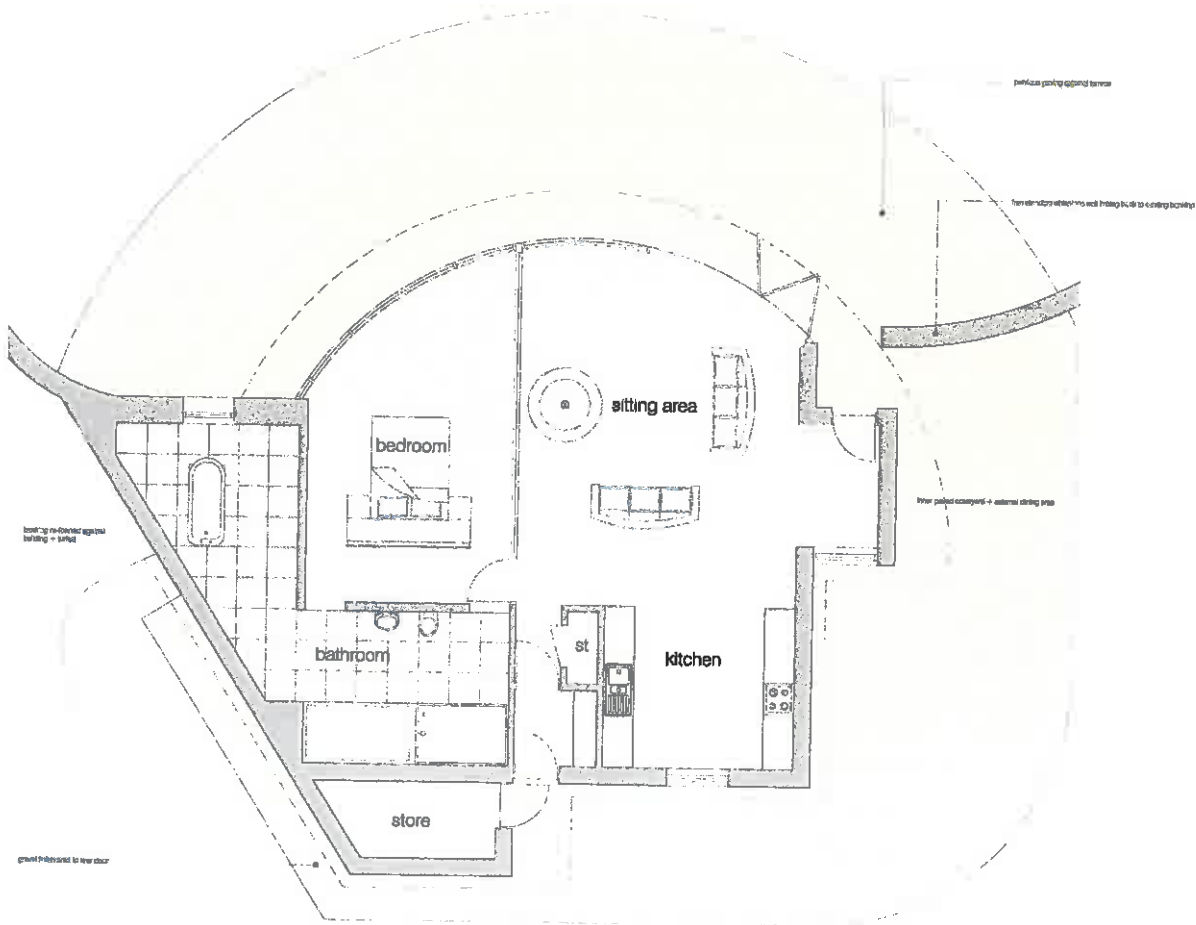
proposed north easterly elevation  
scale: 1:50



proposed south easterly elevation  
scale: 1:50



proposed sectional elevation  
scale: 1:50

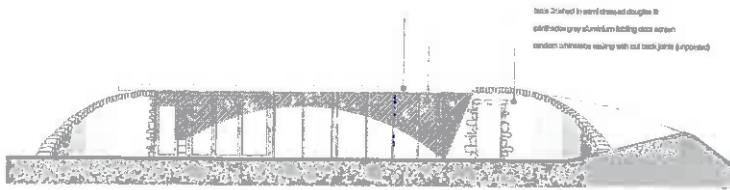


proposed floor plan  
scale: 1:50

plot 1 proposals

formation of 2 holiday let dwellings at the rink farm, galashiels  
for mr m bayne

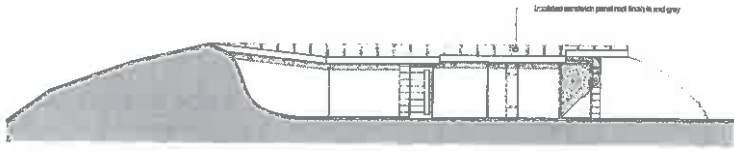
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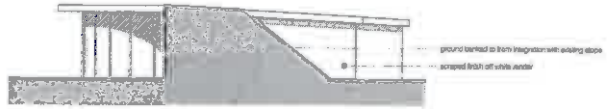
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Scale: 1:100



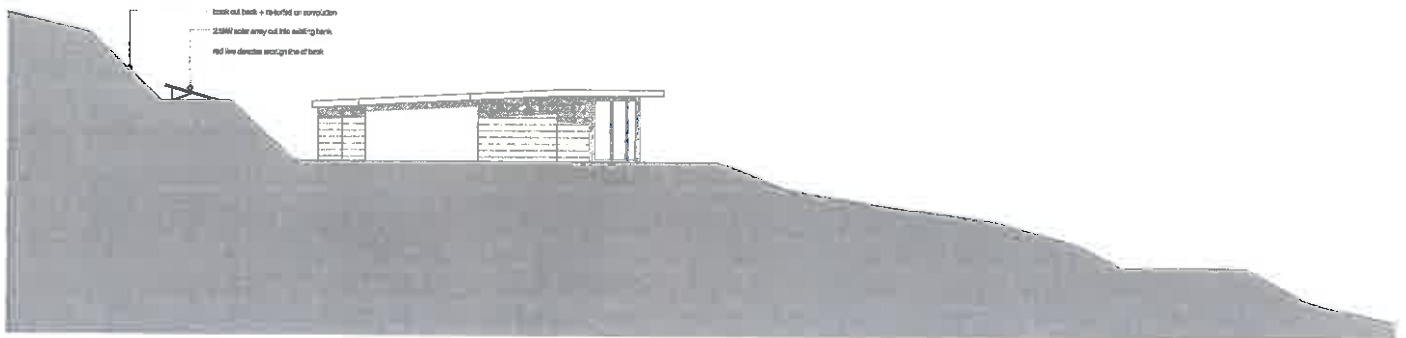
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Scale: 1:100



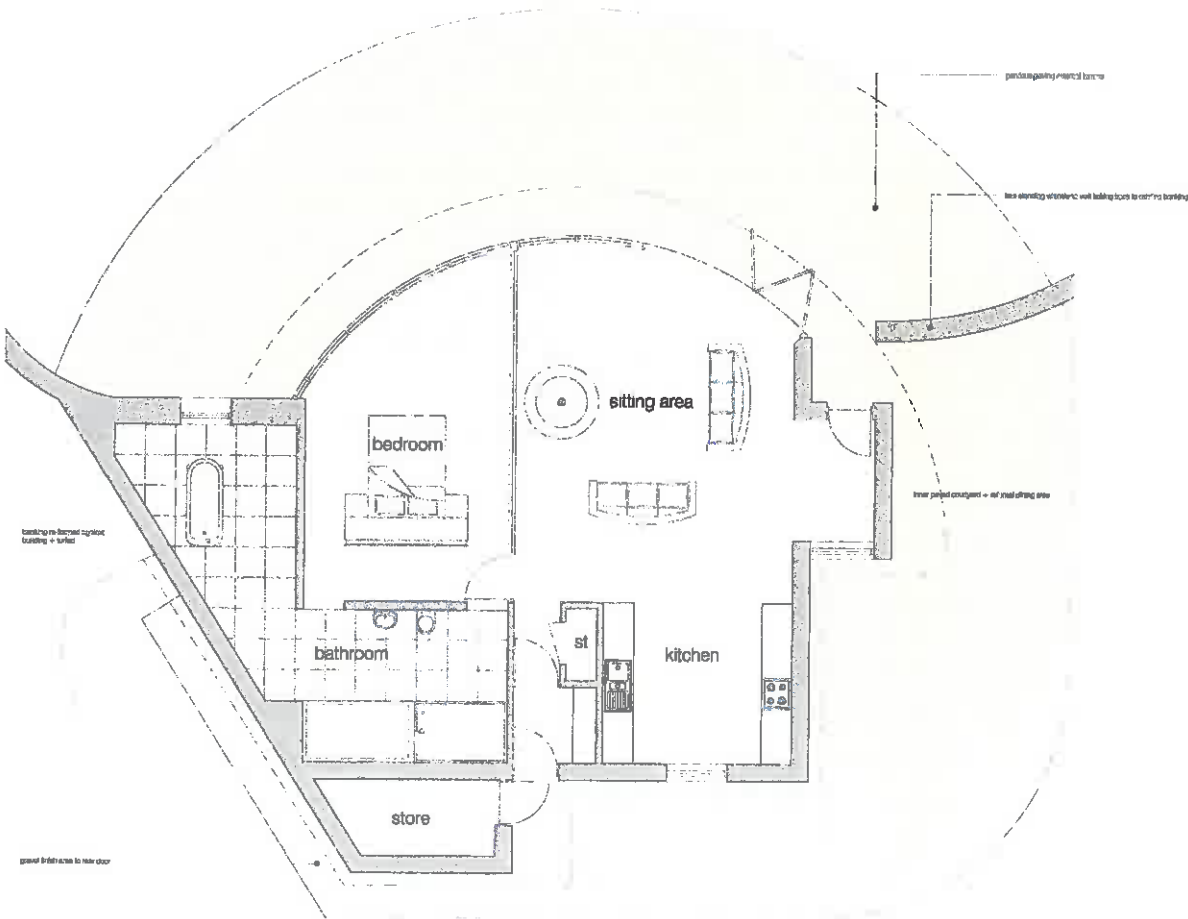
proposed north easterly elevation  
Scale: 1:100



proposed south easterly elevation  
Scale: 1:100



proposed sectional elevation  
Scale: 1:100



proposed floor plan  
Scale: 1:100

plot 2 proposals

formation of 2 holiday let dwellings at the rink farm, galashiels  
for mr m bayne

drawing no: P415-BK-032A scale: 1:50/1:100 @ A1







# Archaeological Desk Based Assessment

Rink Farm

10/05/2016



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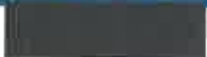
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## Contents

1. INTRODUCTION .....	5
Site Description .....	5
Scope of the Assessment.....	5
2. LEGISLATION AND PLANNING POLICY CONTEXT .....	7
Legislation, Policy and Guidance .....	7
Scottish Planning Policy 2014 .....	8
Historic (Environment) Scotland: Managing Change in the Historic Environment 2010 .....	10
Scottish Borders Consolidated Local Plan.....	12
3. METHODOLOGY .....	16
Desk Based Assessment .....	16
Professional Guidance.....	16
Assessment Of Effects .....	17
Consultation .....	18
4. BASELINE CHARACTERISATION.....	19
Archaeological Period Classifications .....	19
Historical Background.....	19
5. IMPACT ASSESSMENT.....	23
Assessment of Significance and Impacts .....	23
Summary of Impacts.....	27
6. MITIGATION MEASURES.....	29
7. CONCLUSIONS AND RECOMMENDATIONS.....	30
Compliance with Relevant Policies .....	30



# 1. INTRODUCTION

## SITE DESCRIPTION

- 1.1. This Archaeological Desk Based Assessment is being submitted to Scottish Borders Council (SBC) in support of the planning application for a proposed residential development centred at National Grid Reference (NGR) 347650 632576, within land at Rink Farm, Galashiels, TD1 3PS.
- 1.2. The area of the proposed development, herein known as 'the application site', contains an area of c. 8,500m<sup>2</sup> and lies at an elevation ranging between 165 – 187m AOD on agricultural land which notably slopes from north to south and is bound on the west side by its access track and on the north side by a drystone wall with some post and wire fencing. The B7060 runs in a northwest to southeast direction c. 50m to the south of the application site.

## SCOPE OF THE ASSESSMENT

- 1.3. The assessment has been produced to evaluate the archaeological potential of the application site as well as the potential direct and indirect impacts upon surrounding heritage assets. Designated sites, including Scheduled Ancient Monuments (SAMs), Listed Buildings, Conservation Areas, Historic Battlefield Sites, World Heritage Sites and Gardens and Designed Landscapes (GDLs) have been assessed within a 1km study zone of the proposed development. Where appropriate, sites outside the study zone have been assessed for their sensitivity to the proposed development. Non-designated sites identified in the Historic Environment Record (HER) of SBC have been assessed within a 500m study zone. The aims of the assessment are as follows:
  - To identify all known heritage assets within the study zone based on all available public resources.
  - To identify the potential for both unrecorded above ground remains and, where possible, sub-surface remains.
  - To determine what if any level of recording will be required for any extant remains.
  - To assess the significance of any direct or indirect effect of the proposed development on heritage assets and their settings within the study zone, from construction through to decommissioning.
  - To identify mitigation measures where possible and aid in the design process to reduce the potential impacts of the proposed scheme.

- To provide recommendations for any further archaeological/heritage assessment work that should be undertaken as part of the proposed development.

1.4. The report is supported by the following Figures and Technical Appendices:

- Figure 1 – Site Location
- Figure 2 – Heritage Assets
- Figure 3 – Thomson 1832 Map
- Figure 4 – Historic Map of 1863
- Appendix A: Figures
- Appendix B: Tables
- Appendix C: Plates

## 2. LEGISLATION AND PLANNING POLICY CONTEXT

### LEGISLATION, POLICY AND GUIDANCE

2.1. This Cultural Heritage Impact Assessment has been considered with regard to all relevant national, regional and local planning policy and guidance:

- Scottish Planning Policy (2014)<sup>1</sup>
- Scottish Historic Environment Policy (SHEP) (2011)<sup>2</sup>
- Planning Advice Note 2/2011 (PAN 2); Planning and Archaeology<sup>3</sup>
- Historic (Environment) Scotland: Managing Change in the Historic Environment: Setting (2010)<sup>4</sup>
- Ancient Monuments and Archaeological Areas Act (1979)<sup>5</sup>
- Planning (Listed Buildings and Conservation Areas)(Scotland) Act (1997)<sup>6</sup>
- Town and Country Planning (General Development Procedure)(Scotland) Order (1992)<sup>7</sup>
- Scottish Borders Consolidated Local Plan (Adopted 2011)<sup>8</sup>

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<sup>1</sup> The Scottish Government (2014) *Scottish Planning Policy*. Edinburgh.

<sup>2</sup> Historic (Environment) Scotland (2011) *Scottish Historic Environment Policy*. Edinburgh.

<sup>3</sup> The Scottish Government (2011) *Planning and Archaeology — Planning Advice Note 2/2011*. Edinburgh.

<sup>4</sup> Historic (Environment) Scotland (2010) *Managing Change in the Historic Environment: Setting*. Edinburgh.

<sup>5</sup> HMSO (1979) *Ancient Monuments and Archaeological Areas Act 1979*. London (Reprinted 1996).

<sup>6</sup> HM Government (1997) *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*.

<sup>7</sup> HM Government (1992) *The Town and country Planning (General Development Procedure) (Scotland) Order 1992*.

<sup>8</sup> SBC (2011) *Scottish Borders Consolidated Local Plan: Vol 1 Policies*. SBC.

## SCOTTISH PLANNING POLICY 2014

- 2.2. Scottish Planning Policy (SPP) was published on the 23<sup>rd</sup> of June 2014. It sets out the national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. Policies relevant to this impact assessment are located within the "Valuing the Historic Environment" section of the SPP. These policies define the various categories of heritage assets that will be assessed in this report.

### Designated Heritage Assets

#### Paragraph 141 — Listed Buildings

*"Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting."*

#### Paragraph 143 — Conservation Areas

*"Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it."*

#### Paragraph 145 — Scheduled Monuments

*"Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development."*

**Paragraph 147 — World Heritage Sites**

*“World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value.”*

**Paragraph 148 — Gardens and Designed Landscapes**

*“Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.”*

**Paragraph 149 — Battlefields**

*“Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.”*

- 2.3. This impact assessment will identify all of the designated heritage assets defined in policies 141, 143, 145, 147, 148 and 149 that are within the locality of the proposed development and assess their significance and the level of impact that the proposed development will have upon them. More detail on how this is done is found in the Methodology section. It is understood that the proposed development has the potential to directly and indirectly impact upon local heritage assets and that views to and from a heritage asset, as well as any meaningful intervisibility shared with the surrounding landscape, can be significant.

**Non-Designated Heritage Assets****Paragraph 150 — Archaeology**

*“Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.”*

- 2.4. This policy highlights the potential need for addressing any archaeological remains that may be affected by development. This impact assessment will therefore consider the potential for, and the significance of, any archaeological remains that may be impacted as a direct result of the proposed development and assess whether it can be justified to preserve these remains in situ. If not, then provisions for appropriate excavation and recording will be considered where required.

**Paragraph 151 —Other Historic Environment Assets**

*“There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland’s heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.”*

- 2.5. An assessment of the SBC HER identifies the known archaeological and historical assets within the locality of the proposed development that are not designated. This process enables non-designated assets to also be assessed for their significance and any potential impacts upon them as a result of the proposed development.
- 2.6. Under this policy document archaeological sites, buildings, GDLs, conservation areas, battlefields or other aspects of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are considered heritage assets. These heritage assets include both designated sites and non-designated sites identified by the LPA and must be a consideration in the planning process due to their heritage interest. This impact assessment will consider all heritage assets defined in this document in detail in order to comply with the above policies.
- 2.7. The proposed holiday home development has been sensitively designed to reflect the special characteristics of all identified heritage and cultural assets and this assessment will set out any necessary mitigation measures to ensure that any impact is minimal.

## **HISTORIC (ENVIRONMENT) SCOTLAND: MANAGING CHANGE IN THE HISTORIC ENVIRONMENT 2010**

- 2.8. This document mainly offers guidance and advice regarding consideration of the setting of heritage assets. It is contextualised by the SHEP and SPP.
- 2.9. There are useful concepts regarding setting illustrated in the document, and it lays out the recommended procedure for assessing the effects a development proposal may have on the surrounding assets and their settings. The document defines setting as the surroundings in which an asset is experienced, and discusses the effects that developments can have on the different types of setting heritage assets have.

*“The setting of a historic asset can incorporate a range of factors, not all of which apply to every case. These include:*

- *Current landscape or townscape context;*
- *visual envelope, incorporating views to, from and across the historic asset or place;*

- *key vistas, framed by rows of trees, buildings or natural features that give an asset or place a context, whether intentional or not;*
- *the prominence of the historic asset or place in views throughout the surrounding area;*
- *character of the surrounding landscape;*
- *general and specific views including foregrounds and backdrops;*
- *relationships between both built and natural features;*
- *aesthetic qualities;*
- *other non-visual factors such as historical, artistic, literary, linguistic, or scenic associations, intellectual relationships (e.g. to a theory, plan or design), or sensory factors;*
- *a 'Sense of Place': the overall effect formed by the above factors."*

- 2.10. The document relates the setting of heritage assets to their importance within the requirements of environmental assessments for developments and suggests that the impact of change upon a setting should be assessed in three stages:

*"Stage 1: identify the historic assets that might be affected by a proposed change.*

*Stage 2: define the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced.*

*Stage 3: assess how any change would impact upon that setting."*

- 2.11. Therefore this assessment takes into account the setting of all identified heritage assets and determines the impact that the proposed development may have on them. It is understood that views to and from the heritage asset, as well as any meaningful intervisibility that it shares with its surrounding landscape, can constitute significance.

*"Key viewpoints to, from and across the setting of a historic asset should be identified. Often certain views are critical to how a historic asset was approached and seen, or understood when looking out. These views were sometimes deliberately manipulated, manufactured and/or maintained. Depending on the historic asset or place in question these could include: entrances, specific points on approaches, routeways, associated farmland, other related buildings, monuments, natural features, etc."*

- 2.12. Historic Environment Scotland, therefore, are not seeking to ensure that heritage assets do not preclude development and their protection should not prevent change. However, the more important a heritage asset is the greater the weight should be given to its conservation. This assessment will identify the significance of designated and non-designated heritage assets and apply appropriate weight to the potential impact on them.

## SCOTTISH BORDERS CONSOLIDATED LOCAL PLAN

- 2.13. There are four specific policies within the SBC Consolidated Local Plan that are relevant to this impact assessment. Like the SPP, they are structured around the categories of heritage assets and contain specific regulations designed to achieve the broader goals of protection and conservation within the SPP

### 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 to 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 application for major alterations or extensions, or for demolition and replacement."*
- 2.14. This impact assessment will therefore consider all designated and non-designated heritage assets identified within the above policies in order to ensure that the proposed development does not substantially harm any assets or their settings, in order to comply with policies in both the SBC Consolidated Local Plan and the SPP.

## 3. METHODOLOGY

### DESK BASED ASSESSMENT

- 3.1. The desk based assessment was conducted to ascertain all historical and archaeological information relevant to the application site and the local area. A search of high grade heritage assets including Listed Buildings, SAMs, Conservation Areas, Historic Battlefield Sites, World Heritage Sites and Gardens and Designed Landscapes (GDLs) was conducted within a 1km study zone around the proposed development location. A search of non-designated assets within the HER to 500m from the application site. The National Monuments Record of Scotland (NMRS) and the HER were consulted in order to identify both designated and non-designated heritage assets. The size of the study areas ensure that comprehensive and informative data can be collated to characterise the direct and indirect impacts that the proposed development may have on historical and archaeological assets within the local area.
- 3.2. Historical databases and various archives were consulted in order to undertake the DBA. The main sources which were consulted include:
- The National Monuments Record of Scotland (NMRS)
  - The Historic Environment Record (HER) accessed via Canmore, run by Historic Environment Scotland
  - Published sources available in the SBC HER
  - Historic Maps
  - Web based resources

### PROFESSIONAL GUIDANCE

- 3.3. The assessment has been conducted in accordance with the appropriate professional guidance, which includes:
- Code of Conduct, Chartered Institute of Field Archaeologists (CifA) (2015)<sup>9</sup>
  - Standards and Guidance for Archaeological Desk Based Assessment, CifA (2015)<sup>10</sup>

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<sup>9</sup> CifA (2014) *Code of Conduct*. Chartered Institute for Archaeologists.

<sup>10</sup> CifA (2014) *Standards and Guidance for desk-based assessment*. Chartered Institute for Archaeologists.

## ASSESSMENT OF EFFECTS

### Direct Impacts

- 3.4. Potential direct impacts during the construction phase are considered as physical disturbance of known or associated archaeological remains. These impacts can be caused through the construction processes within the footprint of the development, including any ancillary works. Direct impacts can affect both above ground and subsurface remains.

### Site Visit

- 3.5. A walkover survey was conducted at the application site on the 17<sup>th</sup> March 2016. The primary aims of the survey were to identify any archaeological or historical features within the ownership boundary of the project that were previously unknown or not recorded within the HER, as well as assessing the conditions and potential for any sub-surface archaeology. The land and fields at the ownership boundary were documented photographically along with any possible features identified. The results of this survey will be considered alongside other information on the known designated and non-designated sites within and close to the application site.

### Indirect Impacts

- 3.6. This section assesses the potential visual impact the proposed development may have on the setting of a heritage asset. A monument or building's setting can generally be assessed by how its surroundings contribute to the ways in which it is understood, appreciated and experienced.

### Assessment Limitations

- 3.7. The HER is a record of known archaeological and historic features. The record is not an exhaustive record of all surviving historic environment features and does not preclude the possible existence of archaeological remains of significance within the study zone, which are at present unknown. It is assumed that official data provided by public bodies is accurate and up-to-date. Views and effects are carefully assessed, but restrictions due to accessibility because of private land ownership or issues regarding Health and Safety may limit assessment.

### The Importance of Setting

- 3.8. Setting can be important to the way in which historic assets or places are understood, appreciated and experienced.

- 3.9. Where development is proposed it is important to identify and define the setting of the heritage asset and to assess how development might impact upon this resource. 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. In the light of this guidance, development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

## CONSULTATION

- 3.10. Consultation with Dr Christopher Bowles, the archaeology officer at SBC, has highlighted that the main archaeological and heritage concerns are regarding the potential effects on the setting of Rink Hill Farm as well as direct impacts upon the former route of the Picts' Work boundary. The Picts' Work boundary has some discernible remains located to the east of the application site and historic mapping identifies the former route to project across the current and proposed access to the site. The boundary is likely to originate from the Iron Age or early historic period and may therefore share a relationship with the Rink Hill Fort, although there is currently no evidence for this. Impacts upon the setting of Rink Hill Fort SAM to the northeast may also be a concern, although it was thought that the proposed development does not appear to be of a scale which will impact significantly upon the current setting of the monument. Particular consideration will therefore be given to these impacts as well as potential wider impacts.

## 4. BASELINE CHARACTERISATION

- 4.1. The following section outlines the historical and archaeological background within the extent of the study zone and the local area. This will provide a clear depiction of the context and significance of the heritage assets that could potentially be impacted by the proposed development. The report will then outline an assessment of the direct and indirect impacts of the proposed development and proposed mitigation measures. The potential for disturbing any remains within the footprint of the development will also be assessed and recommendations produced for any further investigative work.

### ARCHAEOLOGICAL PERIOD CLASSIFICATIONS

- Lower Palaeolithic (pre 30,000 BC)
- Upper Palaeolithic (30,000 - 10,000BC)
- Mesolithic (10,000 – 4000BC)
- Neolithic (4000 - 2500BC)
- Bronze Age (2500 - 700BC)
- Iron Age (700BC – AD43)
- Roman (AD43 – AD450)
- Early Medieval (AD450 - AD1066)
- Medieval (AD1066 - AD1540)
- Post Medieval & Modern (AD1540 onwards)

### HISTORICAL BACKGROUND

- 4.2. The search of cultural heritage assets was performed in order to obtain information on the surrounding archaeological and historic assets, as well as to provide additional archaeological and historical context around the proposed development location and provide an indication of any potential for unrecorded archaeological remains within the site.

## Non-Designated Assets

- 4.3. There are two sites recorded within the HER that are within 500m of the application site. These are Picts' Work (NA07), also known locally as the Catrail, and Crib's Hill – Howdenpot Knowes (NA08). Both sites appear to be linear earthworks which form the remnants of previous boundary lines. Picts' Work is a boundary marker c. 0.32km to the east of the application site while Crib's Hill is the possible edge of a plantation located c. 0.35km to the southwest. The 1863 OS map (Figure 4) depicts the site of the former boundary line (NA07) extending northeast and southwest which may indicate a possibility that the two features may have been present along the same boundary line. However, a 1957 account from RCAHMS suggests that this was unlikely due to the different orientation of the linear earthbank at Crib's Hill.
- 4.4. The Picts' Work boundary has some discernible remains located to the east of the application site and historic mapping identifies the former route to project across the current and proposed access to the site. The boundary is likely to originate from the Iron Age or early historic period and may therefore share a relationship with the Rink Hill Fort, although there is currently no evidence for this.
- 4.5. Outside the study zone there are two sites within the HER that are also worth noting. These are the findspots for a flint flake and worked chert object 1.25km to the east of the application site and a Mesolithic flint 1.4km to the west. The findspots are both located at the riverside of the River Tweed which runs along the south (c. 300m away) of the application site. This possibility for prehistoric activity along the banks of this river also indicates a slight chance of prehistoric remains located within the application site.

## Designated Assets

- 4.6. The full list of assets identified within their respective study zones is presented within Appendix B – Table 2. Within the 1km study zone there is a total of three SAMs, two Listed Buildings, one GDL and two non-designated sites within the HER (Figure 1). These assets will therefore be assessed for potential impacts within this report.
- 4.7. The SAMs include: the Rink Hill Fort (NA01), Fort 700m NE of Rink Hill (NA02) and the Sunderland Hill Earthwork (NA03).
- 4.8. The Listed Buildings include: Sunderland Hall (NA04) and Sunderland Hall Terraced Garden (NA05), both Category B and located adjacent to one another within the same estate.
- 4.9. The GDL is Fairnilee House (NA06) which covers a large area to the west of the application site.
- 4.10. No Conservation Areas, Battlefields or World Heritage Sites were identified in the study zone.



## Map Regression Analysis

- 4.11. Figure 3 contains the Thomson 1832 Map which has only some information regarding the site and its surroundings. However, it clearly depicts a 'Roman Camp', presumably the same landmark as the Rink Hill Fort, to the northeast of the application site and with a Roman road leading northwest out of the camp. This depiction on the map is the only reference to the hill fort as a Roman camp (clearly a misinterpretation) and the only source that suggests the presence of a Roman road leading from the asset. It is unclear whether this road was postulated upon the creation of the map or whether there was any physical evidence to suggest its existence. The presence of regional Roman activity, including a road to the north at Galashiels and Melrose, may indicate the possibility of such a trackway. However, with no physical evidence of this it is considered to be conjecture.
- 4.12. Figure 4 contains the 1863 OS map of the site, showing the progression of land use and field boundaries in the area. The historic map shows that the application site has not seen much change since 1863. Due to the small size of the site and its upland location there has been no development or discernible change to the land use or composition of the land. The drystone wall bordering the north edge of the site and the access track running along the southwest edge are both visible on the historic map and appear entirely unchanged in their modern forms. The access track to the southeast of the application site appears to cross over both the former earthwork line of Picts' Work as well as a possible leat connected to a Mill Pond depicted c. 300m to the east. The site of the former earthwork is depicted on the 1863 OS map with a small area still surviving, located to the east of the application site. This surviving area is recorded as Picts' Work (NA07) within the HER.
- 4.13. There is no current evidence remaining for either of these features around the access track.
- 4.14. The Rink Hill Fort SAM (NA01) is depicted as the remains of a camp to the northeast of the application site, but appears to include the possible earthwork remains of a ditch or bank at the western side. This bank has a small section at its northern end still visible on aerial photography but has been mostly ploughed out and is no longer visible.

## Site Visit

- 4.15. A walkover survey of the application site was conducted on the 17<sup>th</sup> of March 2016. The survey identified no previously unknown archaeological features within the site boundary. A drystone wall (Plate 1) running along the northern boundary of the site has some historical value and will be excluded from the proposed development works.
- 4.16. To the east of the application site are the earthwork remains of the Picts' Work boundary line (NA07) which runs southwest to northeast through a small wooded area (Plate 4). The earthwork remains measured approximately 3m across and 0.5m high. This boundary line is postulated as extending further to the northeast and southwest on the 1863 OS map (Figure 4) but no such remains are visible outside the small section remaining at Picts' Work. The current access to the site (Plate 6) crosses over the site of the former boundary line but there

is no evidence of surviving remains. There was also a clearance cairn present at the southwest corner of the Picts' Work (Plate 5).

- 4.17. The site visit also gave an opportunity to illustrate the viewscape possible from Rink Hill and its commanding position over the River Tweed and its valley (Plates 2 & 3). There are clear and panoramic views looking south and southeast over the river valley but views to the north and west are considerably more restricted due to the position of the application site on the southern slope of Rink Hill. It was confirmed during the site visit that there were no obvious views or meaningful intervisibility with the Rink Hill Fort (NA01) due to visibility being screened by an intervening ridge and the presence of dense woodland surrounding the hillfort itself. There was some partial visibility possible with the wider area surrounding the Sunderland Hall Listed Building (NA05/NA06) to the southeast of the application site on the opposite side of the river bank. However, neither the building itself or its associated terraced gardens were visible due to the large amount of woodland screening present around them.

## 5. IMPACT ASSESSMENT

### ASSESSMENT OF SIGNIFICANCE AND IMPACTS

#### SAMs

##### Rink Hill Fort (NA01)

- 5.1. Rink Hill Fort is a substantial defensive structure located 0.34km to the northeast of the application site, at the summit of Rink Hill at an elevation of c. 200m AOD. The fort has been in use over multiple phases but the initial phase is likely to have been an Iron Age oval settlement measuring c. 140m by c. 90m. The extent of this phase is discernible on the 1863 OS map (Figure 4) at the western edge of the SAM. However, most of these remains have been ploughed out and are no longer visible. A subsequent structural phase consists of a circular enclosure measuring c. 60m in diameter with a stone wall lying on the inner rampart, that may indicate a third structural phase. Due to the substantial nature of the fort it is likely that it remained in occupation well beyond its original Iron Age construction. Artefacts recovered from the site have included Roman brooches, a saddle-quern, rotary querns and coarse earthenware. Ainslie 1773 and Thomson 1832 maps both record the SAM as a 'Roman Camp' with squared edges rather than the oval or circular extents.
- 5.2. The substantial upstanding remains of the asset and its prominent position atop Rink Hill indicates that it is a monument of particular significance and derives importance from its surrounding views and setting. Its setting comprises large areas of grazing land with limited modern development in the form of housing and agricultural buildings at Rink Farm to the south. The smaller fort (NA02) to its northeast is possibly contemporary and shares intervisibility, a common trait with Iron Age hill forts that facilitates communication and defence. The fort also overlooks the River Tweed to the south and east directions which was presumably one of the main objectives of its original location here. The setting therefore makes a valuable contribution to the heritage value of the hill fort.
- 5.3. Due to the nature of the topography between the SAM and the application site, direct views between the two points are not expected to be possible as they will be screened by the intervening ridge. In addition, the heavy woodland upon and surrounding the remains of the hill fort will limit any potentially harmful intervisibility within the wider area. The site visit confirmed the trees around the SAM will likely be visible from the area around the proposed development but no part of the hill fort itself could be seen (Plate 1). As a result, only very minor visual impacts are predicted upon the asset despite its significance. Visual impacts are therefore anticipated to be low.
- 5.4. As the hill fort is located to the northeast of the application site, it will not be directly impacted. However, the application site contains a limited potential for uncovering sub-

surface remains relating to the Iron Age/Roman occupation of the hill fort. Due to the distance from the asset and the lack of any discernible evidence for remains during the site visit or cartographic analysis, the potential for such archaeology is anticipated to be **low**.

#### **Fort 700m NE of Rink Hill (NA02)**

- 5.5. The Fort 700m NE of Rink Hill is a small fort occupying the crest of the spur that runs northeast from Rink Hill. It is located 0.85km to the northeast of the application site and consists of the partial upstanding remains of a rampart, measuring c. 5m broad by 1m high, and a ditch. The original fort would have been roughly circular c. 60m in diameter but has been significantly disturbed by cultivation, especially on the northwest and southwest sides which have been removed. The interior of the feature has also been used as a dumping ground for stones gathered from the surrounding fields and as a result contains a large clearance cairn in its centre. A ruined stone wall present at the asset is of a later date and likely replaced the rampart at one point.
- 5.6. The considerable disturbance of the fort somewhat reduces its significance, particularly in comparison to its larger counterpart (NA01). However, it shares a similar setting and possesses views with the larger hill fort as well as overlooking the River Tweed to the east. The setting therefore also makes a considerable contribution to the heritage value of the asset.
- 5.7. However, the position of the fort on the other side of Rink Hill results in the summit, including the larger hill fort, entirely screening any possible views of the proposed development. Intervisibility is also expected to be severely limited and very unlikely to cause any harm to the asset. Visual impacts are therefore anticipated to be **negligible**.

#### **Sunderland Hill Earthwork (NA03)**

- 5.8. Sunderland Hill is a SAM located 0.85km to the southwest of the application site. It is a substantially disturbed earthwork which was recorded by the Ordnance Survey in 1961 as having been almost entirely ploughed out. There are virtually no discernible remains of the asset apart from very slight indications that two banks may have existed on the south and east sides of the site. The asset was possibly the site of another prehistoric settlement constructed here overlooking the river and the presence of a Bronze Age cairn c. 450m to the west may indicate some level of prehistoric activity in this area. However, no information is available on Sunderland Hill to be able to confirm a potential date. Due to the lack of any significant upstanding remains or original features, the site is not considered to be of high significance but due to its designation as a SAM it may have some archaeological importance, particularly with regard to its potential for sub-surface remains. The feature occupies a prominent position atop a small hill overlooking the River Tweed to the northeast and possesses good views of the banks on the other side of the river valley, including the application site. The setting is an aesthetic parcel of agricultural land surrounded on the north,

east and south sides by woodland. However, due to the lack of any upstanding remains the setting does not make a significant contribution to the heritage value of the SAM.

- 5.9. Despite the large amount of woodland in the intervening area, the Sunderland Hill Earthwork and the proposed development are likely to share views due to their positions on opposite sides of the river valley. The site visit confirmed that the application site and the SAM could be seen directly from one another (Plate 2). However, due to the ploughed out condition of the asset and absence of any notable upstanding remains, it is not considered to be particularly sensitive to these views. Visual impacts are therefore considered to be **low**.

## GDLs

### Fairnilee House (NA04)

- 5.10. Fairnilee House is a walled and formal garden grounds originating from the 17<sup>th</sup> century onwards. The buildings within the estate are an example of Edwardian design and Historic Environment Scotland describe its historical value as outstanding, its architectural value as high and its archaeological value as high. The setting of the asset includes extensive mature woodlands and parkland that accentuates its upland character and position overlooking the River Tweed to its south and west.
- 5.11. Only the eastern edge of the GDL is located within the 1km study zone while the Edwardian buildings and garden features, from which the GDL derives its primary heritage value, are concentrated toward the western edge. As such, the large distance from the application site, the screening effects from the mature woodland and the topographical features in the intervening area are expected to screen the vast majority of views and intervisibility between the main features of the GDL and the proposed development. In addition, the character of land towards the eastern edge of the GDL becomes increasingly agricultural and indistinguishable from the surrounding non-designated land. The sensitivity of this area to visual impacts is therefore considerably lower than its western component. Topography and screening effects from the woodland belt at the eastern extremity of the GDL are also expected to greatly reduce any possible views from within the asset. As a result, visual impacts upon Fairnilee House are anticipated to be **low to negligible**.

## Listed Buildings

### Sunderland Hall and Terraced Gardens (NA05 & NA06)

- 5.12. Sunderland Hall and Terraced Gardens is a Category B Listed Building located c. 0.77km to the southeast of the application site. The more recent record (NA06) appears to include both the main house and the terraced garden within its protection and as a result the original record (NA05) can be considered redundant. The house is a Scottish Baronial style mansion constructed in 1850 and incorporated some earlier Georgian fabric. The terraced gardens also include some original retaining walls and gatepiers that probably date to the 18<sup>th</sup> century. The

assets are situated within their own well-defined estate enveloped by dense woodland on all sides except for a small opening to the east where the main aspect of the house looks out onto the large associated fields along the south bank of the River Tweed. These fields appear largely unchanged since their depiction on the 1863 OS map and despite some changes to the house and surrounding estate, they retain much of their historical fabric. The estate therefore provides an aesthetic and somewhat historical setting for the assets.

- 5.13. The dense woodland surrounding the immediate setting of the house is expected to heavily restrict any meaningful views with the application site. The site visit confirmed that views would be unlikely with the estate house and the terraced gardens from Rink Hill due to the heavy woodland surrounding them (Plate 3). The main aspects of the house are orientated east over the fields and west over its car park, neither of which will be affected by the proposed development to the northwest. Some intervisibility is predicted from within the fields to the east of Sunderland Hall. These views may also be limited by woodland on the north bank of the river but due to their position within the river valley the trees may not be of a sufficient height to screen this intervisibility. However, such intervisibility will not affect the primary well-defined setting surrounding the house and is not considered likely to harm the heritage value of the assets. Impacts are therefore anticipated to be **low to negligible**.

## Historic Environment Record

- 5.14. The surviving area of the former boundary line at Pict's Work (NA07) is present to the east of the application site and is covered by a small area of woodland (Plates 4 & 5). The extended line of the former boundary depicted on the 1863 OS map is outwith the application site and any proposed construction works. The proposal to alter the entrance of the access track slightly will also encroach upon the projected line. In addition, the lack of any upstanding remains at the point where it meets the access track suggests that the feature has been completely removed here at some point in the past. It will therefore not be directly impacted by the proposed development. The nature of the feature and its surviving components are considered to be of low significance and not particularly sensitive to visual impacts.
- 5.15. Crib's Hill is a very poorly preserved boundary line, likely to have marked the edge of a plantation, and the 1957 RCAHMS survey states that in some places the feature has been completely obliterated due to disturbance from cultivation as well as its partial use as a road. The nature of the asset and its poor condition indicates that it is considered to be of low significance and not particularly sensitive to visual impacts.
- 5.16. Impacts upon the two sites within the HER are anticipated to be **negligible**.

## SUMMARY OF IMPACTS

### Direct Impacts

- 5.17. The main potential direct impacts during the construction phase would result from groundworks required by the proposal, including the excavation and topsoil stripping required for on-site access tracks, services, foundations and assembly areas. The current access track will be modified to create a new entrance and a small section of track will be added in the form of passing places.
- 5.18. There are no recorded designated or non-designated sites within the confines of the application site that could be physically impacted by the proposed development. There are several heritage assets of interest within the local area but the closest of these to the proposed works is the Rink Hill Fort (NA01) c. 340m to the northeast. As such, no heritage assets will be directly affected during the construction phase of the development. The drystone wall that borders the north of the application site may be of some historical interest but the development has been designed to avoid all potential impacts upon this feature. The postulated former line of Picts' Work (NA07) and a possible mill leat are depicted on the 1863 OS map but there was no evidence of either feature during the site visit. It is unlikely that either feature will have any remains impacted by the proposed construction works. No other archaeological features of significance were identified during the site visit. Direct impacts are therefore anticipated to be **low to negligible**.
- 5.19. The potential for archaeological remains within the application site is determined by considering the surrounding archaeological assets and the HER. As the footprint of the development is expected to be relatively small, the potential for archaeological remains to be uncovered during the construction phase of the proposal is relatively limited. However, the archaeological record suggests there is a small potential for remains of significance to be encountered, specifically relating to the Iron Age/Roman occupation of the Rink Hill Fort and the potentially related Picts' Work (NA07).
- 5.20. Outside the study zone there are two sites within the HER that are also worth noting. These are the findspots for a flint flake and worked chert object 1.25km to the east of the application site and a Mesolithic flint 1.4km to the west. The findspots are both located at the riverside of the River Tweed which runs along the south (c. 300m away) of the application site. This possibility for prehistoric activity along the banks of this river also indicates a slight chance of prehistoric remains located within the application site.
- 5.21. The overall potential for uncovering or disturbing sub-surface archaeology within the application site during the construction phase is assessed as **low**.

## Indirect Impacts

- 5.22. A study zone of 1km from the proposed development was decided upon for assets which have a greater sensitivity to development, including: SAMs, Listed Buildings, Conservation Areas, GDLs, Battlefields and World Heritage Sites. A smaller study area of 500m was decided for non-designated sites within the HER.
- 5.23. There are three SAMs identified within the 1km study zone. These include the Rink Hill Fort (NA01), Fort 700m NE of Rink Hill (NA02) and Sunderland Hill Earthwork (NA03). A **low** impact was assessed for Rink Hill Fort and Sunderland Hill Earthwork, while a **negligible** impact was assessed for Sunderland Hill Earthwork.
- 5.24. There are two Listed Buildings identified within the 1km study zone, both of which are part of the Sunderland Hall and Terraced Gardens (NA05 & NA06), designated as Category B. A **low to negligible** impact was assessed for these assets.
- 5.25. There are two sites within the HER identified within the 500m study zone. However, due to their nature and inclusion as non-designated sites, they are not considered to be sensitive to visual impacts resulting from the proposed development. Impacts were therefore assessed to be **negligible**.
- 5.26. There were no Conservation Areas, Historic Battlefield Sites or World Heritage Sites identified in the 1km study zone.



## 6. MITIGATION MEASURES

- 6.1. Due to the proximity of the application site to the assets of Rink Hill Fort and Picts' Work, there is a small chance of encountering related archaeological remains during the construction works. Where areas of top soil stripping or deeper excavation is required (e.g. on-site access tracks, services, foundations and assembly areas) mitigation of these impacts is possible through an archaeological watching brief. An appropriate mitigation strategy shall be implemented in accordance with the wishes of SBC if required.
- 6.2. Indirect impacts upon the surrounding heritage assets have been assessed as overall **low to negligible**. Therefore no specific mitigation is considered to be required for the reduction of any visual impacts. The proposed development has also been designed in order to minimise its potential visual impact upon the surrounding landscape.

## 7. CONCLUSIONS AND RECOMMENDATIONS

- 7.1. All potential direct and indirect impacts upon designated and non-designated heritage assets within the study zones have been assessed through appropriate methods.
- 7.2. It is considered that the proposed development has an overall **low to negligible** potential to directly or indirectly impact upon designated and non-designated assets within the surrounding area, and has a **low** potential to disturb archaeological remains within the application site. Therefore no specific mitigation is anticipated to be required.

### COMPLIANCE WITH RELEVANT POLICIES

- 7.3. The proposed development has been considered in relation to national (SPP) and local (SBC Consolidated Plan) policies throughout the design process by consulting with the LPA. Project design has been undertaken with sustainability at its core and seeks to limit the impact on the areas built heritage. This assessment has been conducted to meet the criteria set out in SPP and the SBC Consolidated Local Plan. As such, it is considered to be compliant with their relevant policies as discussed below.

#### SPP 2014

- 7.4. The assessment determined that the proposed development would comply with the policies within SPP 2014 and therefore ensures that there are no impacts that intervene with the heritage assets being protected as a reflection of national policy.
- 7.5. The proposed development complies with paragraphs 143, 147, 148 and 149 as there are no Conservation Areas, World Heritage Sites, GDLs or Historic Battlefield Sites that will be significantly impacted.
- 7.6. Additionally, the proposed development complies with Paragraphs 141 and 145 as there are no cases where any designated assets or their settings will experience substantial harm as a result of the proposed development. The assessment determined that no designated assets are located within the application site and therefore no direct impacts are anticipated. Designated assets identified within their respective study zones have also been assessed for indirect impacts, but no impacts were identified that would constitute substantial harm as a result of the proposed development.
- 7.7. The proposed development also complies with paragraph 151 as the assessment of the HER undertaken to a 500m study zone determined that no non-designated sites will be significantly impacted by the required construction works. In addition, paragraph 150 is satisfied as the potential for sub-surface remains has been assessed as low. The footprint of the proposed construction works will be outwith any known archaeological sites and as such,

the proposed development is not anticipated to disturb any significant archaeological remains.

- 7.8. The assessment was conducted to the relevant standards and guidance offered by ClfA and Historic Environment Scotland, and taken appropriate consideration of the settings of the heritage assets as well as the assets themselves.

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

- 7.9. The proposed development complies with the local development policies contained within the Scottish Borders Consolidated Local Plan LDP. Specifically it complies with policies BE1, BE2, BE3 and BE4 as there are no Listed Buildings, archaeological sites, GDLs or Conservation Areas that would suffer any considerable adverse effects as a result of the proposed development.

# APPENDICES

## APPENDIX A – FIGURES

- Figure 1 Site Location
- Figure 2 Heritage Assets
- Figure 3 Thomson 1832 Map
- Figure 4 1863 OS Map

## APPENDIX B – TABLES

Table 1: Grading of the Significance of Cultural Heritage Resources Based on DMRB 2009<sup>1</sup>

Significance	Assessment Considerations		
	Archaeological Remains	Historic Buildings	Historic Landscapes
Very High	<ul style="list-style-type: none"> <li>• World Heritage Sites</li> <li>• Assets inscribed as of universal importance</li> <li>• Assets that can contribute substantial knowledge to international research</li> </ul>	<ul style="list-style-type: none"> <li>• World Heritage Sites</li> <li>• Structures of recognised international importance</li> </ul>	<ul style="list-style-type: none"> <li>• World Heritage Sites</li> <li>• Historic landscapes of international historic value</li> </ul>
High	<ul style="list-style-type: none"> <li>• Scheduled Ancient Monuments</li> <li>• Monuments or places of clear national importance</li> <li>• Heritage assets that contribute to national research objectives</li> </ul>	<ul style="list-style-type: none"> <li>• Scheduled Ancient Monuments which incorporate standing remains</li> </ul>	<ul style="list-style-type: none"> <li>• Historic landscapes or GDLS of outstanding interest</li> <li>• Historic landscapes of demonstrable national value</li> </ul>

<sup>1</sup> Highways Agency (2009) *Design Manual for Roads and Bridges*. Highways Agency.

		<ul style="list-style-type: none"> <li>Some Listed Buildings that have exceptional historic or architectural qualities or associations not adequately reflected in their listing</li> <li>Some Conservation Areas containing very important buildings</li> </ul>	
Medium	<ul style="list-style-type: none"> <li>Monuments or places that contribute to regional research objectives</li> <li>Scheduled Ancient Monuments compromised by poor preservation or poor survival of contextual associations</li> </ul>	<ul style="list-style-type: none"> <li>Listed Buildings of regional importance</li> <li>Buildings containing exceptional qualities in their fabric or historical associations</li> <li>Conservation Areas containing buildings important to its historic character</li> <li>Historic townscapes with important historic integrity in their buildings or settings</li> </ul>	<ul style="list-style-type: none"> <li>Historic landscapes or GDs of particular interest</li> <li>Undesignated historic landscapes showing quality justifying designation</li> </ul>
Low	<ul style="list-style-type: none"> <li>Monuments or places of local importance</li> <li>Assets compromised by very poor preservation or survival of contextual associations</li> <li>Assets with potential to contribute to local research objectives</li> </ul>	<ul style="list-style-type: none"> <li>Listed Buildings of local importance</li> <li>Historic buildings of modest fabric or historical association</li> <li>Historic townscapes of limited integrity features within urban areas</li> </ul>	<ul style="list-style-type: none"> <li>Historic landscapes or GDs of local interest</li> <li>Historic landscapes whose value is limited by poor preservation or survival of contextual associations</li> </ul>
Negligible	<ul style="list-style-type: none"> <li>Assets with little or no surviving evidence</li> </ul>	<ul style="list-style-type: none"> <li>Buildings of no architectural or historical note</li> </ul>	<ul style="list-style-type: none"> <li>Landscapes with little or no historic interest</li> </ul>

Table 2: Heritage Assets within the Study Zones

Neo Ref.	Database No.	Name	Distance (km)
<b>Scheduled Ancient Monuments (to 1km)</b>			
NA01	2119	Rink Hill Fort	0.34km
NA02	2260	Fort 700m NE of Rink Hill	0.85km
NA03	2146	Sunderland Hill Earthwork	0.85km
<b>Gardens and Designed Landscapes (to 1km)</b>			
NA04	GDL00175	Fairnilee House	0.52km
<b>Listed Buildings (to 1km)</b>			
<b>Category B / Grade II* / Grade B+ / Regional Significance</b>			
NA05	15200	Sunderland Hall	0.77km
NA06	15201	Sunderland Hall Including Terraced Gardens	0.77km
<b>Sites within the Historic Environment Record (to 500m)</b>			
NA07	342200	Pict's Work	0.32km
NA08	54419	Crib's Hill - Howdenpot Knowes	0.35km

## APPENDIX C – PLATES

Plate 1: From NE site boundary towards Rink Hill Fort (NA01), including drystone wall at N of site, facing NE



Plate 2: View S from site towards Sunderland Hill Earthwork (NA03)



**Plate 3: View SE from Rink Hill including Sunderland Hall (NA05/NA06)**



**Plate 4: Internal view of Pict's Work boundary (NA07) with earthen banks, facing NE**





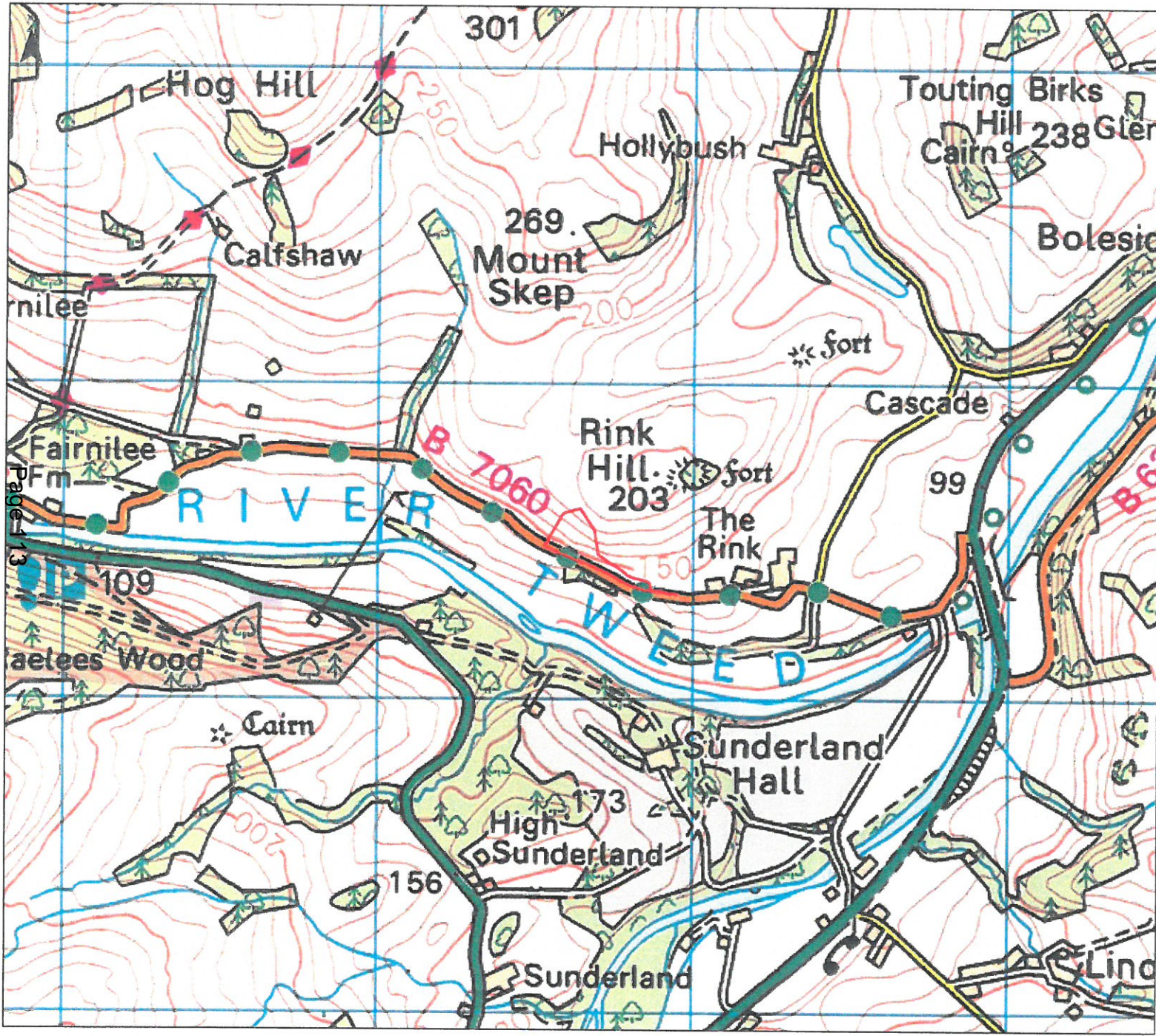
Plate 5: External view of Pict's Work boundary (NA07) with earthen banks, facing NE



Plate 6: Main site access from B7060, facing SE

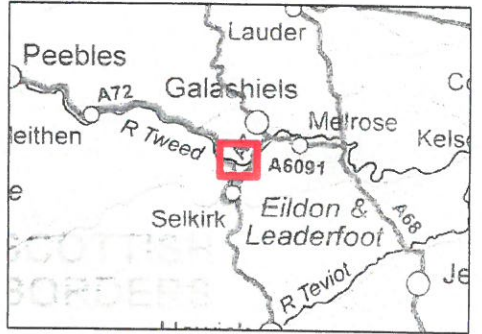






Rink Farm  
Site Location  
Figure 1

Key  
 Site Boundary



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 Drawing No: NEO00381/001/B





Rink Farm  
Heritage Assets  
Figure 2

Key

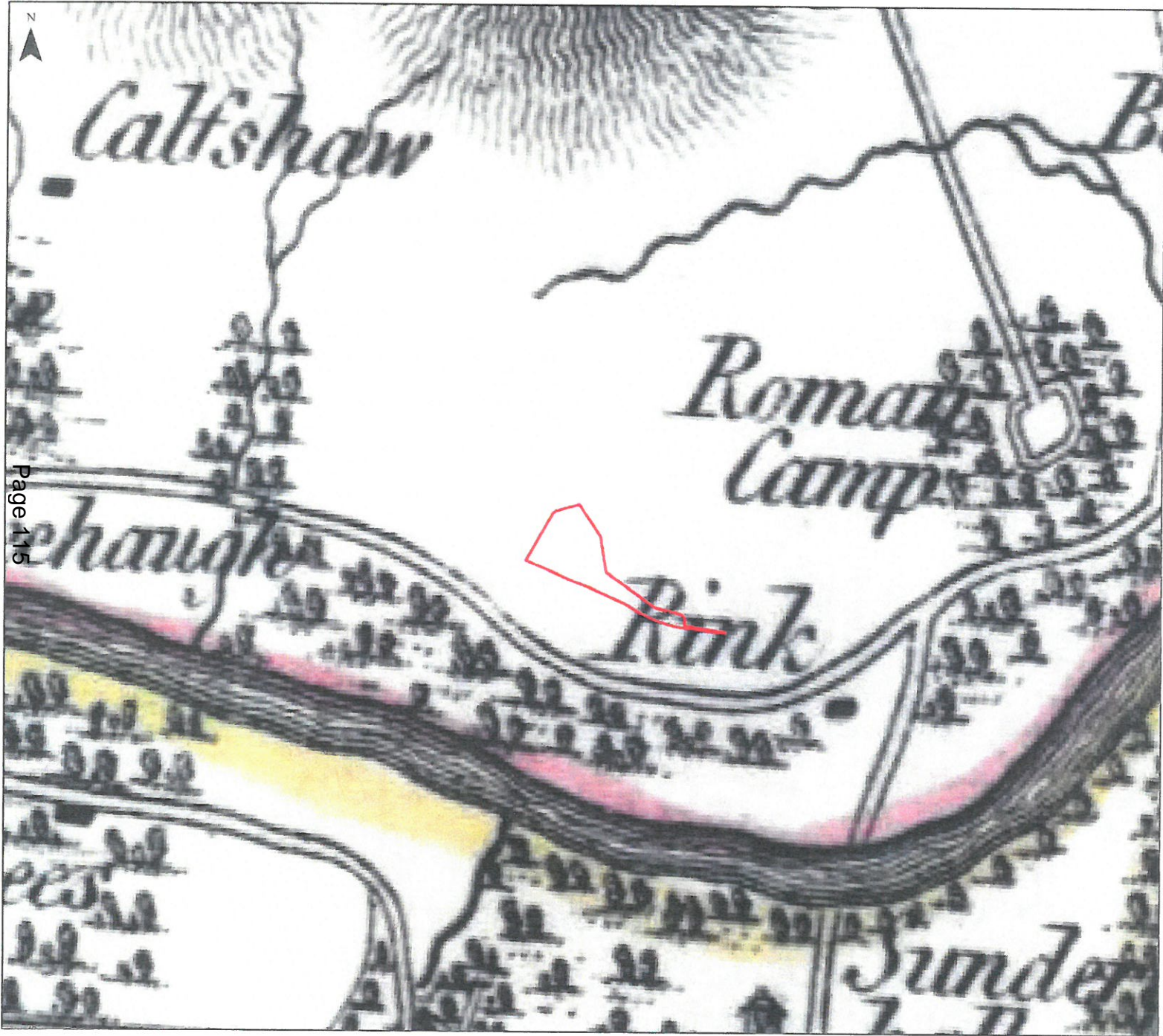
- Site Boundary
- HER
- ▲ Category B Listed Buildings
- Scheduled Ancient Monuments
- Gardens and Designed Landscapes
- 500m Study Zone
- 1km Study Zone



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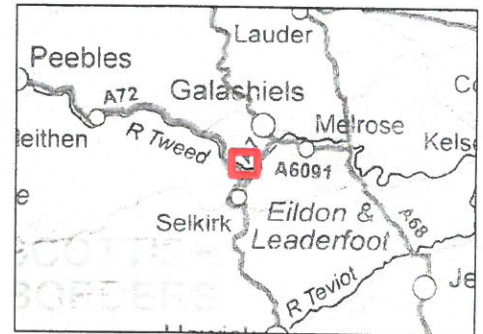




Rink Farm  
 Thomson 1832 Map  
 Figure 3

Key  
 Site Boundary

Page 115



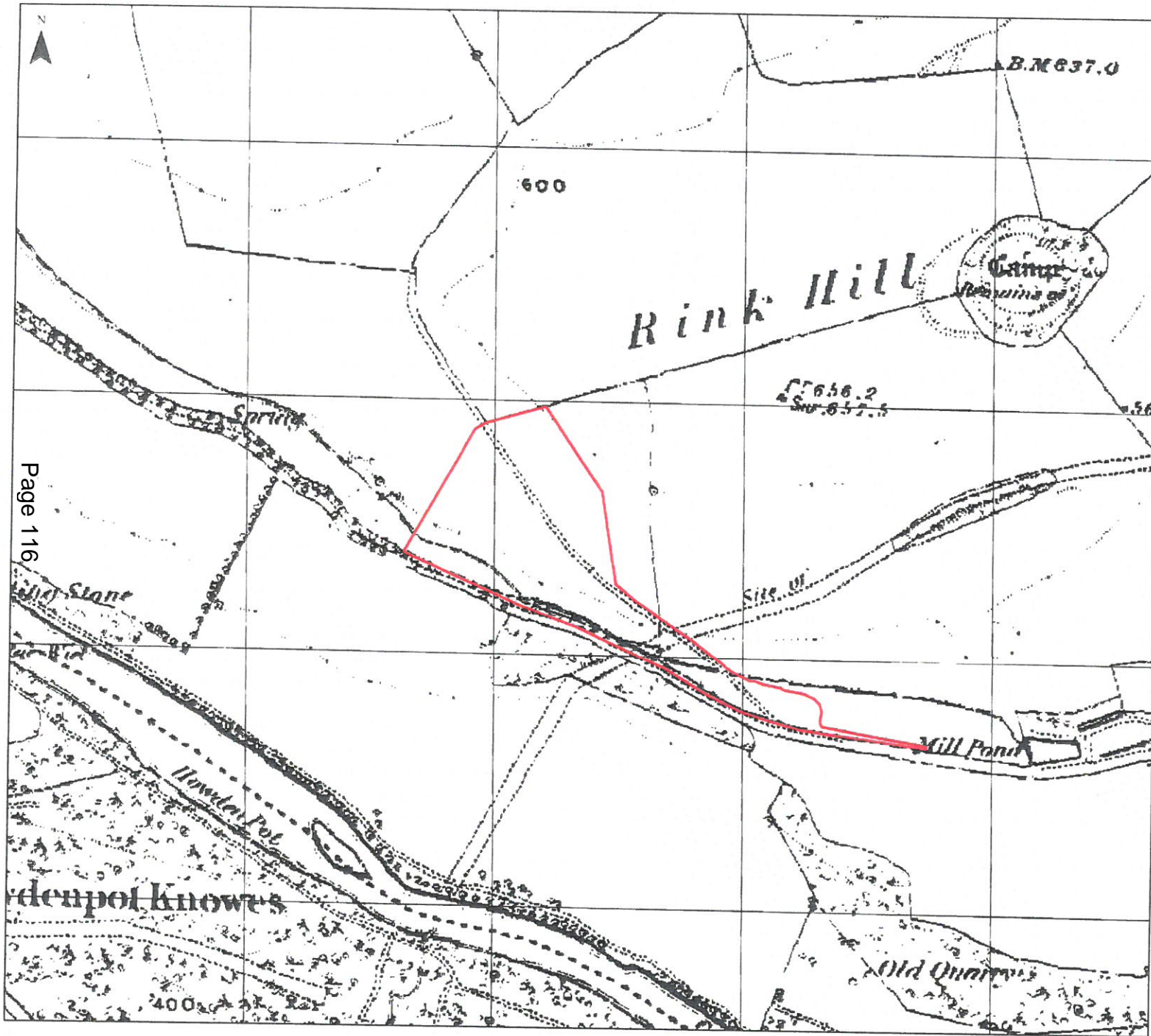
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0 0.25 0.5 1.1 Kilometers

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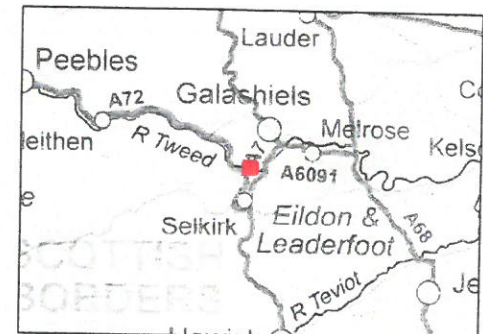




Rink Farm  
1863 OS Map  
Figure 4

Key  
 Site Boundary

Page 116



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0 0.1 0.2 0.4 Kilometres

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# Landscape and Visual Impact Appraisal

Rink Farm

07/07/2016



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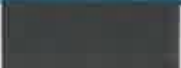
Ferguson Planning



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## Contents

1. INTRODUCTION .....	5
Purpose of this Report.....	5
Scope of Works .....	6
Consultation .....	6
2. DESCRIPTION OF THE DEVELOPMENT.....	7
3. Planning Policy.....	8
Local Planning Policy .....	8
4. LANDSCAPE APPRAISAL .....	13
Baseline (Landscape) .....	13
Impacts (Landscape).....	23
5. VISUAL APPRAISAL.....	27
Baseline (Visual) .....	27
Impacts (Visual) .....	29
6. MITIGATION MEASURES.....	35
Construction Phase .....	35
Completion Phase .....	35
7. SUMMARY AND CONCLUSION.....	37
Summary .....	37
Conclusion.....	38
8. APPENDICES .....	39
Appendix A: Figures.....	39
Appendix B: LVIA Methodology.....	39

# 1. INTRODUCTION

- 1.1. This Landscape and Visual Impact Appraisal (LVIA) has been prepared to support a full planning application for the proposed residential development at Rink Farm, Galashiels, TD1 3PS. The proposal will consist of the construction of two (2 no.) holiday cottages and associated infrastructure.
- 1.2. The dwellings, landscaping, access and any ancillary works are hence referred to as '*the proposed development*' and the term '*proposed site*' will be used to define the application site boundary within the following text, as outlined by the red line on the site location plan (Figure 1).

## PURPOSE OF THIS REPORT

- 1.3. This LVIA will provide an impartial assessment of the potential effects of the proposed development on the existing landscape and visual amenity of the site and surrounding area, following the guidelines set out in the "Guidelines for Landscape and Visual Impact Assessment, 3rd Edition" (GLVIA3)<sup>1</sup>.
- 1.4. Landscape effects as a result of the proposed development may be defined as changes in the physical landscape which may give rise to changes in its character and quality, landscape patterns, designations, features and elements.
- 1.5. Visual effects as a result of the proposed development comprise changes to the composition of existing views and visual amenity experienced by people, such as residents, recreational or vehicular users.
- 1.6. These effects may have a direct or indirect, adverse (negative), beneficial (positive) or neutral nature. They may vary in duration from short to long term and have irreversible or reversible effects.

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<sup>1</sup> Landscape Institute & Institute of Environmental Management and Assessment (2013): Guidelines for Landscape and Visual Impact Assessment. 3rd Edition, London, Routledge

## SCOPE OF WORKS

- 1.7. The approach taken for this appraisal follows the best practice guidelines set out in the “Guidelines for Landscape and Visual Impact Assessment, 3rd Edition” (GLVIA3)<sup>2</sup>. The methodology used for this LVIA is to be found in Appendix B: Methodology along with the chapter’s supporting figures. The assessment is based on the proposal drawings P415-SK-001 and P415-SK-003 and conceptual visualisations produced by Stuart Davidson Architecture.
- 1.8. The report will take the following approach:
- Firstly establish the existing landscape and visual baseline of the study zone, which extends 4km outwards from the site boundary limits;
  - Determine the landscape and visual receptors with potential to be affected by the proposed development and their sensitivity to the proposed changes resulting from the development;
  - Assess the interaction of the proposed development with the landscape and visual receptors and assert a judgement of the ‘degree of effects’ the proposed development will have upon each receptor; and
  - Wherever possible suggest appropriate mitigation measures to help alleviate any predicted effects.

## CONSULTATION

- 1.9. Pre-application consultation was undertaken with The Scottish Borders Council Planning Department to discuss the proposed development. Carlos Clarke, Lead Planning Officer made the following comment which has influenced the production of this LVIA;

*“...I must also consider that it is on an elevated site, within a Special Landscape Area, with potential visibility from the A7 and A707, as well as passing B7060. The visual impact of the buildings will be considered along with the impact of the track alterations and adjustments, car parking, and ancillary works such as lighting and utilities. These will all require particular care. I note the design concept of this proposal, but the information is not sufficient to be able to determine that this site is visually appropriate for this particular development because of its elevated nature and the topography associated with the access track and its alterations.”*  
(Emphasis added)

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<sup>2</sup> Landscape Institute & Institute of Environmental Management and Assessment (2013): Guidelines for Landscape and Visual Impact Assessment. 3rd Edition, London, Routledge

## 2. DESCRIPTION OF THE DEVELOPMENT

- 2.1. The proposed development will consist of two single storey holiday cottages set partially into the slope of the hillside within a small area of a single triangular shaped field. The overall height of these buildings is not expected to exceed 3-4m above the ground level. The exterior of the buildings will be finished with a wide glass framed frontage enclosed on either side and above by a mix of dry stone walling, timber panelling, rendered walls and earthen embankments. The new and existing lengths of access track will be finished in a hardcore surface. The use of these materials are reflective of existing elements and features within the local landscape and will naturally age over time. The land has been reshaped to partially contain views of each holiday cottage, energy unit and associated car parking area.
- 2.2. Construction effects will occur during the construction phase which will last for a limited temporary period. Likely potential effects will include:
- Removal of the existing vegetation cover;
  - Change to landform levels through cut and fill remodelling;
  - Realignment and surfacing of the existing farm track way along with two passing places added.
  - The movement and presence of various machinery and workers through and off the site; to facilitate the building out of the proposed development;
  - Construction of structures and services above and below ground; and
  - Temporary stock piling of soils, site materials, welfare facilities and lighting during the construction phase.
- 2.3. The completion effects will occur once all buildings, surfaces, services and landscaping have been implemented. The permanency of the proposed development will mean that any predicted effects are likely to be long term. Likely potential effects include:
- Presence of two new holiday cottages, energy unit, parking areas, other hard surfaces and landscaping replacing the single agricultural field;
  - Night time internal and exterior lighting from the properties or vehicles; and
  - Movement of traffic from and to the properties and parked vehicles.

## 3. PLANNING POLICY

- 3.1. Local planning authority policies of relevance to landscape and visual issues in relation to the proposed development and the surrounding area are outlined below.

### LOCAL PLANNING POLICY

#### Scottish Borders Local Development Plan (2016)

- 3.2. The Scottish Borders Local Development Plan<sup>3</sup> replaces the Scottish Borders Local Plan and is intended to provide guidance up to 2025. The planning policies of relevance to landscape and visual issues of the proposed site and its surrounding are outlined below. These policies are further discussed in the Planning Policy Statement submitted in support of this application.
- 3.3. Paragraph 3.7 of the LDP determines that the Border's environment is its special quality. The Plan seeks to protect and improve this legacy as it is a key aspect of its attraction for inward investment, tourism, recreation and quality of life in general.
- 3.4. The site is identified as being within the Strategic Green Network situated within the Central Strategic Development Area.

#### Policy PMD1 – Sustainability

*“In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:*

*c) the protection of natural resources, landscapes, habitats, and species*

*d) the protection of built and cultural resources”*

- 3.5. The ability of the proposal to protect the landscape will be assessed as part of this LVIA.

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<sup>3</sup> Scottish Border Council (May 2016): Local Development Plan [Online] Available at: [https://www.scotborders.gov.uk/info/20051/plans\\_and\\_guidance/121/local\\_development\\_plan](https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan)

## Policy PMD2: Quality Standards

*“All new development will be expected to be of a 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;*

### *Sustainability*

*f) 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,*

### *Placemaking and Design*

*h) it creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,*

*k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,*

*l) it can be satisfactorily accommodated within the site*

*m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,*

### *Green Space, Open Space and Biodiversity*

*t) it provides meaningful 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...*

*u) 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.”*

## Policy PMD4: Development outwith Development Boundaries

*“Exceptional approvals may be granted provided strong reasons can be given that:*

*a) It is a job-generating development in the countryside that has an economic justification....*

*And the development of the site:*

*a) Represents a logical extension of the built-up area, and*

*b) Is of an appropriate scale in relation to the size of the settlement, and*

- c) *Does not prejudice the character, visual cohesion of natural built up edge of the settlement, and*
- d) *Does not cause a significant adverse effect on the landscape setting of the settlement of the natural heritage of the surrounding area."*

#### Policy ED7: Business, Tourism and Leisure Development in the Countryside

*"Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that they meet the stated criteria."*

#### Policy HD2: Housing in the Countryside

*"The Council wishes to promote appropriate rural housing development:*

*A) In village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,*

*B) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and*

*In dispersed communities in the Southern Borders housing market area.*

*These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance/Supplementary guidance on New Housing in the Borders Countryside and on Placemaking and Design....*

*In ALL instances in considering proposals relevant to the each of the policy sections above, there shall be compliance with the Council's Supplementary Planning 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."*

#### SPG: New Housing in the Borders Countryside (2008)

- 3.6. This SPG<sup>4</sup> provides further information on the appropriate siting and design of buildings within the countryside. Some of the key factors in the SPG relating to this proposed development include: Siting, Design and The Elements of Buildings (Sections 3.1-3.3) and these have been taken into consideration to ensure any new development can be sympathetically fitted into the Scottish Borders landscape. The following is pertinent in relation to the proposed development;

<sup>4</sup> Scottish Border Council (December 2008): New Housing in the Borders Countryside [Online] Available at: [https://www.scotborders.gov.uk/directory\\_record/7443/new\\_housing\\_in\\_the\\_borders\\_countryside/category/28/approved\\_planning\\_guidance](https://www.scotborders.gov.uk/directory_record/7443/new_housing_in_the_borders_countryside/category/28/approved_planning_guidance)



*“For a new house to be successful, the designer should draw on the widely appreciated and accepted traditions of Border house design rather than from models more suited to a suburban context or from designs which derive from other regions. It is therefore important to be aware of the key elements of building design which characterise the indigenous architectural form... Innovative designs, therefore, which are sympathetic to their setting and to the general principles in respect of siting set out above, will also be encouraged.”*

- 3.7. This LVIA will take into account the points raised within Policy HD2 and relevant SPGs when assessing the proposed development design in order to determine the potential impact on the immediate and surrounding landscape.

#### Policy EP5: Special Landscape Areas

*“In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.”*

#### Policy EP10: Gardens and Designated Landscapes

*“The Council will support development that safeguards or enhances the landscape features, character or setting of:*

- a) Site listed in the Inventory of Gardens and Designated Landscapes, or*
- b) Sites included in historic gardens and designated landscape records.*

*All development should be carefully sites, be of the highest of standards of design using appropriate finishing materials and planting, and be informed by and respectful of the historic landscape structure. Proposals that will result in an unacceptable adverse impact will be refused.”*

- 3.8. The proposal is not located within or adjacent to a Garden and Designated Landscape and should therefore be compliant with this policy in terms of potential impact.

#### Policy EP12: Green Networks

*“The Council will support proposals that protect, promote and enhance the Greenspace Network.*

*Where a proposal comes forward that will result in a negative impact on the natural heritage, greenspace, landscape, recreation or other element of a Green Network, appropriate mitigation will be required...”*

## Planning Summary

- 3.9. The application site falls within an identified Green Network between Galashiels and Selkirk as shown on Figure EP12a of the LDP. Policy EP12 is therefore the most pertinent for the determination of this application from a Landscape and Visual Impact perspective. The site is also within the identified Central Strategic Development Area. The Central SDA is set within a 'Countryside around Town' designation that is aimed at preventing coalescence, improving the quality of the surrounding countryside and providing a recreational resource for the population as part of a wider green network.
- 3.10. The application site falls within the Special Landscape Area No.3: Tweed, Ettrick and Yarrow Confluences. The landscape quality of this designation is to be safeguarded by Policy EP5, which will have particular regard to any landscape and visual impacts of the proposed development. To the west of the site are a Forest Park, Black Grouse Recovery Project and Garden and Designated Landscape, however the application site is not located within these areas of note. The potential effects of the proposed development upon the landscape and designations within the study zone protected by these various policies will be assessed through this report.
- 3.11. The study zone contains a number of public walking routes including the long distance Southern Uplands Way and various shorter Council Core Paths, as shown on the Council's Adopted Core Path Plan Area 32 (Galashiels)<sup>5</sup>. The National Cycle Route No.1 passes next to the site entrance on the B7060. Potential visibility of the proposed development from across these routes which provide access to the surrounding countryside will be considered in this report.
- 3.12. The scale of the development will mean it would occupy only a small area within the countryside as well as offering opportunities to provide landscaping enhancements through the proposed development and access connections to the local area.

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<sup>5</sup> Scottish Border Council (May 2010): Scottish Borders Adopted Core Path Plan Area 32 [Online] Available at: [https://www.scotborders.gov.uk/directory/62/scottish\\_borders\\_core\\_paths/category/431/categoryInfo/29](https://www.scotborders.gov.uk/directory/62/scottish_borders_core_paths/category/431/categoryInfo/29)

## 4. LANDSCAPE APPRAISAL

### BASELINE (LANDSCAPE)

- 4.1. The purpose of collecting and describing the landscape baseline data of the study zone is to help establish the context of the landscape into which the proposed development is to be located. It is also important to anticipate potential future changes to this landscape, excluding that of the proposed development. This will help in assessing the potential ability of this landscape to accommodate the proposed development.

### Regional Landscape Character

- 4.2. The landscape of the Scottish Borders Council area has been classified into areas with distinct landscape characteristics as part of the SNH Landscape Character Assessment<sup>6</sup> undertaken in 1998. The landscape has been classified from a broad regional down to more detailed local landscape level.
- 4.3. The Regional Character Areas (RCA) are defined by common characteristics at the macro scale; elements such as large scale variation in geology, topography and climate. Whilst the RCA does not necessarily contain discrete populations/subsets of landscape types, they do represent a distinctive assemblage of landscape types and landscape character areas. This is useful in establishing an overview of the range of variation in the landscape.
- 4.4. The site is located within the Central Southern Uplands. This is depicted by the following characteristics;

*"From its northern boundary, defined by the line of the Southern Uplands fault, and separated from the Moorfoots by the deep valley of the middle Tweed, a major belt of high ground extends south along the main watershed with the Clyde and Solway, finally merging with the western extremity of the Cheviot Range....Although they share with these areas the characteristic smooth slopes and, subdued, rolling land forms over most of their extent, the highest ground of the Tweedsmuir massif is differentiated by more sculpted shapes of corries; ridges and glaciated valleys deriving from Pleistocene times...*

*...The hills are dominated by heather moor and rough acid grassland, and there are extensive coniferous plantations, particularly in the upper Tweed valley and on the gentler plateaux further south at Craik and upper Teviotdale. Ribbons of improved grassland penetrate into the hills following the major valleys of the Tweed, Yarrow, Ettrick and Teviot."*

<sup>6</sup> Available at: <http://www.snh.org.uk/pdfs/publications/review/112.pdf>

## Local Landscape Character

- 4.5. The proposed site falls within the Upland Fringe Valley with Settlements (Landscape Type 27). This is described as being:

*“A densely settled, well ordered landscape of arable land, pasture and woods, in an enclosed valley setting.”*

- 4.6. The key characteristics of this landscape type are as follows:

- *“Medium to large scale flat bottomed valley, enclosed by undulating upland fringe hills*
- *Smooth large scale landform modified in places by undulating moraine deposits, steep bluffs and terraces cut by meandering river.*
- *Neat pattern of medium sized arable and pasture fields, divided by hedgerows, often with mature trees.*
- *Mature broadleaf woodlands and shelterbelts prominent along valley floor and lower slopes.*
- *Coniferous woodlands on valley sides contrasting with pastures, often well integrated into landscape.”*

*“Landscape Experience: This is densely settled landscape, with the evidence of human activity constantly present, yet nevertheless generally well-integrated with the geography of its setting, to give an impression of well-ordered harmony. Views along the valley corridor are diverse, with longer views available both along the flat valley floor and up to the surrounding hills. However, frequent intermediate visual horizons and enclosures are formed by tree cover and settlements. Although outside the boundary of this character area, the peaks of the Eildon Hills are a dominant feature on the skyline throughout much of this landscape. The celebrated ‘Scott’s View’ from the flanks of Bermersyde Hill, gives a fine panorama, taking in many of the key features which define the character of this landscape.”*

- 4.7. There a number of other LCTs and their subdivided LCAs within the 4km study zone, as illustrated in Figure 2, which include:

- Grassland with Hills LCT
- Southern Uplands Type with Scattered Forest LCT
- Undulating Grassland LCT
- Upland Valley with Woodland LCT

## Local Landscape Designations

- 4.8. The Scottish Borders Council produced Supplementary Planning Guidance<sup>7</sup> in 2012 which incorporated a review and update of Local Landscape Designations into the Council's planning policy framework. In recent years SNH and Historic Scotland guidance has sought to standardise the terminology related to Local Landscape Designations to 'Special Landscape Areas', to promote further understanding and awareness of the qualities of local landscapes in Scotland. Therefore this SPG uses the term Special Landscape Areas (SLA) and sets out a review of the Local Landscape Designations in order to identify suitable areas for inclusion as SLA within the authority.
- 4.9. The Summary of Analysis of the Local Landscape Designation Review (LLDR) identifies the site as being located within the Tweed/Gala/Ettrick Confluence (RV67). A summary of the key findings of the review is as follows;
- *"The area to the south-west around Selkirk was considered suitable for inclusion as a proposed SLA. This area forms a gateway into the Border valleys, and is closely associated with the upland areas which contribute to the valley setting, including Minch Moor and West Gala.*
  - *The western section of the Tweed valley, west of Melrose, was also considered suitable for inclusion. This area is closely associated with the landmark Eildon Hills and iconic features such as Scott's View.*
  - *The developed parts of the LCU and the settlement fringe areas have not been considered for inclusion, since the density of development is not considered appropriate. These areas are also covered by the Countryside Around Towns policy"*
- 4.10. Subsequent to the conclusions of this review, the site is identified as being located within SLA 3: Tweed, Ettrick and Yarrow Confluences. The area was designated as an SLA for the following reasons;
- "Designation statement: The confluence of these three valleys form a key node within the Borders, linking the main population centre with the highly typical Border valley landscapes. The area has a strong sense of place, and contains representative Border features, albeit that each valley retains its own character. The enclosing uplands and upland fringes offer contrast and an attractive wider setting, and enable views across the valleys, the descending approach to Selkirk along the A699 being particularly scenic.*

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<sup>7</sup> Scottish Border Council (August 2012): Local Landscape Designations [Online] Available at: [https://www.scotborders.gov.uk/downloads/download/413/planning\\_guidance\\_local\\_landscape\\_designations](https://www.scotborders.gov.uk/downloads/download/413/planning_guidance_local_landscape_designations)

*East of Thornielee, the Tweed flows in to a narrower section, winding between steep valley sides which are often densely forested. The Yarrow enters a narrow, picturesque section around Yarrowford, characterised by woodland and estate buildings. The Yarrow flows into the Ettrick south of Selkirk, where the valley broadens, and is characterised by parkland influences, with mixed woodland climbing the valley sides. North of Selkirk the Ettrick joins the Tweed, which here broadens as it approaches the Galashiels area. The valley sides running east form a major part of the setting of Galashiels, Tweedbank and Melrose. A series of estate landscapes give visual diversity to these valleys, including Abbotsford, Sunderland and Bowhill. The area forms the setting for Selkirk, the town with its prominent spire forming an attractive feature in the landscape since, unusually for the Borders, it is located on higher ground.*

*Although several A roads pass through the landscape, there are many tranquil areas. The Southern Upland Way follows the ridge between Tweed and Yarrow, offering views across the area, before crossing the Tweed towards Galashiels, and there are numerous other paths. Attractions in the area include Abbotsford and Bowhill, and the area is very accessible from the main Borders settlements and further afield."*

## Site and Surrounding Environment

### The Site Context

- 4.11. The proposed site is currently agricultural land located within the open countryside between Galashiels and Selkirk. The application site extends to 0.482ha covering part of a single field within the ownership boundary of the applicant. Topographically, the proposed site is notable for its steep northeast to southwest slope (from approximately 180m AOD to approximately 163m AOD), characterised by the sloping sides of the river valley associated with the River Tweed, approximately 310m to the south of the site. The site is currently used for sheep grazing.
- 4.12. The boundaries consist of a low stone wall along the northern boundary with an existing access track characterising the western boundary. The eastern and southern boundaries are not distinguishable by features on the site. Access from the site will run along the existing farm track before it diverts south eastwards through the lower lying adjoining field and exiting onto the B7060 road through a new entrance point break in the low dry stone walling boundary.
- 4.13. The B7060 road provides access to the A7 which links Selkirk and Galashiels. Mature trees line the northern carriageway providing a certain level of screening from the proposed development.
- 4.14. Close to the eastern boundary are two distinct areas of woodland. One of a noticeably dense, circular formation whilst the other is a more sparsely planted rectangular shape. The circular woodland is associated within the Scheduled Ancient Monument fort at Rink Hill, being located on top of the hill in a prominent location. The other woodland area forming part of historical earthworks. A ribbon of residential development at Rink Farm lies to the south of

this woodland, along the B7060. The development comprises a mixture of house types and sizes including, terraced, semi-detached bungalows and large detached housing.

### The Surroundings

- 4.15. Core Paths run to the northwest and southeast of the site. These paths effectively link Galashiels to the wider area and provide access to Selkirk in the south as well as the Yair Hill Forest to the west. A promoted path, which is defined as a route that forms one of the Council's self-guided walks, often sign posted and improved in agreement with the land owner, is located approximately 230m to the south of the site and runs along the banks of the River Tweed. This path joins the two Core Paths between Tweed Bridge and Fairlee Farm.
- 4.16. Approximately 550m to the west of the site is Fairlee Garden and Designated Landscape<sup>8</sup>. The site is designated for its outstanding Work of Art and Historical values. It also has high architectural, scenic and archaeological values and some nature conservation value.
- 4.17. Land to the south of the site drops away rapidly falling to approximately 11m AOD at its lowest point at the River Tweed and rising steeply on the opposing river bank. The southern river bank is populated by a large forested woodland which provides significant screening from the A707 and local roads on this side of the river. Views are also obscured by the trees from Sunderland Hall, a Grade B listed building to the south of the River Tweed.
- 4.18. Site levels also increase to the east of the application site culminating in a high peak at Rink Hill and dropping steadily to the north and east. The topography of land to the west of the site is mixed in character with land levels dropping towards the bend in the river and rising in a north westerly direction away from the site.
- 4.19. Land immediately surrounding the site also consists of parcels within agricultural use with pastoral sheep farming being prevalent. A number of large agricultural farmsteads can be seen within the surrounding area, although the majority of built form is concentrated to the south of the River Tweed. The River Tweed is identified as a Special Area of Conservation (SAC) as well as a designated as a Site of Special Scientific Interest (SSSI).
- 4.20. Land boundaries are predominantly made up of low stone walls with few hedgerows and scattered clusters of mature trees, with the exception being large patches of woodland of varying density and quality.

### Settlement Pattern

- 4.21. The site is located within the open countryside between the towns of Galashiels and Selkirk. The hamlets of Caddonfoot, Lindean and Boleshill are all in the surrounding environs of the application site. Settlements such as Tweedbank, Melrose, Gallonside and Darnick have merged to become part of the wider south eastern boundary of the settlement of Galashiels. To the southeast of the development is a small ribbon settlement at Rink Farm.

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<sup>8</sup> <http://portal.historic-scotland.gov.uk/designation/GDL00175>

Table 4-1: Settlements found within 4km of the Proposed Site

Receptor	Distance (Km) & Direction from Site
Settlements between 0 to 4km (outer edges)	
Selkirk	2.23km S
Galashiels	3.13km NE
Caddonfoot	3.4km NW
Llndean	2.1km SE
Boleside	1.9km NE

## Routes

- 4.22. There are a number of routes found within the study zone which link the two main settlements of Selkirk and Galashiels, as well as other more minor routes providing access to the wider region.

Table 4-2: Main Routes found within 4km of the Proposed Site

Receptor:	Distance (Km) & Direction from Site
Routes between 0 to 4km	
A7	1.16km E
A707	1.7km W
A72	3.8km NW
B7060	60m S
B6360	1.3Km E
B7014	2.5km S
B710	3.7km NW

## Designations

- 4.23. Designations are protected at either national level – ‘statutory designated sites’ (protected by legislative) or local level – ‘non-statutory designated sites’ (determined through local developments plans) from inappropriate development. Historic designations found within 2km of the proposed site are included as they contribute to the overall landscape character and quality. All of these designations are indicated on Figure 3.



## National Designations

## Gardens and Designed landscapes (GDLs)

- 4.24. GDLs are listed within the inventory of Gardens and Designed Landscapes in Scotland, which is compiled and maintained by Historic Environment Scotland on behalf of the Scottish Government under the terms of the Ancient Monuments and Archaeological Areas Act 1979. These designed landscapes are noted as having a high value because of their national importance in contributing to Scotland's historic environment and landscape. They are protected by Scottish Planning Policy (SPP). The policies relevant to this impact assessment are located within the "Valuing the Historic Environment" section of the SPP, Paragraph 148 — Gardens and Designed Landscapes and Scottish Borders Council LDP Policy EP10 - Gardens and Designed Landscapes.
- 4.25. There are two existing GDLs found within 4km of the proposed site, details are included in the table below and show on Figure 3:

Table 4-3: GDLs found within 4km of the Proposed Site

Designation Name	Distance to Site	Historic Environment Scotland <sup>9</sup> Designation Summary
Fairnilee	540m West	<i>"The walled and formal garden grounds at Fairnilee comprise an excellent example of Edwardian design, restored and maintained to a very high standard. There is good physical and documentary evidence for the history of the site, while the mature woodlands around the house and gardens contribute to the scenery of the local upland valley landscape."</i>
Abbotsford	2.45km Northeast	<i>"Abbotsford is among the most significant designed landscapes in Scotland, renowned for its historical and artistic importance as the creation of prominent writer and poet, Sir Walter Scott (1771-1832). The house itself is of major architectural importance and is recognised as the forerunner of the Scots Baronial Revival, while the wider estate contains a scheduled ancient monument and extensive woodlands that enrich the wider Tweed valley landscape."</i>

<sup>9</sup> Historic Environment Scotland (2015). [online] Available at: <http://portal.historic-scotland.gov.uk/designation/GDL00153>

### Historical, Cultural & Nature Designations

- 4.26. There is a single SAC to the south of the application site. This is part of the wider River Tweed Conservation Area which runs along the length of the River Tweed.
- 4.27. There are a large number of listed buildings within 2km of the proposal site. A large cluster can be found to the northeast of the site within the settlement of Galashiels. The closest listed building is Sunderland Hall to the south of the proposed development with other Grade B and C listed buildings including the Tweed Bridge located to the southeast. Grade A listed building High Sunderland is also to the south southwest of the application site.
- 4.28. Two Scheduled Ancient Monuments (SAMs) are located in close proximity to the site. Rink Hill Fort being the closest SAM which is described as a Prehistoric domestic and defensive fort situated to the top of Rink Hill in a prominent location.
- 4.29. The historical and cultural designations are assessed in full in the accompanying cultural heritage assessment.

### Recreational Access

- 4.30. The Land Reform (Scotland) Act 2003 required the Scottish Borders Council to provide a system of paths through the council area known as core paths. The act allows responsible non-motorised access through most land and inland waterways throughout Scotland. There are a number of designated council core paths and cycle routes within the study zone, which provide a range of opportunities for people to freely access and enjoy the surrounding countryside.
- 4.31. The nearest core paths include: RBUS/29/1 1.15km to the east and CLOV/189/3 1 1.65km to the west. Much of the potential views along the lengths of these paths are contained by mature trees lining their roadside or waterways. The Promoted Path CLOV/41P/1 is approximately 265m to the south of the application site running along the banks of the River Tweed.

### Regional & Local Designations

#### Special Landscape Areas

- 4.32. As previously determined the site falls within Special Landscape Area 3: Tweed, Ettrick and Yarrow Confluences. This sets out the potential pressures from development on the area as well as recommendations for management;

#### *Forces for change:*

- *Changes to forestry management practices*
- *Changes to estate management practices, which may affect large areas*

- *Development pressure at the edges of Galashiels and Selkirk*
- *Development of wind farms and wind turbines, and hillside access tracks*

*Management recommendations:*

- *Continue to promote sustainable estate management to balance the needs of biodiversity, recreation and tourism*
- *Careful management of land use at settlement edges*
- *Consider landscape and visual impacts of proposed developments in and around settlements*
- *Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valley*

#### Scottish Borders Council Garden & Designed Landscapes Study

- 4.33. A review of the existing nationally protected GDLs and non-designated designed landscape within the Scottish Border Council area was carried out by Peter McGowan and Christopher Dingwall<sup>10</sup> on behalf of Scottish Borders Council in 2008. These designed landscape are recognised by the council as being a major contributor to the setting of the existing Scottish Borders landscape. The Draft SPG Gardens and Designed Landscape study assessed each designed landscape and assigned it a provisional value of significance. Currently only those designed landscapes of national importance which are designated as Historic Garden and Designed Landscapes are protected by Policy 5.10 of the Scottish Border Council LDP.
- 4.34. Further details of each site and their locations can be found in Annex 2: Map and Annex 3: Borders Designed Landscape Survey: Schedule of Identified Sites of the above study.

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<sup>10</sup> Peter McGowan Associates on behalf of Scottish Borders Council (2008). [online] Available at: [https://www.scotborders.gov.uk/downloads/file/1685/survey\\_of\\_designed\\_landscapes](https://www.scotborders.gov.uk/downloads/file/1685/survey_of_designed_landscapes)

Table 4-4: Designed Landscapes found within 4km of the Proposed Site

Designation Name	Distance to Site	Peter McGowan and Christopher Dingwall <sup>11</sup> Designation Summary	Significance
Yair (No. 76)	418m South	Riverside parkland, woodlands with planned walks and distinctive agricultural layout.	Regional, High
Fairnilee (No.163) (Existing HGDL)	540m West	Early 20 <sup>th</sup> century House in older well managed Tweedside DL. Good restocking of field boundaries hedgerows etc.	Regional, High
Gala House (No. 75)	2.44km Northeast	Partially subsumed by Galashiels but providing setting for important buildings and uses.	Local, High
Abbotsford (No. 61) (Existing HGDL)	2.45km Northeast	House and landscape developed and planted by Sir Walter Scott of outstanding national Significance. Extensive planned estate that is a major component of the landscape between the Tweed and Elidon Hills west of Melrose Woods, trees, belts, hedgerows and agricultural parks with underused system of rides and paths.	National, Outstanding
Faldonside (No.138)	1.38km East	Riverside House with parkland-cum lawns and continuation of Scott's Landscape (of No.61).	Regional, High
Sunderland Hall (No.78)	375m South	Complex and disparate estate at confluence of Tweed and Ettrick. Prominent parkland between rivers. Two Modernist buildings	Regional. High

<sup>11</sup> Peter McGowan Associates on behalf of Scottish Borders Council (2008). [online] Available at: [https://www.scotborders.gov.uk/downloads/file/1685/survey\\_of\\_designed\\_landscapes](https://www.scotborders.gov.uk/downloads/file/1685/survey_of_designed_landscapes)

Philippaugh (No.79)	2.24km South	Very Extensive and well planned estate landscape. Good provision for public access.	National, Some/Regional, High
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## Landscape Value

- 4.35. The agricultural land of the proposed site is typical grassland which could be replaced and is of low/medium value. The proposed site boundary walls are of medium value, while the combination of these elements and site's steeply rising land is typical of this part of the Scottish Borders Landscape, having local importance of medium value. The designated landscapes and heritage features are themselves of national importance of high value.

## IMPACTS (LANDSCAPE)

- 4.36. Having established the landscape baseline into which the proposed development will be sited it is necessary to consider those landscape components known as 'receptors' which have the potential to be effected by changes brought about by the proposed development. The effects resulting from the interaction of the proposed development and landscape receptors will be identified for both the construction and completion phases.

## Landscape Receptor Sensitivity

- 4.37. The landscape sensitivity of the following receptors identified through the baseline study is determined by considering their susceptibility to change from the proposed development and their value based on professional judgement. Further details can be found in the accompanying methodology appendix.
- The Upland Fringe Valley with Settlements LCT will have varying levels of sensitivity. Its mature woodlands and valley sides will have a medium-high sensitivity, while its more populated areas will have low-medium sensitivity.
  - The site elements and features which include grassland, drystone boundaries and hardcore pathway will have a low to medium sensitivity.
  - The Tweed, Ettrick and Yarrow Confluences. SLA is of local/regional importance with medium-high sensitivity. The Garden Designations Landscape are of national importance and of high sensitivity.

## Landscape Effects

- 4.38. The following section assesses the magnitude of effects the proposed development will have on the landscape character and resources of the landscape receptors. These effects will then be combined with the landscape sensitivity, as confirmed above, to determine the degree of effects. The level of effects are based on the matrix table within the methodology and professional judgement.

### Construction Phase

- 4.39. During construction, the predominant perceptual landscape impacts would be from construction noise, including noise of construction traffic, increased traffic movement along the existing access road, and on local roads. Construction works will include the presence of machinery, lighting and construction activities, these would be short to medium term temporary. All impacts would be local and temporary.

### Completed Phases

- 4.40. Once completed the main impacts will be the loss to agricultural land and increased vehicular and pedestrian movements from the site. There is also the potential to increase the urban character of this open countryside area, however mitigation measures could be implemented to enhance the existing screening.
- 4.41. The following assesses the landscape effects upon the landscape character type, site context and landscape designations.

### Landscape Character

- 4.42. It is implied that during the construction phase there will be a much localised temporary disruption to the tranquillity of the site and immediate landscape of the Upland Fringe Valley with Settlements LCT from the construction activity occurring on the site.
- 4.43. The two new properties will add a small holiday cottage development onto the elevated pasture farmland found within the Upland Fringe Valley with Settlements LCT. The proposed development's siting in the hill slope, low scale and use of natural materials found within the surroundings will help to accommodate it with this LCT. The LCT's characteristic steep sloping land and mature woods will further help to limit visibility of the proposed development from important inward and outward views along the steep valley sides. The proposed development is contained within the limits of the field away from key features including established boundaries and wooded areas. The alterations to the site levels by cutting into the land and resulting earthen mounds will have a minor localised change to the landform of this LCT.

- 4.44. Overall, the medium to high sensitivity of this LCT and low magnitude of change of the proposed development will after completion have a localised Moderate/Minor adverse effect upon the setting of the Upland Fringe Valley with Settlements LCT.

#### Site Context

- 4.45. The construction works will result in a loss of vegetation coverage, changes to the site levels, new entrance point, temporary works, storage of materials and movement of site workers, machinery and deliveries. During site works any necessary storage of material or machinery outwith the site will be sited eastwards of the access track to protect the trees along the neighbouring boundary. It may be necessary to trim a short branch of a single oak tree which partially overhangs the cattle grid to prevent snagging of it from any construction machinery. Any boundary walls which are accidentally disturbed during the construction works will be fully reinstated.
- 4.46. The proposed development, once completed, will result in a permanent land use change from one of grazing land to a small development consisting of two holiday cottages. The proposed development will add two distinct properties of a contemporary style along with additional infrastructure onto this plot of land, together with a low level movement of people and traffic on and off the site. It should be noted that the proposed development site will only occupy a small proportion of the larger triangular field which will continue to be used for grazing.
- 4.47. The siting of the holiday cottages has been designed so as to cut into the existing profile of the slope of the land rather than standing tall and being prominent within the landscape. The cut material will be used to create screening mounds. These elevated mounds will have a rounded profile and be covered in grass to help integrate them and the built structures into the local land.
- 4.48. The proposed development will be sited away from the existing field's dry stone boundaries, with the exception of the new site entrance point. This entrance will require the breaching of a short length of the field's boundary wall next to the B7060 road. The proposed mitigation measures will ensure that the new entrance point will be designed to tie in with the existing wall on either side.
- 4.49. The existing access track surface and gradient will be upgraded to allow the access of cars onto the site. A new short length of track will run from the new entrance point off the B7060 road to the existing track which will have a matching surface finish.
- 4.50. Overall, the low to medium sensitivity of the site and low magnitude of change of the proposed development will, after completion, have a localised Minor to Moderate/Minor adverse effect upon the setting of the proposed site.

#### Designations

- 4.51. The proposed development is located within the Tweed, Etrick and Yarrow Confluences SLA. The initial construction works will occur on a very small proportion of lands within the SLA.

The works will have a localised increase of activity occurring on the site lands and movement of traffic on/off the local roads. This will result in localised temporary effects on rural character of this SLA. The visual extent of this work across the SLA will be greatly limited by the designation's distinct mature woodlands.

- 4.52. The two holiday cottages have been intentionally designed to minimise their visibility across this SLA through their setting into the western side of Rink Hill, low scale and exterior finishes. The SLAs characteristic woodland and steep valley sides will also help contain views towards the proposed development. There will be some slight localised movement of people and traffic upon this low hill associated with the new development. Though the tree lined valley sides will help to contain such views with some distant elevated views possible to the southwest and southeast.
- 4.53. The proposed development will have no direct effect on the area's distinct woodland or the setting of the Abbotsford HGDL which form key characteristics of the part of this designation found within the study zone.
- 4.54. All six selected viewpoints which are considered later in this chapter fall within the extent of this SLA and show the limited extent of visibility of the proposed development. The greatest of views of the proposed development looking across the SLA are experienced on short stretches of road from viewpoints 2 and 5.
- 4.55. Overall, the medium-high sensitivity of this designation and low magnitude change of the proposed development will, after completion, have a localised Moderate/Minor adverse effect upon user's experience of the Tweed, Etrick and Yarrow Confluences SLA.
- 4.56. The accompanying Cultural Heritage Impact Assessment has assessed the visual effects of the development upon the Fairnilee House GDL as be "Low to negligible". The ZTV shows that the proposed development will not be visible within the grounds of Abbotsford GDL.



## 5. VISUAL APPRAISAL

### BASELINE (VISUAL)

- 5.1. In order to be able to assess how the proposed development will potentially affect the existing views experienced by people and their visual amenity within the study zone, it is necessary to first determine the extent of the proposed development's potential visibility and those likely to be effected. This was established by determining the following criteria:
- The area in which the proposed development may be visible, based on the bare earth ZTV, desktop study and during the field visit;
  - The different groups of people (known as visual receptors) who may experience views of the proposed development; and
  - The viewpoints where they will be affected and the nature of views at those points.

### Views of the Site & Receptors

#### Site Visibility

- 5.2. A review of the proposed site's visibility across the study zone has found many potential receptor's views are restricted by the area's characteristic lines and groupings of mature trees. Potential views will be further contained by the proposed development site's setting on the north western flanks of Rink Hill and notable topographical variations across the local landscape.
- 5.3. Views from the north are restricted by the steeply inclined sloping land which rises up from the proposal site towards the hill fort on the summit of Rink Hill. There are more open views across to the proposed site from the east stretching as far as the mast on Lindean moor. A number of residents clustered around Lindean will experience a mix of ground and upper floor views. Yet many inward views from this direction are screened by the dense blocks of mature woodlands. Views from the south extend to the hills by Yair Hill in the distance, with the more open moorland allowing distance elevated views across to the proposed site. Some closer views are possible along short stretches of the road network of the A707 and B7060 or pathway by the River Tweed. Yet, such views will be affected the intervening tree coverage. Similarly, views from the west are contained by higher land beyond Hog Hill and Craig Hills as well as areas of woodland.

## Viewpoint Selection

5.4. A total of six viewpoints representative of several receptor types were chosen from publicly available views, with none selected from private dwellings or lanes. These viewpoints are located across a range of directions with views looking towards the proposal site, as mapped in Figure 4. All views were photographed and the extent of the site annotated within each view as illustrated in Figures 5 to 10. A photomontage has been developed from viewpoint 5 (Figure 9b) which has the clearest inward views towards the proposed site.

Table 5-1: Selected Five Representative Viewpoints

Viewpoint Number, Location and Grid Co-ordinates	Receptor	Sensitivity	Distance from proposed site	Direction of View from proposed site	Reason for choosing included in assessment
Selected viewpoints for assessment					
1: Junction of A1 Road with Bridgelands Road 348065E 630921N	Road Users Walkers	Medium-High	1.63km	SE	Main Transport Route between Galashiels and Selkirk which also serves as a corepath.
2: Local Road 340m southeast of Sunnycroft Farm, Lindean 349369E 630578N	Road Users	Medium	2.57	SE	Elevated views from southeast from minor route connecting the A7 and A699.
3: B7060 Road and National Cycle Route 1 347929E 632326N	Road Users	Medium-High	320m	SE	Road directly passing the edges of the site. It is also an important cycle route
4: Footpath along the banks of the River Tweed 347460E 632290N	Walkers	High	275m	SW	One of Scottish Borders Council's promoted paths
5: Along the A707 at Yair Hill Forest. 346913E 632277N	Road Users	Medium	740	SW	Views across the Tweed Valley from this main route. Within Yair (No.76 Borders Designed Landscape)

6: Hog Hill on the Southern Upland Way 346746E 633702N	Walkers	Medium-High	1.39km	NW	Views from the long distance walking route
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## IMPACTS (VISUAL)

- 5.5. The following section considers the potential changes of the proposed development upon the views and the sensitivity of each receptor during the construction and operation stages.

### Viewpoint Assessment

#### Viewpoint 1: Junction of A1 Road with Bridgelands Road

##### Existing Context of View

- 5.6. This viewpoint is taken next to the road junction of the A7 with this minor road, both of which are also Council Core paths. The dense band of mature deciduous and coniferous trees in the middle ground of this view, located on either side of the River Tweed banks, fully screen any views in the direction of the proposal site.

##### Change to View

- 5.7. The proposed development during any phase is fully screened from this point due to the thick band of woodland. The mix of coniferous trees will further help to limit views during the winter months from this viewpoint when other trees are lacking any leaf coverage.
- 5.8. The ZTV shows the proposed development has some potential limited visibility across this main transport route. However, such views are fully screened by either trees directly alongside the road or intervening landscape as shown from this viewpoint. Therefore the existing views of road users including walkers will remain unaffected by the proposed development.

##### Degree of effect

- 5.9. The medium to high sensitivity of these vehicular users, cyclists and walkers together with a no change magnitude of change will result in no visual effects on their existing transient views.

## Viewpoint 2: Local Road 340m southeast of Sunnycroft Farm, Lindean

## Existing Context of View

- 5.10. This view looks to the northwest across an elevated section of this unnamed road, which provides a thoroughfare between the main A7 and A699 roads. Views moving further west towards the A7 become more obscured by the roadside vegetation and variations in the topography.
- 5.11. The proposed site can be clearly seen as part of the larger triangular field in which it is located upon the slopes of Rink Hill in the middle ground of this view. The small cluster of houses eastwards of the proposed site are those around Rink Farm. The land continues to rise across a series of hills further up towards the northwest against the background of this view, including Hog Hill (Viewpoint 6) and higher Meigle Hill.

## Change to View

- 5.12. The proposed site openness and elevated slopes will mean that there will be views of all the construction works as it progresses on the site. These views will include the movement of site workers, deliveries, evacuators, telescopic loaders and storage of material occurring at various stages of the works which will be of a temporary nature and at a distance of approximately 750-800m away.
- 5.13. The proposed development will add two distinct new built feature into this view, occupying a small area of existing agricultural land. Views will contain side profiles of the two proposed holiday cottages stepped down into this land along with partial views of the associated parking, energy features and pathway from this point. There will be also be some infrequent movement of visitors through the proposed site and travelling to/from it. The distance from the site will mean the proposed development will be viewed as a minor element within this view, experienced as glimpses moving east to west along this road.
- 5.14. The design of the buildings and parking have been partially cut into the land or surrounded by earth mounds to help contain them within the site and limit their views from road users. The exterior finishes will consist of a range of materials like whinstone, timber and grassed mounds which will complement the range and colour of natural elements in the local area. Limited lighting emissions at night will be viewed with other properties lower down the hill by Rink Farm.

## Degree of Effects

- 5.15. The medium sensitivity of road users with a low magnitude of change will result in Minor adverse effect.

## Viewpoint 3: B7060 Road and National Cycle Route 1

## Existing Context of View

- 5.16. This view is looking across the road towards the location of the proposed site entrance. The new entrance will be taken off the existing field track which is partially visible within this view, found to the east of a group of trees. The main proportion of the proposed site is barely visible due to low drystone walling along the outer field boundary and steep variations in the topography.
- 5.17. The main views along this section of route look away from the proposed site. With one's view drawn across the Tweed Valley to the undulating lands within Yair Hill Forest and beyond to the west and south of this point.

## Change to View

- 5.18. Views of the construction activity will be greatest during the creation of the new site entrance and upgrading of the existing track way. Views of works within the main site will be partially contained by the hillside. There will be views of construction traffic moving directly on/off this road and within the site.
- 5.19. The proposed development will slightly alter the existing land profile, with minor partial views of the tips of mound or roofline peering above the outline of the existing land profile. The smoothly shaped grassed mounds will help to reduce the visibility of these buildings side profiles from passing road users. The majority of built form of either building and energy units across the proposed site will be hidden from view due to their low lying setting into the existing hill slope or by the fluctuation in the immediate surrounding land's topography.
- 5.20. The length of track way will be clearly visible from this point. Though the new section of track will gently follow the existing field contours and tie into the existing length of track. The track will be surfaced with a suitable locally sourced aggregate and the new site entrance will respect the existing roadside boundary wall. These measures will help to integrate these elements into the local landscape.
- 5.21. There will also be a slight increase of traffic on and off the site, though such will be a low number and infrequent.
- 5.22. Potential for light spillage from the exterior or interior of these holiday cottages at night will be minimal, as any lighting will be contained by the mounds and variations in the local topography.

## Degree of Effects

- 5.23. The high sensitivity of cyclists and medium sensitivity of vehicular users together with a negligible/low magnitude of change will result in a None-Minor adverse effect on the views of the various road users when directly passing by the site.

#### Viewpoint 4: Footpath along the banks of the River Tweed

##### Existing Context of View

- 5.24. The view is from a short section of the Scottish Borders Council Promoted Path running along the banks of the River Tweed. It can be accessed from the Old Tweed Bridge approximately 1.35km to the east or off the B7060 by Rigged Craig approximately 1.27km to the west northwest of this location.
- 5.25. Views in the direction of the proposed site are looking northwards across the immediate pastureland which steeply rises up towards the site. This is located in the background of this view. The site is only partially visible due to the screening provided by several mature trees which line the B7060 road. The existing access track which serves the proposed site and surrounding fields is demarked by the exposed sandy soils along its edges.

##### Change to View

- 5.26. There will be partial views of the construction activity through the site including that of machinery like dumpers, HGVs, top loaders or excavators. Views will also include these vehicles moving along the existing farm track way.
- 5.27. The proposed development will only be partially visible through gaps in the trees, with some structures partially screened by the branches of these mature trees. Views in the winter months will slightly increase when these trees lack any tree cover. The relatively small scale of both holiday cottages and sitting lower down into the lands will help limit their visibility, appearing only as a minor element within this view. The use of natural material to their exteriors finishes will help assimilate these elements into the local landscape. There will be some infrequent movement of traffic along the access track which will be partially screened by the same trees and a small block of woodland next to the B7060. The small carpark area will be similarly screened by the roadside trees. It will be set into the hill slope and screened by mounding.
- 5.28. The main views along this route, which look towards the banks of the Tweed River, will not be affected by the proposed development.

##### Degree of Effects

- 5.29. The high sensitivity of walkers and negligible/low magnitude of change will result in a None-Minor adverse effect on their views.

### Viewpoint 5: Along A707 at Yair Hill Forest.

#### Existing Context of View

- 5.30. This viewpoint is from the eastern access entrance to the Forestry Commission's Yair Hill Forest, approximately 970m east of the main public parking area.
- 5.31. The view from the A7074 road looks across the Tweed Valley towards the proposed site visible upon the upper slopes of Rink Hill to the northeast in the back ground. The boundary of the site and wider field are defined by the dry stone walls. The adjacent access track is again demarked by the exposed sandy soil along its edges. The various mature trees lining the sides of the River Tweed and B7060 in the middle ground are a dominant feature of this view. While the small group of trees in the background are within the Rink Hill Fort.

#### Changes to View

- 5.32. The proposal sites openness and elevated slopes means there will be clear views of all the construction works as they progress on the site. These views will include the movement of site workers, deliveries, and machinery such as evacuators, telescopic loaders and storage of material occurring at various stages of the works which will be of a temporary nature. The distance of approximately 750-800m will lessen the visual prominence of the activity from this viewpoint.
- 5.33. The proposed development will add two distinct new built feature into this distinct rural view, as illustrated in the photomontage (see Figure 9b in the appendix). Views will contain full front profiles of the two proposed holiday cottages sited within the slope of the site and partial views of the proposed energy features and pathway from this point. Views of the main parking area will be partially contained by the shaped embankments around it. There will be some minor light emissions from these buildings at night. There will be also be some movement of visitors through the proposed site and travelling to/from it.
- 5.34. The design of the buildings and parking have been partially cut into the slope of the land and will be surrounded by earth mounds to help contain them within the site. The exterior finishes will consist of a range of materials like whinstone, glass, timber and grassed mounds which will complement the range and colour of natural elements in the local area.

#### Degree of Effects

- 5.35. The medium sensitivity of the road users together with low/medium magnitude of change will result in a Moderate to Moderate/Minor adverse effect. These views will be experienced transiently and at a distance which will help reduce the prevalence of the development.

## Viewpoint 6: Hog Hill on Southern Upland Way

### Existing Context of View

- 5.36. This view is looking out from along the Southern Upland Way towards the proposed site to the south east. This expansive view which extends as far as the large transmission mast by Lindean Moor contains a mix of pastoral farmland, large woodlands, rural dwellings and the settlement of Selkirk (outwith the image – to the south).
- 5.37. The proposal site is located within the middle ground of this view, though the dry stone wall along its western boundary fully screen inwards views of the parcel of land.

### Changes to View

- 5.38. There will be some partial views of construction works taking place on the site peering above the stone wall, including machinery such as the extended arms of excavators and telescopic loaders. The proposed site's downward sloping nature to its south eastern end helps to further limit the extent of the construction activity visibility from this point.
- 5.39. The proposed development will be barely visible from this point due the lower setting of the holiday cottages and parking which will be cut into the existing land and will greatly help to contain potential views. There may some very minor views of the grassed tips of the raised embankments created to help screen the buildings and the roofs tips slightly jutting over the existing stone wall along the northern boundary. The minor changes in the topography will be hard to distinguish from the existing undulating variations across the wider field grassland already visible peering above the dry stone wall field boundary.

### Degree of Effects

- 5.40. The high sensitivity of the walkers together with negligible magnitude of change will result in No adverse visual effect.



## 6. MITIGATION MEASURES

- 6.1. The mitigation measures have been recommended for the proposed development in order in order to help avoid, reduce or compensate for any predicted degree of effects on both the landscape resource and visual amenity.

### CONSTRUCTION PHASE

- 6.2. A number of measures which can be taken to help minimise disturbance of the landscape resources or visual receptor will include:
- Following best construction codes of practices including the stock piling of soils and safe storage of materials;
  - No materials or machinery should be temporarily stored on the western side of the laneway to ensure protection of the trees rooting area and away from dry stone walling to prevent damaging these landscape features;
  - Any necessary works within the Root Protection Areas of trees to be carried out in accordance with BS5837:2012 Trees in Relation to Design, Demolition and Construction. Recommendations;
  - Any accidentally disturbed or weakened dry stone walling will be fully reinstated;
  - Site works will take place at agreed times with Scottish Borders Council; and
  - Use of site lighting should be directed down and away from any visual receptors.

### COMPLETION PHASE

- In order to help visually integrate the scheme into the landscape the holiday cottages and car parking spaces will be set cut into the existing land profile with the land gently graded back towards the holiday cottages and surrounding land;
- The site entrance will be tied into the existing field boundaries;
- Finishes to exterior surfaces will be of subtle colours and materials respective of the local landscape; and

- Any lighting should be designed to prevent light spillage into the wider land.

## 7. SUMMARY AND CONCLUSION

### SUMMARY

- 7.1. The proposed development of two holiday cottages will be sited upon a small plot of pasture lands within a larger triangular shaped field upon the slopes of Rink Hill.
- 7.2. The setting of the proposed development will be contained upon Rink Hill by cutting and earth mounding, the use of local natural stone and timber exterior finishes and its low scale. This will help to limit the effects upon the characteristics of the Upland Fringe Valley with Settlements LCT to have a localised Minor/Moderate adverse effect. The greatest effects on the existing site's features or elements will result from the permanent changes to the landform and change of use from pasture to leisure use resulting in a Minor to Moderate/Minor adverse effect. The effects on the Tweed, Ettrick and Yarrow Confluences SLA in which the proposed development is sited will be confined by its lower scale and the SLA characteristics areas of woodland and valley sides which restrict its visibility. Where visible the proposed development will result in localised Moderate/Minor adverse effect upon user's experience of the SLA.
- 7.3. The bare earth ZTV coverage shows the proposed development will have limited visibility across the study area due to the screen of it by the steeply inclined higher valley sides. During the field visit it was found many potential views are further restricted by the areas distinct bands of mature woodland.
- 7.4. A total of six viewpoints were assessed with the resulting visual effects ranging from None to Moderate adverse effects. The majority of receptors having limited views towards the proposed site due to dense screening provided by the areas distinct mature woodlands resulting in None/Minor adverse effects. The two building's structures and supporting infrastructure have been intentionally designed so that they will have limited visibility from any local visual receptors. This has been achieved by cutting into the hill and surrounding the buildings by earthen embankments and stone walls while also keeping the roofline level flush with these new screening features.
- 7.5. The greatest views will be experienced at a distance from the proposed site where there are open unobstructed views across the Tweed Valley towards the proposed site as shown from Viewpoint 2 on a local road and Viewpoint 5 along the A707. The produced photomontage (Figure 5b: Viewpoint 5) illustrates the small scale of the proposed development with each house's front profile spanning approximately 22m in length, including the stone walls. These buildings relatively low height, siting into the hill and subtle natural material finishes all help to reduce the prominence of the new buildings and parked cars from these limited views of travellers. The views of road users passing by both viewpoints will be experienced only for a brief period of time. The existing roadside hedgerows and trees quickly hinders views further

along these routes. Lighting of the proposed development at night will be kept to a minimal by using directional lighting to restrict light spillage onto the wider rural lands.

## CONCLUSION

- 7.6. The location and design layout of the proposed development will ensure it has no prominent adverse effects upon the characteristics of the Upland Fringe with Settlements LCT, Tweed, Ettrick and Yarrow Confluences SLA or views of various visual receptors. It will be possible to integrate the proposal into the local landscape in keeping with Policies HD2: Housing in the Countryside and EP5 Special Landscape Areas.

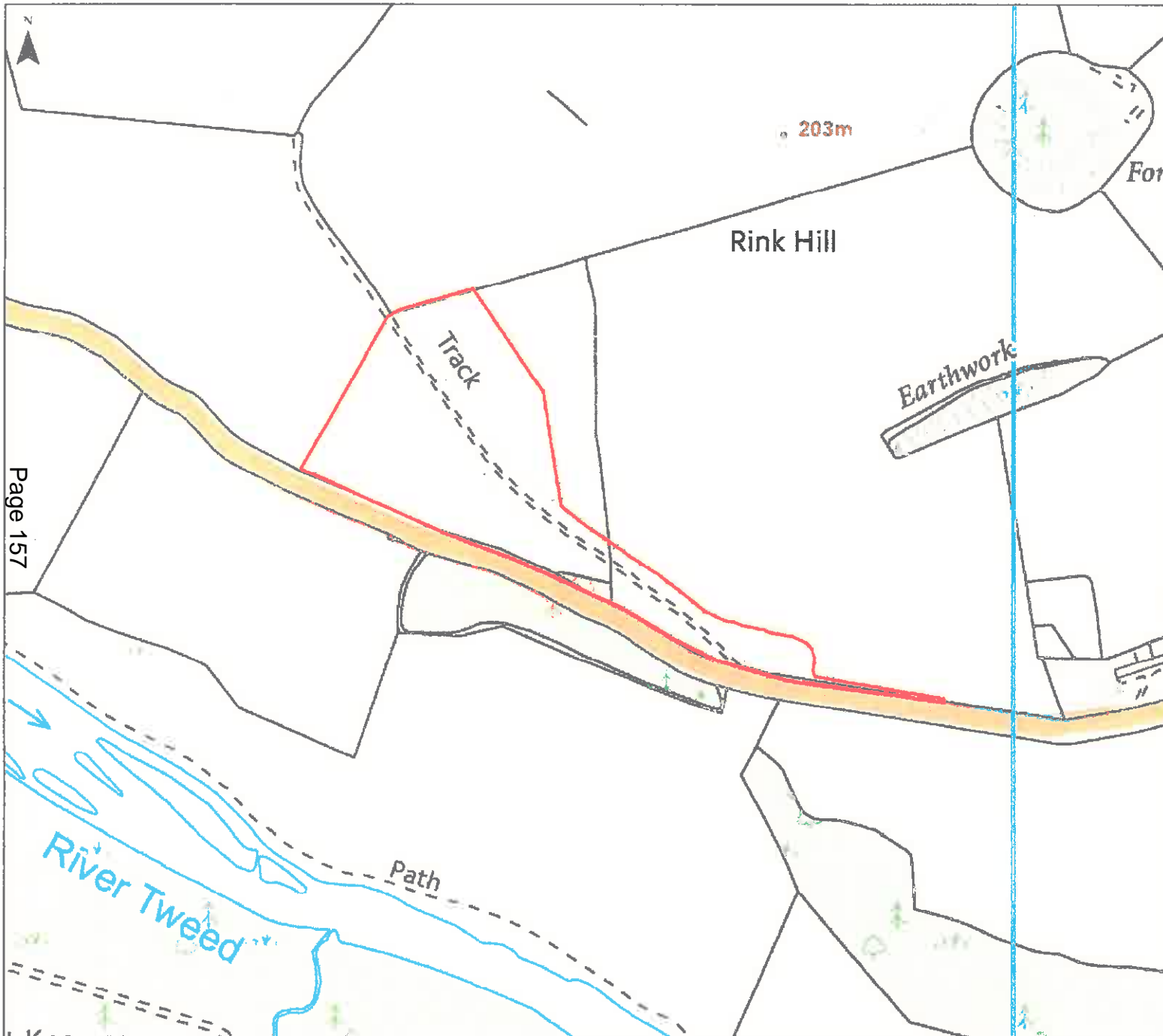
## 8.APPENDICES

### APPENDIX A: FIGURES

Figure 1	Site Location Plan
Figure 2	National Landscape Character Types with ZTV
Figure 3	Landscape Designation Map with ZTV
Figure 4	Viewpoint Locations Map with ZTV
Figure 5	Viewpoint 1: Junction of A1 Road with Bridgelands Road
Figure 6	Viewpoint 2: Local Road 340m southeast of Sunnycroft Farm, Lindean
Figure 7	Viewpoint 3: B7060 Road and National Cycle Route 1
Figure 8	Viewpoint 4: Footpath along the banks of the River Tweed
Figure 9a	Viewpoint 5: Along the A707 at Yair Hill Forest (Existing View)
Figure 9b	Viewpoint 5: Along the A707 at Yair Hill Forest (Photomontage)
Figure 10	Viewpoint 6: Hog Hill on the Southern Upland Way

### APPENDIX B: LVIA METHODOLOGY



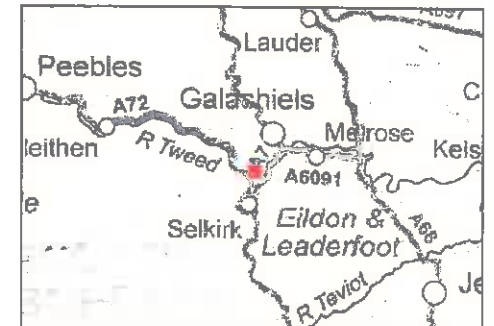


Rink Farm  
Site Layout  
Figure 1

Key

Site Boundary

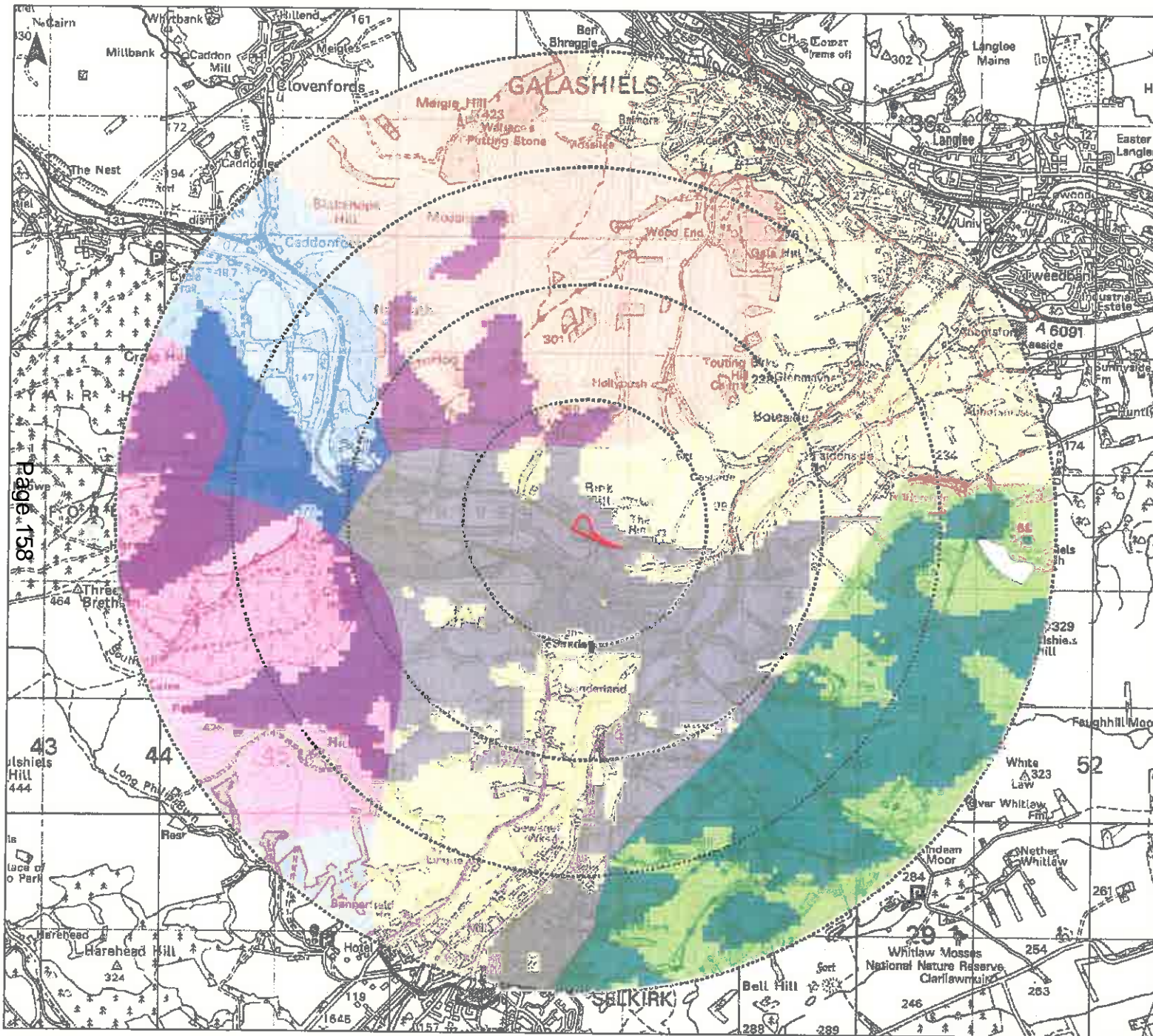
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 Drawing No: NEO00381/009/A

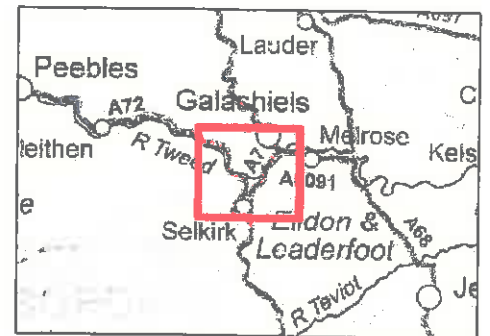




# Rink Farm Landscape Character Type with ZTV Figure 2

## Key

- Site Boundary
- 1km, 2km, 3km, 4km Study Areas
- Grassland with Hills
- Southern Uplands with Scattered Forest
- Undulating Grassland
- Upland Fringe Valley with Settlements
- Upland Valley with Woodland
- Zone of Theoretical Visibility

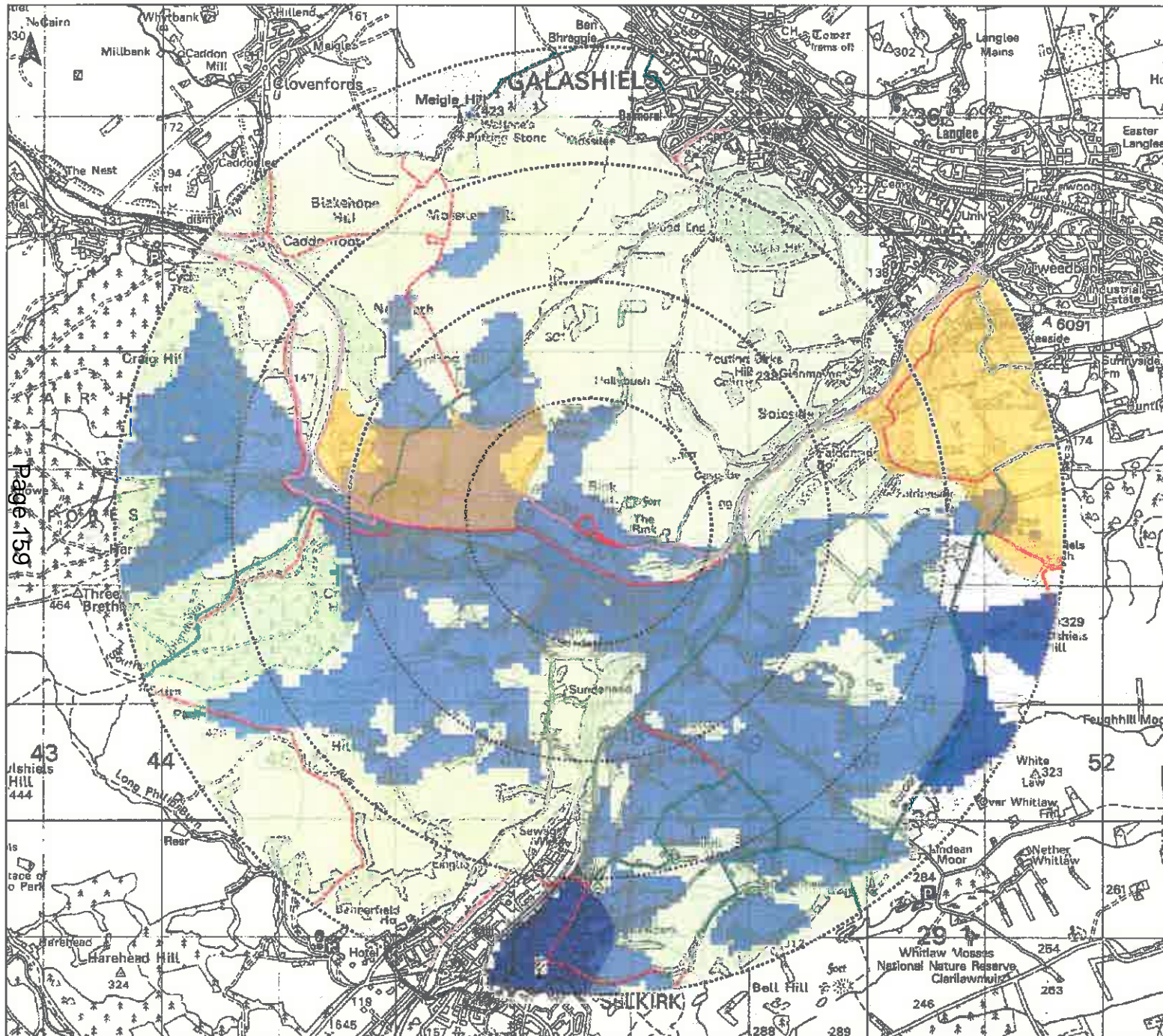


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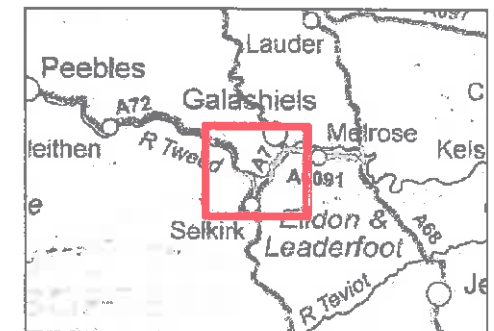




# Rink Farm Landscape Designations with ZTV Figure 3

## Key

-  Site Boundary
-  1km, 2km, 3km, 4km Study Areas
-  National Cycle Route
-  Councils Promoted Path
-  Core Paths
-  Gardens and Designed Landscapes
-  Special Landscape Areas
-  Zone of Theoretical Visibility



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Figure 6 Viewpoint 2: Local Road 340m southeast of Sunnycroft Farm



OS Reference: 349369E 630578N  
Eye Level: 191.5m AOD  
Direction of View: 315 Degrees  
Distance to Site: 2.570km

Horizontal Field of View: 70 degrees  
Vertical Field of View: 27 degrees  
Paper Size: 420 x 297 mm (A3)  
Corrected printed image size: 390 x 260 mm

Camera: Canon 6D  
Lens: 50mm  
Camera Height: 1.5m AGL  
View flat at comfortable arm's length

Date: 08/07/2016  
Drawn By: JM  
Drawing No: NEO00381/010/A

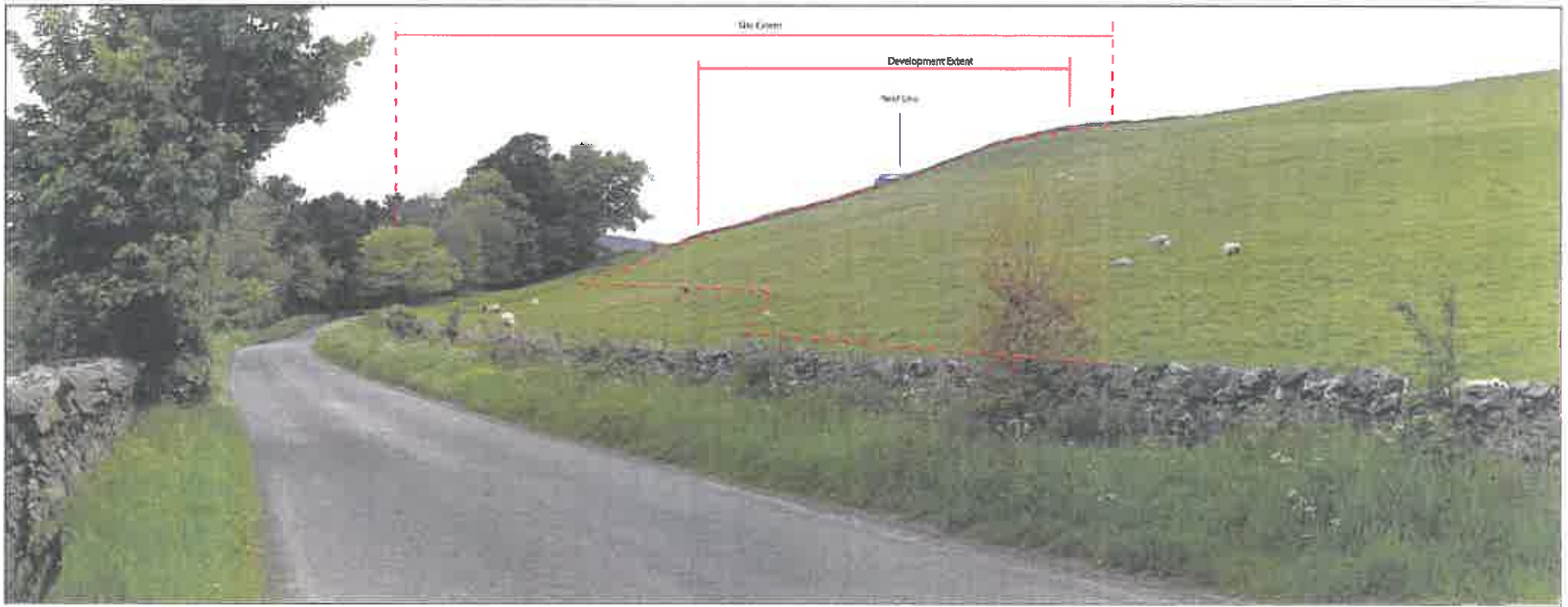


Figure 7 Viewpoint 3: B7060 Road and National Cycle Route 1



OS Reference: 347929E 632326N  
 Eye Level: 137.5m AOD  
 Direction of View: 320 Degrees  
 Distance to Site: 0.320km

Horizontal Field of View: 70 degrees  
 Vertical Field of View: 27 degrees  
 Paper Size: 420 x 297 mm (A3)  
 Corrected printed image size: 390 x 260 mm

Camera: Canon 6D  
 Lens: 50mm  
 Camera Height: 1.5m AGL  
 View flat at comfortable arm's length

Date: 08/07/2016  
 Drawn By: JM  
 Drawing No: NEO00381/011/A



Figure 8 Viewpoint 4: Footpath along the banks of River Tweed



OS Reference: 347460E 632290N  
Eye Level: 118.5m AOD  
Direction of View: 255 Degrees  
Distance to Site: 0.275km

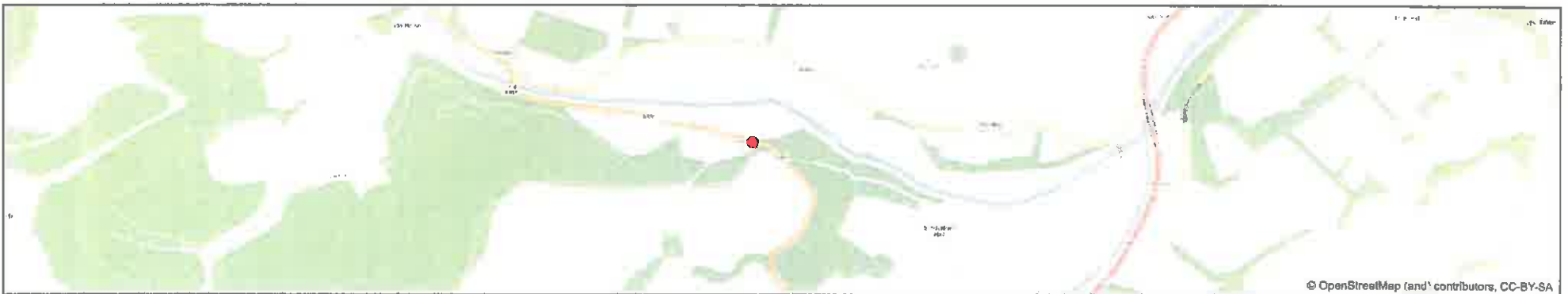
Horizontal Field of View: 70 degrees  
Vertical Field of View: 27 degrees  
Paper Size: 420 x 297 mm (A3)  
Corrected printed image size: 390 x 260 mm

Camera: Canon 6D  
Lens: 50mm  
Camera Height: 1.5m AGL  
View flat at comfortable arm's length

Date: 08/07/2016  
Drawn By: JM  
Drawing No: NEO00381/012/A



Figure 9a Viewpoint 5: Along the A707 at Yair Hill Forest



© OpenStreetMap (and contributors), CC-BY-SA

OS Reference: 348913E 832277N  
 Eye Level: 140.5m AOD  
 Direction of View: 200 Degrees  
 Distance to Site: 0.740km

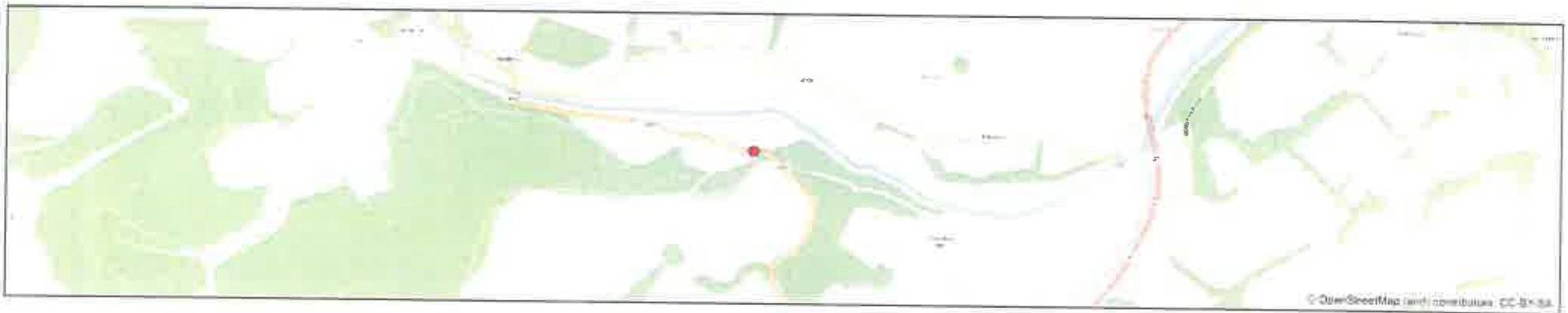
Horizontal Field of View: 70 degrees  
 Vertical Field of View: 27 degrees  
 Paper Size: 420 x 297 mm (A3)  
 Corrected printed image size: 390 x 260 mm

Camera: Canon 6D  
 Lens: 50mm  
 Camera Height: 1.5m AGL  
 View flat at comfortable arm's length

Date: 08/07/2016  
 Drawn By: JM  
 Drawing No: NEO00381/013/B



Figure 9b Viewpoint 5 Photomontage: Along the A707 at Yair Hill Forest



OS Reference: 346913E 632277N  
Eye Level: 140.5m AOD  
Direction of View: 200 Degrees  
Distance to Site: 0.740km

Horizontal Field of View: 70 degrees  
Vertical Field of View: 27 degrees  
Paper Size: 420 x 297 mm (A3)  
Corrected printed image size: 390 x 260 mm

Camera: Canon 6D  
Lens: 50mm  
Camera Height: 1.5m AGL  
View flat at comfortable arm's length

Date: 08/07/2016  
Drawn By: JM  
Drawing No: NEO00381/015/B

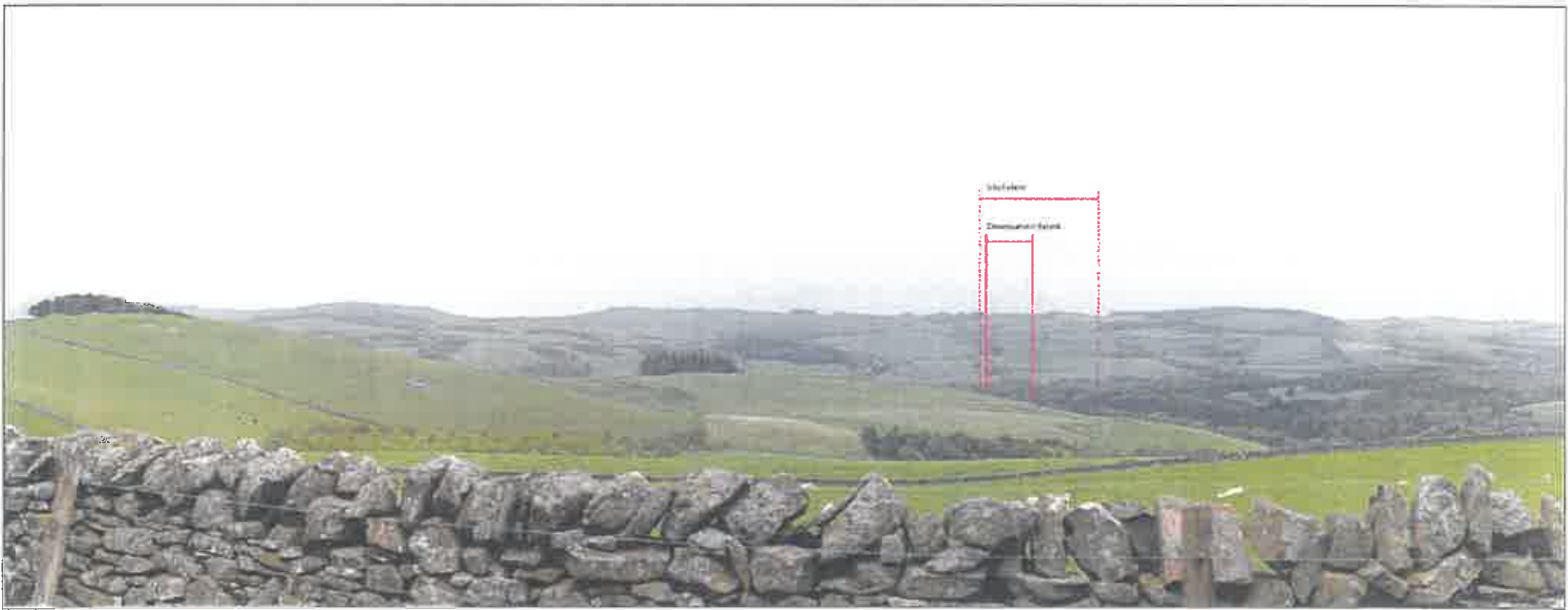


Figure 10 Viewpoint 3: Hog Hill on the Southern Upland Way



OS Reference: 346746E 633702N  
Eye Level: 264.5m AOD  
Direction of View: 130 Degrees  
Distance to Site: 1.350km

Horizontal Field of View: 70 degrees  
Vertical Field of view: 27 degrees  
Paper Size: 420 x 297 mm (A3)  
Corrected printed image size: 390 x 260 mm

Camera: Canon 6D  
Lens: 50mm  
Camera Height: 1.5m AGL  
View for at comfortable arm's length

Date: 08/07/2016  
Drawn By: JMI  
Drawing No: NE000361/014/A

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## Appendix B: LVIA Methodology



# 1. INTRODUCTION

1.1. The LVIA methodology is based on the approach set out in in the Guidelines for Landscape and Visual Impact Assessment (Landscape Institute and Institute of Environmental Assessment, 3rd edition, 2013) together with other best practice and professional judgement. The GLVIA3 guidance states that the level of assessment should be proportional to the scale of the project and the nature of the likely effects.

1.2. Together with the GLVIA3 the following guidance was also taken into consideration:

- Landscape Character Assessment Guidance for England and Scotland. Prepared on behalf of The Countryside Agency and Scottish Natural Heritage by Carys Swanwick, Department of Landscape University of Sheffield and Land Use Consultants. (2002)<sup>1</sup>;
- Landscape Character Assessment Guidance for England and Scotland: Topic Paper 6: Techniques and Criteria for Judging Capacity and Sensitivity. Countryside Agency and Scottish Natural Heritage. (2002)<sup>2</sup>;
- Photography and photomontage in landscape and visual impact assessment, Landscape Institute (March 2011)<sup>3</sup>.

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<sup>1</sup> The Countryside Agency and Scottish Natural Heritage (2002) prepared by the University of Sheffield and Landuse Consultants 2002. *Landscape Character Assessment: Guidance for England and Scotland*. Available at: <http://publications.naturalengland.org.uk/publication/5601625141936128>

<sup>2</sup> The Countryside Agency and Scottish Natural Heritage (2002) prepared by the University of Sheffield and Landuse Consultants 2002. *Landscape Character Assessment TOPIC PAPER 6: Techniques and Criteria for Judging Capacity and Sensitivity*. Available at: <http://publications.naturalengland.org.uk/publication/5601625141936128>

<sup>3</sup> Landscape Institute, (March 2011) Photography and photomontage in landscape and visual impact assessment Advice Note 01/11 Available at: <http://www.landscapeinstitute.org/PDF/Contribute/LIPhotographyAdviceNote01-11.pdf>

## 2. BASELINE STUDY

- 2.1. The baseline landscape and visual study was undertaken through a mix of desk based study and field work.

### DESK STUDY

- 2.2. The baseline desk based data was collected from a range of publications and digital mapping. This was used to help establish an initial understanding of the landscape of the study area, as well as potential receptors which could be effected by the proposed development and also assisted in the selection of a range of representative viewpoints.
- 2.3. The sources of information include:
- Scottish Borders Local Development Plan<sup>4</sup>
  - Landscape Character Assessment & Special Landscape Areas Studies<sup>5&6</sup>
  - Designations search portal from Historic Environment Scotland<sup>7</sup>;
  - Ordnance Survey maps 1:10,000k and 1:50,000k in digital form and aerial photography in Google Earth<sup>8</sup>;

### STUDY AREA & ZTV

- 2.1. The study area was initially defined by the Zone of Theoretically Visibility (ZTV) which was calculated to 2km. Its suitability was later confirmed during the field visit.

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<sup>4</sup> Scottish Border Council (May 2016): Local Development Plan [Online] Available at: [https://www.scotborders.gov.uk/info/20051/plans\\_and\\_guidance/121/local\\_development\\_plan](https://www.scotborders.gov.uk/info/20051/plans_and_guidance/121/local_development_plan)

<sup>5</sup> Available at: <http://www.snh.org.uk/pdfs/publications/review/112.pdf>

<sup>6</sup> Scottish Borders Council (August 2012): SPG Local Landscape Designations. Available at: [https://www.scotborders.gov.uk/downloads/download/413/planning\\_guidance\\_local\\_landscape\\_designations](https://www.scotborders.gov.uk/downloads/download/413/planning_guidance_local_landscape_designations)

<sup>7</sup> Historic Environment Scotland (2015). [online] Available at: <http://portal.historic-scotland.gov.uk/designation/GDL00153>

<sup>8</sup> Ordnance Survey Maps 1:25,000 Explorer and 1:50,000 Town, 2012. Promap<sup>8</sup> [online] Available at: <http://www.promap.co.uk>. Aerial mapping accessed online through Promap<sup>8</sup> (as above) and Google Earth. Available at: <http://www.google.com/earth/index.html>

- 2.2. The ZTV was produced as a 'bare earth scenario' to show the potential visibility of the proposed development across the local area, out to 4km from the site boundaries. . The ZTV was calculated using Digital Terrain Modelling sourced from 50m Digital Terrain Model (DTM) data, derived from Ordnance Survey Landform Panorama Data and the site's topographical survey levels, with the viewer height set at 2m high.
- 2.3. For the purpose of producing the ZTV and in carrying out the assessment the maximum height of each buildings roof's ridgeline has been assumed to be 4m high above ground level.
- 2.4. The ZTV does not account for any elements in the landscape such as trees, hedgerows, walls or buildings that may help screen views, nor account for the influences of the weather upon any views. It therefore represents a 'worst case scenario', nonetheless the ZTV is a useful computer generated tool for determining the potential visibility of the proposed development and initial selection of viewpoints for the visual assessment.

## FIELD SURVEY

- 2.5. Field survey work was carried in May 2016 to help verify the desktop assessment and gain a greater understanding of how the proposed development would interact with the existing landscape and visual amenity of the study area. The photography was also undertaken at this time.

## VIEWPOINTS & PHOTOGRAPHY

- 2.6. A total of five representative viewpoints were chosen from a range of locations and receptors, each viewpoint is detailed in the LVIA assessment. They were chosen initially using the ZTV coverage and desk based baseline studies. Their suitability was later confirmed when in the field to determine the actual visibility of the proposed site from each location.
- 2.7. At each viewpoint the existing views were recorded using a Canon 6D full frame DSLR camera, with a fixed focal length of 50mm. The location was recorded with a GPS unit with the direction of view and weather noted.
- 2.8. The photographs capture static views looking in the direction of the proposed development at a specific time and date. These can be further influenced by the weather conditions which, at the time of photography, consisted of heavy cloud coverage but with good distance visibility. The extent of the proposed development within each of the selected photo views has been annotated onto the image.

### 3. LANDSCAPE ASSESSMENT

- 3.1. The landscape assessment identifies landscape receptors which will have the potential to be affected by the proposed development and the extent of this interaction throughout all stages of development (construction, operational and decommissioning).

#### Landscape Sensitivity

- 3.2. The sensitivity of the landscape receptors is determined by combining judgment on their susceptibility to the particular type of change, or development proposed, and the value attached to the landscape. The final sensitivity based on professional judgement is graded on a scale of very high, high, medium, low and negligible with intermediary values e.g. high/medium if more appropriate.

Table 3-1: Landscape Sensitivity Criteria

Very High	A landscape of very highly valued characteristics. With a very high susceptibility to any change resulting from the proposed development.
High	A landscape of highly valued characteristics with a high susceptibility of small change resulting from the proposed development.
Medium	A landscape of moderately valued characteristics with a moderate level of susceptibility to change from the proposed development.
Low	A landscape with low valued landscape characteristics with considerable tolerance to the change from the proposed development.
Negligible	A landscape void of any notable value. With the lowest susceptibility to change from the proposed development.

#### Landscape Susceptibility

- 3.3. The susceptibility of a landscape receptor is defined by GLVIA3 (pg.88-89) as:

*“The ability of the landscape receptor (whether it be overall character or condition of a particular landscape type or area, or an individual element and/or features, or a particular aesthetic and perceptual aspect) to accommodate the proposed development without undue consequences for the maintenance of the baseline situation.”*

#### Landscape Value

- 3.4. The value of the landscape needs to be considered in order to fully assess the potential impact upon it. This can mean “the landscape as whole, or to individual elements, features and

aesthetic or perceptual dimension which contribute to the character of the landscape.” (GLVIA3 pg.80).

- 3.5. Any existing landscape designations are a useful way of finding currently recognised value attached to the landscape. It is also necessary to be aware of the value attached to undesignated landscape that may be of local importance e.g. community woodland or greenspaces. Where no value is available it is determined by considering the below criteria in Table 3.3, Table 3.4: Box 5.1 and other site specific factors.

Table 3-2: Criteria for Landscape Value

Very High	Typically a national or internationally designation e.g., World Heritage Site. Has a high quality and very distinctive characteristics, with areas noted for their wilderness, tranquillity and rarity.
High	Typically a national or internationally designation e.g. National Park, National Heritage Area. Has a high quality and very distinctive characteristics of feature, with some rarity.
Medium	Typically a designated landscape of regional/county importance or non-designated but of local importance which may have some conservation, recreational or cultural associations. Common landscape characteristics or features but with some which are distinctive, of reasonable attractiveness and in ordinary to good condition.
Low	Typically local undesignated landscape with has poorly defined landscape characteristics and features, that are often common and of limited value or interest. May have some limited worthy features. Large presence of detractors adding to its unattractiveness, found in poor condition and in need of improvements.
Negligible	Typically undesignated landscape, denude of any distinct characteristics or features, derelict, highly unattractive and in need of extensive improvements.

Table 3-3: Factors Helping to Identify Landscape Value (Box 5.1, GLVIA3)

Factors Helping to Identify Landscape value	
Landscape Quality (Condition)	The degree to which the landscape is representative, intact and condition of individual elements.
Scenic quality	The extent to which the landscape appeals to the senses (primarily to the visual senses).
Rarity	The presence of unusual elements or features in the landscape or the presence of a rare Landscape Character Type.
Representativeness	Whether the landscape contains particular character and/or features or elements which are considered particularly important examples.
Conservation interests	Presence of ecological, historical or cultural interests which can add value to the landscape as well as having value in themselves.

Recreational value	Evidence that the landscape is valued for recreational activity where experience of the landscape is important, such as recognised scenic routes
Perceptual aspects	A landscape may be valued for its perceptual qualities, notably wildness and/or tranquillity.
Associations	Some landscapes are associated with particular people, such as artists or writers, or events in history that contribute to perceptions of the natural beauty of the landscape.

## MAGNITUDE OF LANDSCAPE EFFECTS

- 3.6. The effects of the proposed development upon each of the landscape receptors needs to be determined in terms of the size or scale, geographical extent and its duration and reversibility, as outlined by paragraph 5.49 of GLVIA3. The final magnitude of change is based on professional judgement taking into account the three factors and graded on a scale of high, medium and low, with intermediary values e.g. high/medium if more appropriate.

### Size or Scale

- 3.7. The size or scale of the effect experienced by a landscape receptor needs to be considered. Determining the extent of existing landscape elements that would be lost, the proportion of the total extent that this represents; and the contribution of that element to the wider character. How the removal or addition of new landscape components will alter the aesthetic or perceptual aspects of the landscapes. Plus if the effects will alter the key characteristics of a landscape which are distinct to its character.

### Geographical Extent

- 3.8. The geographical extent of the potential effects should also be considered. This differs from size or scale, these effects may be experienced across a range of distances including: the site itself; the landscape character type or area which the site is in; or across the wider landscape of several landscape character types or areas.

### Duration

- 3.9. The duration is the length of time which the effect would be experienced, defined by a scale of: Short Term: 0-2 years; Medium Term: 2-10 years; Long Term: 10 years +.

## Reversibility

- 3.10. The reversibility is the judgement of the prospects and practicality of the particular effect being reversed. The development maybe fully reversible, partially reversible or permanent not reversible.

Table 3-4: Magnitude of Landscape Effects

High (Adverse)	Total loss of, or major alteration to key elements/features/characteristics of the baseline, i.e. pre-development landscape and/or introduction of elements considered to be totally uncharacteristic when set within the attributes of the receiving landscape.
Medium (Adverse)	Partial loss of, or alteration to key elements/features/characteristics of the baseline, i.e. pre-development landscape and/or introduction of elements that may be prominent, but may not necessarily be considered to be substantially uncharacteristic when set within the attributes of the receiving landscape.
Low (Adverse)	Minor loss of, or alteration to key elements/features/characteristics of the baseline, i.e. pre-development landscape and/or introduction of elements that may not necessarily be considered to be uncharacteristic when set within the attributes of the receiving landscape.
Negligible (Adverse)	Very minor loss of or alteration to key elements/features/characteristics of the baseline, i.e. pre-development landscape and/or introduction of elements that are not uncharacteristic with the surrounding landscape approximating the 'no change' situation.
Low (Beneficial)	Minor improvement, or removal of small elements/features/characteristics that detract from the existing characteristics of the baseline and/or introduction of new feature which fits into the existing landscape and may slightly enhance the existing character of the landscape.
Medium (Beneficial)	Medium improvement, or removal of small elements/features/characteristics that detract from the existing characteristics of the baseline and/or introduction of new feature which fits into the existing landscape and may moderately enhance the existing character of the landscape.
High (Beneficial)	Major improvement, or removal of small elements/features/characteristics that detract from the existing characteristics of the baseline and/or introduction of new feature which fits into the existing landscape and may substantially enhance the existing character of the landscape.



## 4. VISUAL ASSESSMENT

- 4.1. The visual assessment considers how the proposed development and loss or additional of landscape elements will bring about changes to content and character of people's (visual receptors) existing views and visual amenity, throughout all stages of the development.

### VISUAL SENSITIVITY

- 4.2. The sensitivity of each visual receptor (person or group of people) is assessed in terms of susceptibility to change in views and visual amenity and also the value attached to particular views. As with landscape sensitivity, the judged valuation given to visual sensitivity is graded high, medium and low with other intermediary' values possible.

### SUSCEPTIBILITY TO CHANGE

- 4.3. Visual receptors generally have differing responses to views and visual amenity depending upon the context and their purpose for being in a particular place. The susceptibility to change in views is regarded to be a function of:
- The occupation or activity of people experiencing the view at particular locations; and
  - The extent to which their attention or interest may be focused on the views and visual amenity at particular locations.
- 4.4. The table below identifies a number of indicative receptors typical of those found within the study area.

Table 4-1: Susceptibility of Receptors to Change in their Views or Visual Amenity

High	<ul style="list-style-type: none"> <li>• Residents with views from their dwellings or gardens.</li> <li>• Nationally recognised trails or PROWs/Core paths where views of the landscape forms an importance part of their experience.</li> <li>• Road users along routes noted for their valued views of the landscape e.g. scenic routes.</li> <li>• Visitors to important landscape features of physical, historical or cultural interest.</li> </ul>
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Medium	<ul style="list-style-type: none"> <li>• People along local PROWs/Core paths where views of the landscape are not the focus of the activity e.g. dog walking.</li> <li>• Outdoor workers where the view forms an important setting to their activity.</li> <li>• Road users where views of the surroundings are secondary to the main purpose of travel e.g. rural minor road.</li> </ul>
Low	<ul style="list-style-type: none"> <li>• People at their place of work whose attention is likely to be focused on their work or activity e.g. office or factory.</li> <li>• People engaged in active outdoor sports or recreation and less likely to focus on the view e.g. on playing fields.</li> <li>• Main road routes and rail users likely to be travelling through where the view is incidental to the purpose of travel.</li> </ul>

## VALUE ATTACHED TO PARTICULAR VIEWS

4.5. Judgments are made on the value attached to views experienced, which take the following into consideration:

- Recognised value to a particular view, e.g. heritage assets or through planning designations;
- Inclusion in guidebooks or on tourist maps, provision of facilities provided for enjoyment by visitors or references to the view in literature or art; and
- The relative number of people who are likely to experience the view.

## MAGNITUDE OF VISUAL EFFECTS

4.6. As with the magnitude of landscape effects, the visual effects of proposed development upon the views of receptors and their amenity is determined in terms of the size or scale, geographical extent and its duration and reversibility (as outlined by paragraph 6.38 of GLVIA3). The final magnitude of change is based on professional judgement taking into account the three factors and graded on a scale of high, medium, low and negligible, with intermediary values e.g. high/medium if more appropriate.

## Size or Scale

- 4.7. The size or scale of the effect experienced by views of people will be influenced by: The scale of the change in the view with respect to the loss or addition of features in the view and changes in the composition, including the proportion of the view occupied by the proposed development; The degree of contrast or integration of any features or changes in the landscape with the existing or remaining, landscape elements and characteristics in terms of form, scale, mass, line, height, colour and texture; and. The nature of the view of the proposed development, in terms of the relative amount of time over which it will be experienced and whether views will be full, partial or glimpses.

## Geographical Extent

- 4.8. The geographical extent of the visual effects will vary with each viewpoint. A number of factors will influence the effect including: the angle of view in relation to the main activity of the receptor; the distance of the viewpoint from the proposed development; and the extent of the area over which the changes would be visible.

## Duration & Reversibility

- 4.9. The duration and reversibility parameters for visual effects are the same as landscape effects outlined in paragraphs 3.23 and 3.24 above

Table 4-2: Magnitude of Visual Effect

High (Adverse)	A considerable deterioration in the existing view due to the introduction of the developments new feature with would have a high contrast, very prominent and/or open views of it, which would heavily occupy the views of the receptors.
Medium (Adverse)	A noticeable deterioration in the existing view where there would be a partial loss of, or alteration to the existing view as a result of the prominence of the development or extent of view it occupied.
Low (Adverse)	A barely perceptible deterioration in the existing view and limited views. A minor loss of, or alteration to the existing views. The development would not be prominent and only occupies a small proportion of the view.
Negligible (Adverse)	No discernible deterioration or improvement in the existing view. Very minor loss of, or alteration to the existing view. Hard to clearly distinguish the development within the view.
Low (Beneficial)	A barely perceptible improvement in the existing view and limited views. A minor addition of elements, or screening or removal of elements which already detract from the existing view.

Medium (Beneficial)	A noticeable improvement in the existing view, due to the addition of new elements, or the screening or removal of elements which already detract from the existing view.
High (Beneficial)	A considerable improvement in the existing view due to the introduction of the development's new feature, the removal or screening of elements which already are detrimental upon the existing views.

## 5. DEGREE OF LANDSCAPE AND VISUAL EFFECTS

- 5.1. A professional judgement is made by the landscape architect on the degree of effects proposed development will have on those previously identified landscape and visual receptors which have the potential to be affected by the development. This is done by combining the level of sensitivity with the level of magnitude of change to provide the effects for each receptor using the matrix table below. These effects are graded as Major, Major/Moderate, Moderate Minor or Negligible, either direct or indirect effects and can be characterised as adverse or beneficial.
- 5.2. This matrix approach, while helpful, is not a prescriptive tool, as at times the table may not provide a clear correlated value which is where the professional judgment plays an important role in determining the overall degree of effect.

Table 5-1: Degree of landscape and visual effects

Sensitivity (Susceptibility & Value)	Magnitude of Change				
	High	Medium	Low	Negligible	No Change
High	Major	Major/Moderate	Moderate	Moderate/Minor	None
Medium	Major/Moderate	Moderate	Moderate/ Minor	Minor	None
Low	Moderate	Moderate/Minor	Minor	Minor/None	None
Negligible	Moderate/Minor	Minor	Minor/No Change	No Change	None
NONE	No Change	No Change	No Change	No Change	None



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# Landscape and Visual Response

Rink Farm

16/09/2016



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## Contents

1. INTRODUCTION .....	5
2. Response .....	5
Viewpoint 3: .....	5
Viewpoint 5: .....	5
Special Landscape Area: .....	6
3. Conclusion:.....	7

# 1. INTRODUCTION

- 1.1. The following is in response to comments made by Scottish Borders Council Landscape Architect Siobahn McDermot in relation to the proposed two holiday dwellings on Land North West of 4 Rink Farm Cottages Galashiels (Ref: 16/00844/FUL dated 13th September 2016). The original application was supported by a detailed Landscape and Visual Impact Appraisal (LVIA).

# 2. RESPONSE

- 2.1. The main issues of concern raised by the council's landscape architect included matters relating to the form of the proposed holiday dwellings and associated infrastructure with particular reference to those views experienced from Viewpoints 3 and 5 of the LVIA and effects upon the Tweed, Ettrick and Yarrow Confluences Special Landscape Area.

## VIEWPOINT 3:

- 2.2. The potential for views of the proposed holiday dwellings from road users along the B7060 Road will be heavily screened by their lower siting into the existing landform and earth mounding. Viewpoint 3 (LVIA Figure 7) was determined in the LVIA as having None to Minor adverse visual effect upon road users.
- 2.3. A concern of the council's landscape architect was that the new access track connecting onto the B7060 would be out of character with this road and potentially require the removal of some trees for the visibility splay. The design of the new track will follow the contours of the field more gently than the current track. The landowner will infill the existing track way so that only one track is present in this field. The track will consist of a hardcore material and will not be unlike those tracks already present along this laneways winding up to the various properties at Rink Farm. The new entrance point onto the main road will be set away from the existing entrance point which will ensure that the group of trees along the bend will not need removal. The new entrance walls will match the local stone dyke style and will be enclosed by farm gates. These measures will help to integrate the new entrance and track into the agricultural landscape.

## VIEWPOINT 5:

- 2.4. The greatest potential views of the proposed two holiday dwellings will be from the south across the River Tweed Valley. Here the development will be visible upon the western flanks

of Rink Hill as illustrated by the Viewpoint 5 visualisation (Figure 9b) in the LVIA. The LVIA determined that there would be Moderate to Moderate/Minor adverse effect upon the transient views of road users at this point in the road.

- 2.5. The council's landscape architect concern is that the built form of the proposed two holiday dwellings upon the relatively bare hillside would result in it being notably visible from the A707 route and the southern side of the valley.
- 2.6. The view of the proposed development will be experienced transiently by road users over a length of no more than 600m in length between a break in this tree lined road. The two proposed two holiday dwellings have been intentionally set down within the field so not to appear against the skyline. The earth mounding around them will help to further contain them within this field. The small car parking area will be cut into the lands and further screened by an earth mound along its' edge to help minimise the visibility of parked vehicles.
- 2.7. The adjoining popular Yair Woods along the southern valley side has a number of promoted paths through the forest plantation which include: the Raelees Trail, Three Brethren Trail and part of the Southern Upland Way. Any potential outward views in the direction of the proposed development from these trails are heavily screened by the dense forest. The only clear views across from elevated lands along this valley side are from areas of grassland and moorland directly east of Yair Woods. Yet these lands don't have any accessible walking trails and any views are likely to be limited to that of farm workers.
- 2.8. While the visuals from Viewpoint 5 show there will be potential contrast between the glazing panels and the surroundings landscape this visual anomaly will only be experienced briefly when passing along a short section of the A707 Road. It is not expected to cause significant adverse effects on the users views. The length of glass panels are divided up with several dark coloured frames which together with the shading cast by the overhanging roof and side walls will help to reduce any potential glare from the sun.
- 2.9. The council's landscape architect states that the proposed two holiday dwellings flat roof forms will contrast the rolling hillside landform. The two holiday dwellings rooflines will be relatively flat though they have been stepped down into the field and away from the profile of the rolling hills, which will help reduce any potential visual prominence of the roofs. The rooflines slightly curve outward and so are not a sharp straight edge. The earth mounds on either side of each roof will further help to soften the roofs linear and flat appearance within any views.

## SPECIAL LANDSCAPE AREA:

- 2.10. The council's landscape architect states that the proposed development would not *"safeguard the landscape quality of this part of the SLA"* due to the visual sensitivity of the proposed site. The LVIA determined that effects on the Tweed, Ettrick and Yarrow Confluences SLA in which the proposed development is sited will be confined by its lower scale and the,

SLA characteristics areas of woodland and valley sides which restrict its visibility. Where visible the proposed development will result in localised Moderate/Minor adverse effect upon user's experience of the SLA.

### 3.CONCLUSION:

- 3.1. The relatively small scale of the proposed holiday dwellings and their siting on the western flanks of Rink Hill will mean it will have limited visibility from within the SLA and any potential visual receptors. Many of the concerns raised by the Scottish Borders Council landscape architect relate to the site's design and material finishes which can addressed further by the project architect and engineer.



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Date: 17<sup>th</sup> May 2016  
Project: Rink Farm  
Subject: Access Statement  
Ref: A097556

.....

## Introduction

This technical note was prepared by WYG Transport Planning to summarise the access proposals associated with the proposed development of two eco lodges at Rink Farm, Galashiels. The lodges would be accessed via a track, generally following the line of an existing farm track which joins the B7060 some 550m west of the access to Rink Farm.

In its pre application response relating to access considerations, Scottish Borders Council Roads Planning Service advised that:

- Detailed consideration should be given to the position of the junction onto the road to ensure it is in the most appropriate location in terms of road safety;
- The track needs to be less than 1 in 8 in gradient, incorporate two passing places and drainage will need to be accounted for.

## Existing Access

The existing access track joins the B7060 at an acute angle and visibility to the right (west) along the B7060 is obstructed by a bend in the road and vegetation. To the left, visibility is good.



*Access track at junction with B7060 and rightwards visibility*



*Leftwards visibility*





## Proposed Access Junction and Track

Design drawings indicating the proposed site access track are attached follows:

- A097556\_001 General Arrangement;
- A097556\_002 Visibility Splay; and
- A097556\_701-702 Longitudinal Sections.

The drawings indicate that the proposed access junction will be located approximately 35m east of the existing field access which will be closed. This will enable significantly improved visibility to be provided from the access, particularly to the right and will provide improved forward visibility of the access for drivers on the B7060. Improved visibility from and of the access junction will lead to a safer environment for users of the access and drivers on the B7060 than re-use of the existing field access.

**Drawing A097556\_001** indicates that the proposed access track will be finished with a bituminous surface over the first 20m. The track has also been designed to incorporate two intervisible passing places and a surface water filter trench running along its length which would outfall into a soakaway.

**Drawing A097556\_002** indicates that a 4.5m x 90m visibility splay could be provided along the B7060 in both directions, if required. Some vegetation would need to be removed and lengths of a stone wall relocated to ensure the visibility splay is unobstructed.

Should a reduced x distance be acceptable, a shorter length of stone wall would require modification.

The photographs below indicate the significantly improved visibility to right and left at the approximate location of the proposed access.



*Proposed access location and rightwards visibility*

*Proposed access location and leftwards visibility*

**Drawing A097556\_003** indicates that the designed track between the access junction and the proposed parking area for the eco lodges achieves less than 1 in 8 in gradient (12.5%); the maximum gradient at any point on the track is 11.6%.



### Summary

This technical note has been prepared by WYG Transport Planning to summarise the access proposals associated with the proposed development of two eco lodges at Rink Farm, Galashiels.

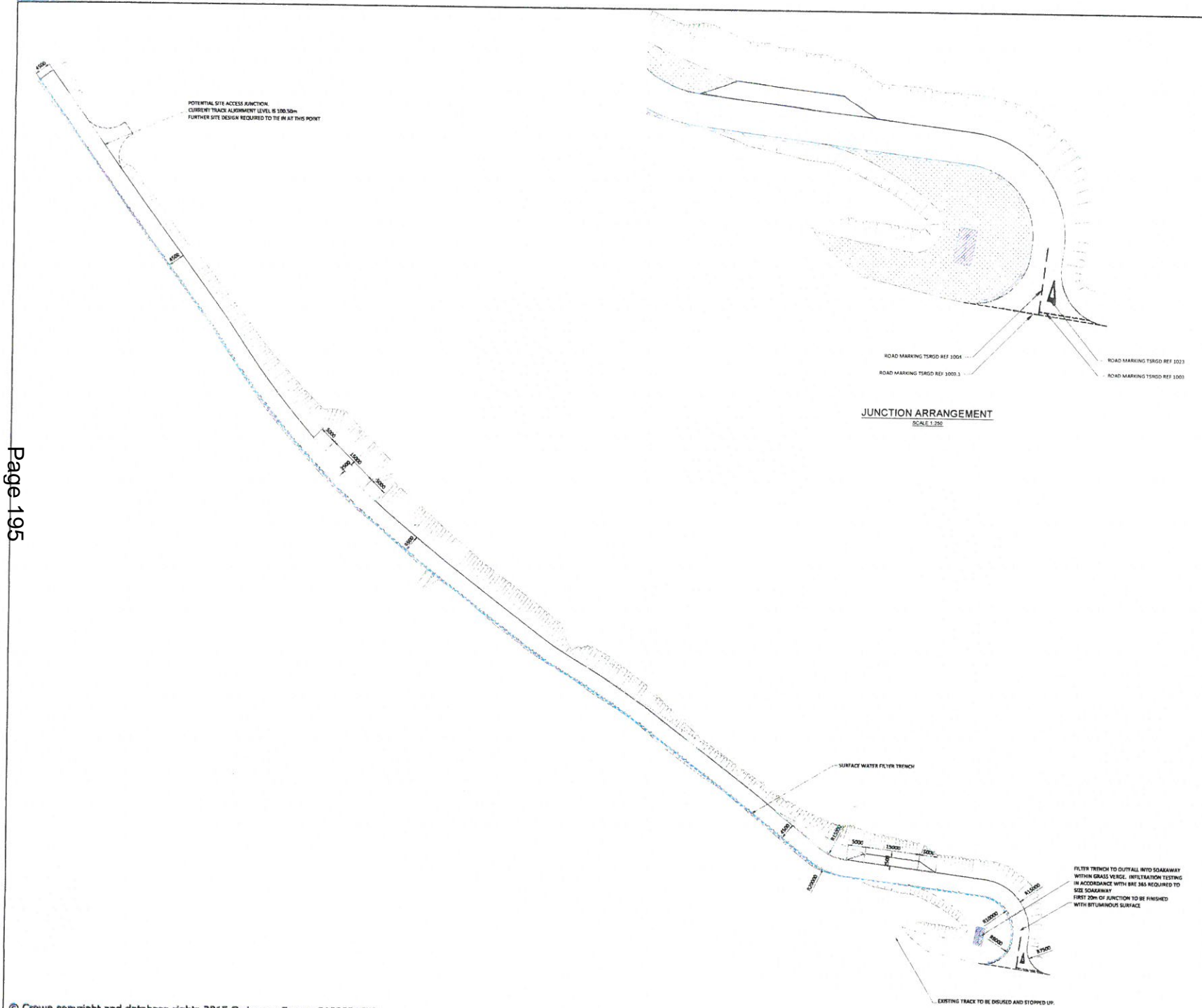
The lodges would be accessed via a track, generally following the line of an existing farm track which joins the B7060 some 550m west of the access to Rink Farm.

The access junction and track have been designed to comply with the requirements of Scottish Borders Council Roads Planning as identified during pre application discussions.

The key features of the access junction and track are as follows:

- junction located some 35m east of existing field access which will significantly improve visibility from the access to right and left and of the access for traffic on the B7060;
- track finished with a bituminous surface over the first 20m;
- two intervisible passing places;
- surface water filter trench which would outfall into a soakaway;
- 4.5m x 90m visibility splay can be provided if required; and
- track will achieve a less than 1 in 8 in gradient (12.5%).





- Notes:**
1. ALL WYG DRAWINGS ARE TO BE READ IN CONJUNCTION WITH THE SPECIFICATION FOR HIGHWAY WORKS AND ALL RELEVANT DRAWINGS WITHIN THE RINK FARM DESIGN PACKAGE.
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**KEY**

	TRACK CONSTRUCTION MAKE UP
	GRASS VERGE
	1:2 EMBANKMENT

REV.	DETAILS	DRAWN	CHECKED	DATE

**CLIENT:**  
JM AND R BAYNE

**PROJECT:**  
RINK FARM

**DRAWING TITLE:**  
GENERAL ARRANGEMENT

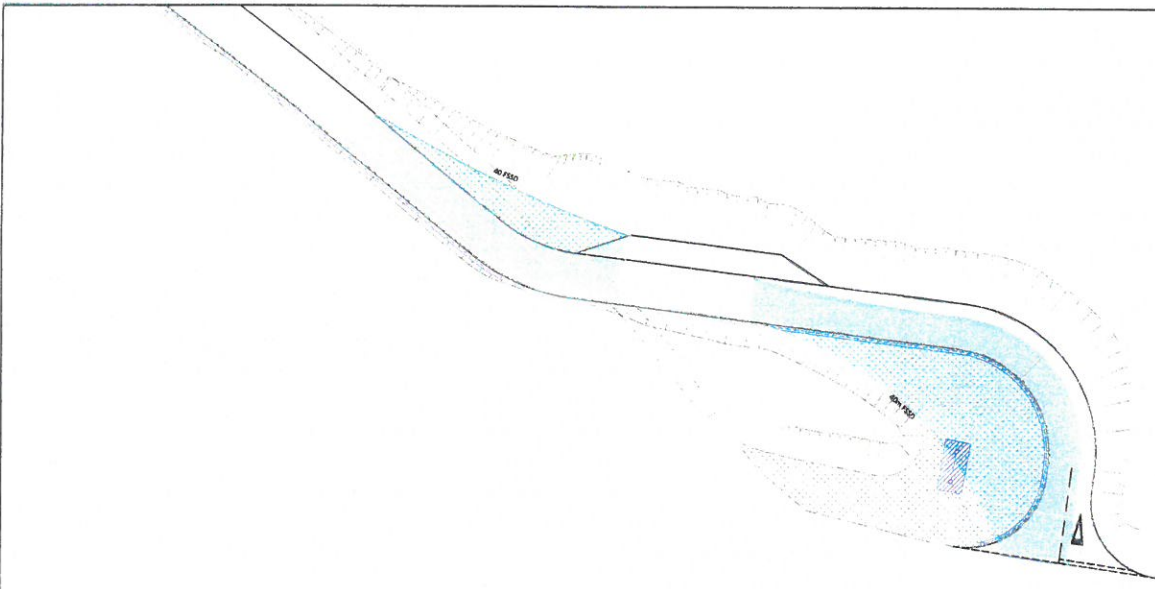
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<b>DRAWN:</b> CJP	<b>CHECKED:</b> SCM	<b>DATE:</b> 06/05/16
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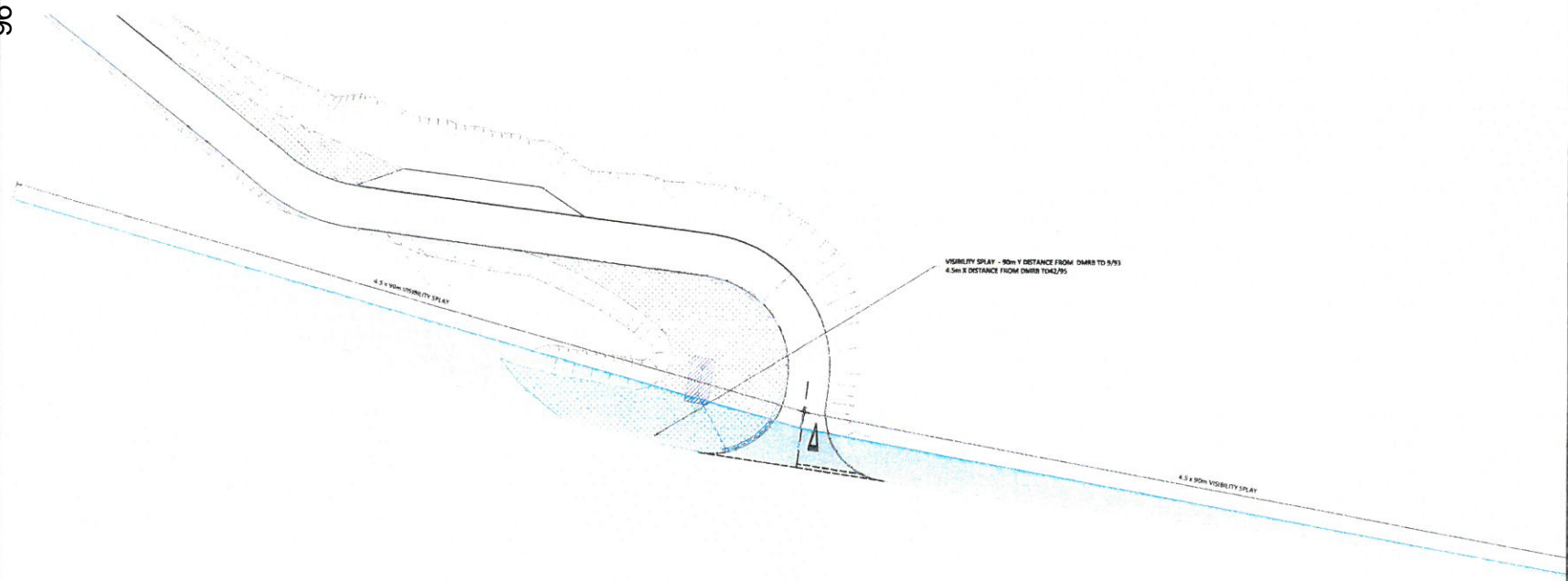
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**DRAWING NUMBER:**  
A097556\_001



40m FORWARD SITE STOPPING DISTANCE SPLAY  
SCALE 1:250




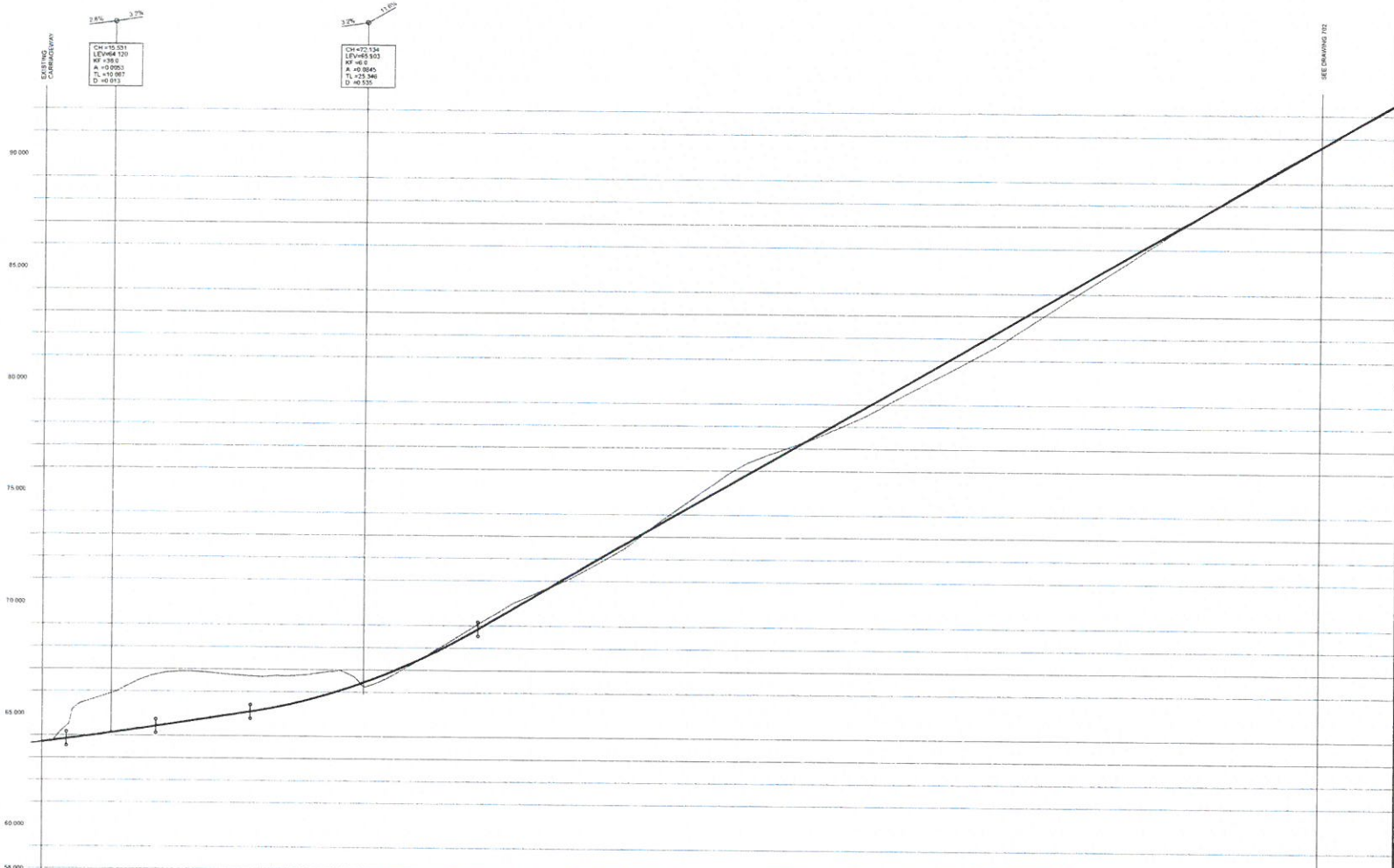
4.5m x 90m VISIBILITY SPLAY  
SCALE 1:250

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- KEY**
- TRACK CONSTRUCTION MAKEUP
  - GRASS VERGE
  - 1:2 EMBANKMENT
  - SIGHTLINES AND VISIBILITY SPLAY

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PROJECT: RINK FARM	
DRAWING TITLE: VISIBILITY SPLAY	
SCALE: 1:250 at A1	
DRAWN: CJP	CHECKED: SCM
DATE: 06/05/16	
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ACCESS TRACK - LONGITUDINAL SECTION  
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**CLIENT:** JM AND R BAYNE

**PROJECT:** RINK FARM

**DRAWING TITLE:** SHEET 1 OF 2  
LONGITUDINAL SECTIONS

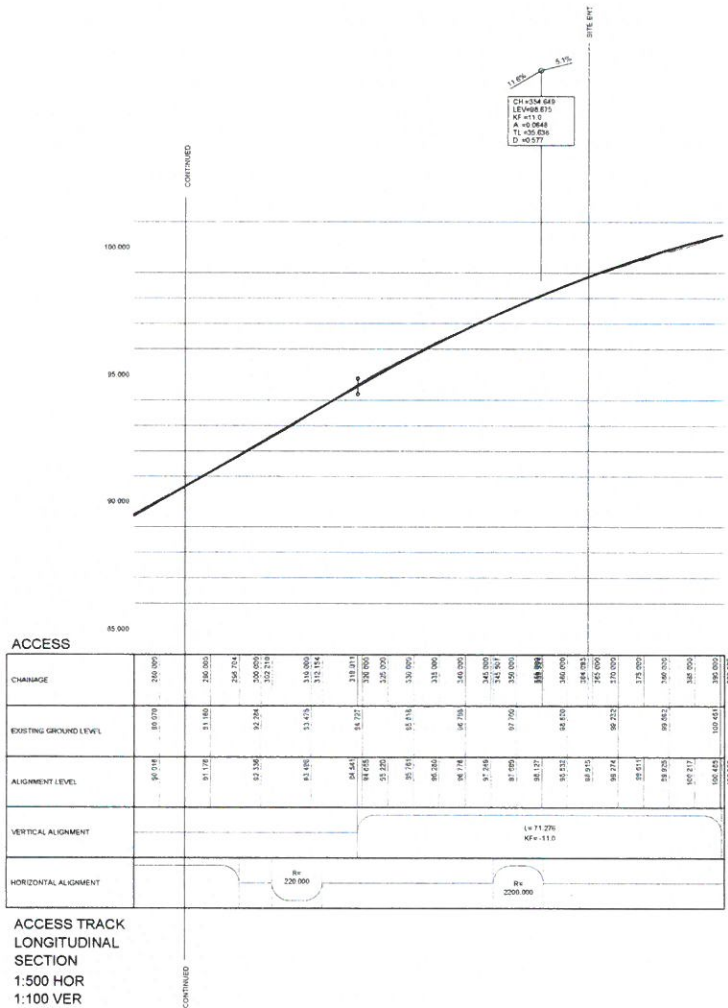
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DRAWN	CJP	CHECKED	SCM	DATE	05/05/16
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**DRAWING NUMBER:** A097556\_701



ACCESS TRACK  
LONGITUDINAL  
SECTION  
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1:100 VER

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REV.	DETAILS	DRAWN	CHECKED	DATE
CLIENT: JM AND R BAYNE				
PROJECT: RINK FARM				
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SCALE: AS SHOWN at A1				
DRAWN: CJP	CHECKED: SCM	DATE: 05/05/16		
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DRAWING NUMBER: A097556_702				REVISION: -





STUART DAVIDSON  
ARCHITECTURE

Design Statement in Favour of:

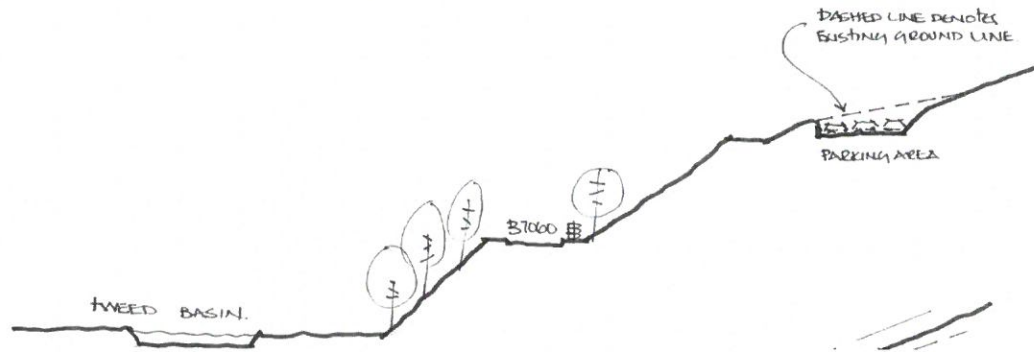
## Proposed 2 Holiday Dwellings N/W of Rink Farm, Galashiels

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### 1.00 Statement

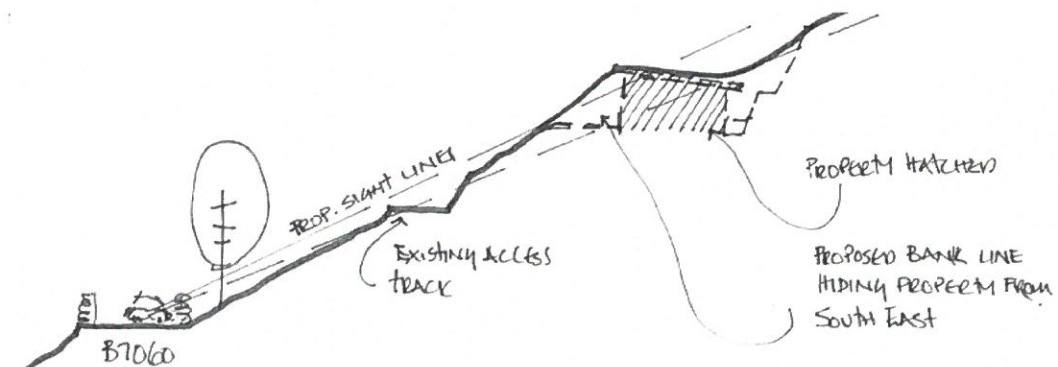
- The proposals are located on an existing grazing field facing South / South Easterly over the Tweed basin.
- The initial design ethos has been carried through to create 2 low impact single storey structures, utilising natural materials with the main focus to remove impact from the surrounding countryside facing the properties along with that of the main arterial routes.
- The main material choices have been selected to be sourced with 70% of materials being sourced within 10 miles of the site, this accounts for a minimum of 70% of the required structural + finishing materials for the properties.
- The main frontages will be formed with natural whin stone dry bedded, recycled from former dry stone walling nearby, all timber will be sustainably harvested from local woodlands on our client's land, milled + seasoned on site.
- The frontage is fully designed to reduce any impact to the frontage, with additional dry stone walling to shield external sitting areas, all visible faces will be green roofed + finished with re-cycled turning from site to ensure minimal impact from any view point.
- The rear areas will only be visible from within the immediate vicinity directly around the properties, due to the site being surrounded by dry stone dykes + raised land the properties will not be noticeable until within the immediate area.
- The roof scape has been carefully designed with slow pitched mono roofs falling away from view to ensure all is hidden from view; the front edge of the roof is proposed to be finished in douglas fir sourced + milled on site, this will be allowed to naturally weather losing all noticeable colour + blend into the surroundings.

- Access - the existing access though serviceable requires upgrading, the aim of this area is twofold, both to create a safe passage for the users/farm traffic + also create an entrance that feels as though it has not changes, this is proposed by forming a traditional gate form through the dry stone dyke + controlling livestock by a cattle grid rather than convoluted + over engineered stepped back entrance, the bank requires a little dressing + again on completion will return to a traditional grazed bank, the new entrance will then run hidden behind the existing landform before joining the existing track. The initial 12m tarmac finish will be wholly hidden from view with only light hardcore improvements to the existing farm track meaning that there will be a near zero visual change to this area.



Sketch section from Tweed basin to Parking Area

- Car parking will be provided fully within the site boundaries, all areas of parking will be cut into the face of the bank, retaining the front edge of the banking to both screen any parked cars but also removing any scarring from the landscape removing vehicular clutter from view.
- A main feature of the development is the use of light within the properties with large expanses of glazing utilising solar gains + proposed internal finishes creating thermal mass for heat store helping to naturally control the internal environment; all glazing will be finished with anti-glare glazing, to further remove impact it is proposed to create a slow rise of ground in front of each unit which due to the raised nature of the properties will remove the visual impact form the lower lying viewpoints.



Sketch section from B7060 highlighting sight lines

## **STATEMENT OF RECOMMENDATION FOR THE CURRENT PROPOSED LOCATION AT RINK HILL.**

Fiona and Michael Bayne appointed Bright Light Marketing to produce a Feasibility Study which investigated the business case for luxury one bedroom properties at Rink Hill with the benefits that it would bring not only to Rink Farm but the wider Borders economy. Bright Light Marketing wrote the Feasibility Study in close consultation with Fiona and Michael. In addition, comprehensive desk research was carried out looking at the current and future trends for UK holidays and in particular the holiday rental market as well as carrying out a Competitor Audit of the luxury holiday rental market and in particular those targeting the couples market.

The research proved that there is consumer demand for a couples self-catering unit particularly if it is custom built and aimed at the high end of the market with additional services also provided. This would be the case for a business of this kind almost anywhere in the UK but Bright Light Marketing are aware that there is very little 5-star accommodation in the Scottish Borders and certainly limited couples self-catering and this was shown by the Borders Railway Tourism Audit conducted in 2015 which highlighted the overall need for more 5-star accommodation in the area. The market demand for this type of high quality couple's accommodation and the lack of it in the Scottish Borders makes a strong business case in itself, but in addition the location of the proposed business in a stunning and unique location of the Tweed Valley yet close to the new railway greatly enhances this already compelling business case.

The main reasons for supporting the Rink Hill development in its current location are:

### **LEADING DESIGN**

The Rink will provide a spectacular example of modern contemporary design which definitely has the wow factor. This special property will be designed specifically around the needs of couples and will cleverly optimise the aspect and views whilst at the same time being in complete harmony with the natural environment.

The house has been inspired by beautiful architecture and design from around the world and its cool, spacious interiors, floor to ceiling glass and gorgeous curved shape will provide guests with a stunning retreat here in the Scottish Borders.

### **OVERALL EXPERIENCE**

This luxurious development is about much more than just accommodation; it is about the overall customer experience. The Rink will have everything you could want and so much more - from the originality and location of the concept itself to the state of the art fixtures and fittings and the luxurious add on services that would be provided.

The Rink will deliver a truly exceptional holiday experience.

### **PRIVATE ESCAPE**

The unobtrusive design and uninterrupted views from this small independent development will offer complete privacy for couples seeking the ultimate rural escape. It is Michael and Fiona's vision to create a feeling of serenity and space for their guests where they can completely unwind and escape from the pressures of modern life in an oasis of calm.

### **JUST FOR TWO**

From the very outset, The Rink development has been conceived with the vision of providing unrivalled holiday accommodation for just two people. This is not a conversion or an adaptation - instead the development will be located, designed, built and operated purely around the needs and aspirations of couples looking for the ultimate break in a secluded Scottish Borders location.

### **LOCATION, LOCATION, LOCATION**

The location of the Rink development is quite stunning, offering unrivalled views of the surrounding Borders countryside yet only an hour from the city by rail or car. The location and view are absolutely

central to the wow factor of the overall development but it is also vital that the building is in complete harmony with its natural surroundings too.

**PRESTIGIOUS AND UNIQUE**

Whilst there is undoubtedly high quality holiday accommodation in the Borders, there is a distinct lack of 5-star accommodation like this, especially for 2 people. The Rink has been designed with exactly this market in mind and has the aspiration to be amongst the very best in the whole country. This unique build would certainly not fit the traditional 'self-catering' label and would be more than a match for any luxury hotel suite.

**LOCAL AND AUTHENTIC**

Whilst this project will make a beautiful architectural statement, it is also very important that the project stays true to the Scottish Borders and its natural environment. The local architect will use carefully sourced materials such as Douglas Fir and Whinstone from the farm in the build and use ecofriendly technologies wherever possible. By using beautiful, natural materials and showcasing the work of local artists and craftspeople, The Rink will represent the very best of the Borders throughout.

If the development is not located in this stunning location the business case is weakened as it will lose pivotal aspects such as the stunning location and view and the privacy that this target market is looking for which is not being catered for currently in the Scottish Borders. Bright Light Marketing understand that there is no spare space on the farm with the existing farm buildings already being used. In addition, being located within the farm could severely weaken the business case as couples looking for a luxurious retreat want this to be indeed a retreat not be woken up by farm noise and traffic. The competitor audit that was carried out clearly showed that the successful businesses catering for this market have built their retreats in stunning locations away from existing farm buildings to ensure that they are indeed offering a luxury retreat for their customers.

**Fiona Drane**  
**Director, Bright Light Marketing**  
**September 2016**

**Bio**

Bright Light Marketing are tourism experts, the team of three, all previously worked for VisitScotland where Fiona Drane was latterly Area Director and the Scottish Borders Tourist Board. Bright Light Marketing was set up in 2006 and the agency have continued with a tourism focus and prepared a number of Feasibility Studies such as for the award winning Hideaway Experience located in Dundee and Angus. Bright Light Marketing have extensive experience working with the self-catering industry having worked with the Association of Scotland's Self-Caterers and Crabtree and Crabtree Letting Agency as well as a wide range of individual self-catering operators across Scotland and Northumberland

19<sup>th</sup> September 2016

Our Ref: BAY1  
Your Ref: 16/00844/FUL

Andrew Evans  
Development Management  
Council Headquarters  
Newtown St Boswells  
Melrose  
Scottish Borders  
TD6 0SA

Dear Andrew

**Land North West Of 4 Rink Farm Cottages Galashiels Scottish Borders**

**Erection of 2 No dwellings for holiday let, and associated infrastructure works**

We write in relation to the above application and, in particular, with regard to the only negative representation received to date. That being a response from the Council's Landscape Section made on the 13<sup>th</sup> September 2016.

We consider that much of that stated does not take a full understanding of the proposal and its overall design within the wider landscape. We believe it also, in places, goes beyond the remit sought when alludes to "*even more cottages*" which clearly is not what is being proposed.

We attach to this letter a detailed response to the representation by our own landscape consultant (Neo Environmental) and which is then further supported by a Design Statement from the scheme Architect (SDA Architecture).

It is clear from reviewing those documents and the LVIA lodged with the application that any associated visual impacts on the landscape are low to moderate and thus cannot be deemed as being significant.

Further to the appended documents we would also like to highlight a number of additional matters. These being:

**Track Improvements**

The new design/layout is as a result of dialogue with the Council's Roads Department. The proposal will make the entrance/exit onto the B7060 much safer for existing farm traffic and lodge users. It is envisaged that entrance will be low key reinstating drystone dyke where possible. No trees will need to be felled as part of the improvements. The old entrance onto B7060 will be blocked off. The overall proposal will be an enhancement to what currently exists.

**Car Parking**

It is clearly shown on the site plan that parking will be fully hidden by grass bank and thus will have no significant impact from key receptors. Refer to attached Design Statement for further detail on this matter.

**Main Office:**

Shiel House  
54 Island Street  
Galashiels  
TD1 1NU

**NI Office:**

61 Moyle Road  
Ballycastle  
Co. Antrim  
N.Ireland BT54 6LG

T 01896 668 744  
M 07960 003 358  
E [info@fergusonplanning.co.uk](mailto:info@fergusonplanning.co.uk)  
W [www.fergusonplanning.co.uk](http://www.fergusonplanning.co.uk)

### Flat Roof

The roofing aspect of the proposal will again not be visible from key public receptor points. It will also be screened from the sides by grass banks. Further to this stone walling and douglas fir obtained on the farm will ensure a clear synergy with the local land context.

In relation to Viewpoint 3 (Figure 7) and other related commentary we do not consider that the roofline of the lodges will be that visible on skyline from this point on B7060 once they are dug back into hillside. The position of the cottages have been chosen so as not to break any hill skylines. The development is built into the hillside not rising above it.

### Tree clad top of Rink Hill (Fort)

It should be noted that the applicant currently has a felling licence to remove the trees in question. This is endorsed by Historic Scotland who were concerned that windblown trees were damaging ramparts of the old fort.

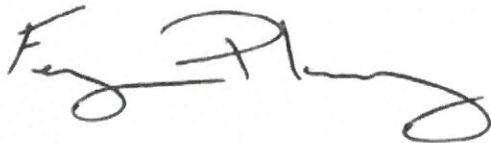
### Future development

It requires to be made clear that two modestly scaled lodges on this site is the maximum proposed. Any reference made by the landscape officer about potential additional cottages requires to be ignored as it is not what the application or proposal seeks to achieve now or in the future. The nature of the higher end luxury cottage market means that privacy and isolation for guests is paramount.

We are encouraged with regard to the strong level of support for the proposal by the Economic Development Department and now kindly ask that this letter and associated attachments be taken into consideration prior to the determination of the application.

Should you require to discuss any aspect of this letter in greater detail please do not hesitate to contact Tim Ferguson on the number highlighted within the foot of this letter.

Yours Sincerely



**FERGUSON PLANNING**

Enc.



farmyard use plan

proposed holiday accommodation at the rink, nr galashiels  
for mr + mrs bayne

drawing no: P415-PL-LOC-003A scale: 1:500 @ A1

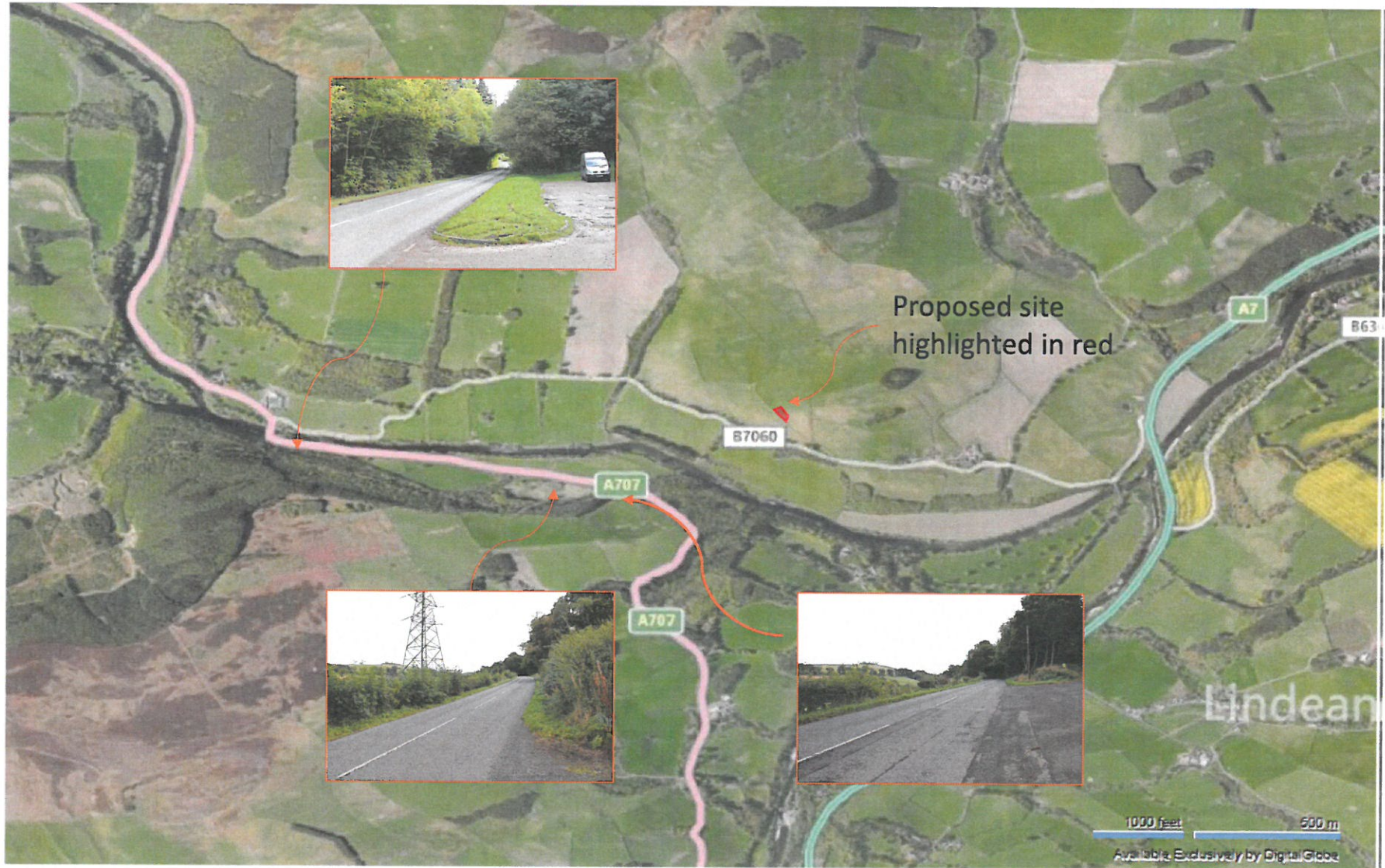


farm use plan

proposed holiday accommodation at the rink, nr galashiels  
for mr + mrs bayne

drawing no: P415-PL-LOC-002C scale: 1:1250 @ A1





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**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00844/FUL

**APPLICANT :** Mr J M & R Bayne

**AGENT :** Ferguson Planning

**DEVELOPMENT :** Erection of 2 No dwellings for holiday let, and associated infrastructure works

**LOCATION:** Land North West Of 4 Rink Farm Cottages  
Galashiels  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:** Late Consultation Reply

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
P415-SK-003B OS EXTRACT	Location Plan	Refused
A097556_001 ACCESS DRAWING	Other	Refused
A097556_701 ACCESS LONGITUDINAL SECT	Other	Refused
A097556_002 ACCESS VISIBILITY SPLAY	Other	Refused
P415-SK-004A PLANS AND ELEVATIONS	Elevations	Refused
P415-SK-001A PLOT 1 PLANS AND ELEVATI	Elevations	Refused
P415-SK-002A PLOT 2 PLANS AND ELEVATI	Elevations	Refused
SDA PROPOSED VISUALS	Photos	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**ROADS PLANNING SERVICE:**

Whilst no objections were raised at pre-application stage, the following points must be incorporated into the design in order to gain the support of the Roads Planning Service Engineer for these holiday units;

- o First 20 metres of the new access to be constructed to the following specification "40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1."
- o Remainder of access track to be formed with a well compacted, free draining smooth running surface. This will involve the removal of the central grass strip along the length of the track and upgrading the existing running surface which is only suitable at present for 4x4 type vehicles.
- o The bellmouth of the access must be a minimum of 5.5 metres wide for the first 7.5 metres.
- o The width of the private access road would benefit from a reduction from 4.5 metres to 3.7 metres. The reason for this is that 4.5 metres gives an impression that two vehicles can pass each other. The minimum width for two way movements is 4.8 metres. Reducing the road width to 3.7

metres will remove any confusion of passing and will also reduce construction costs. The passing places are adequately spaced out.

- o Existing access to be grubbed up to the satisfaction of the Council once the new access has been formed. This must be carried out prior to the holiday units becoming available for use.
- o New access to be formed and available for use prior to works commencing on the holiday units, to ensure construction traffic benefits from the new and improved access. The phasing of the new access works can be agreed to ensure that the final wearing course is laid prior to occupation of either of the holiday units.
- o Visibility splays of 2.4 by 90 metres to be provided in both directions onto the public road and maintained as such in perpetuity.
- o An appropriately worded condition or legal agreement restricting the use of these units for holiday accommodation only and no permanent residency.

Given the above requirements for the access, The RPS engineer will require an amended plan to be submitted for approval. It should be noted that all works within the public road boundary must be undertaken by a contractor first approved by the Council.

#### ECONOMIC DEVELOPMENT SECTION:

Supports the application for the provision of new holiday accommodation at land north west of Rink Farm Cottages, Galashiels. The application fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:

- o Increasing volume of overnight visitors.
- o Increasing overnight visitor spend.
- o Ensure the Region's accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.
- o Ensure a relevant range of types of accommodation is available across the Region to meet evolving market demand and expectations. Identify opportunities where better quality and new products can 'lead' and generate new demand and continue to raise average quality quotient across all forms of accommodation.

#### LANDSCAPE ARCHITECT:

In summary, the site is part of the larger Tweed/Gala Ettrick Confluences LCA and is deemed as having High Visual Sensitivity given the "dense and widespread network of road routes on valley floors and lower valley sides" - The Landscape Architect considers contemporary style development in the countryside can contribute to the vibrancy of an area, if it can be shown that it will not detract from the wider landscape setting. The Landscape Architect considers the two holiday cottages in this particular location would be seen from a short section of the minor road -B7060-immediately to the south, breaking the skyline, as seen from Viewpoint 3 (fig 7) but is more likely to be seen from locations across the valley and from elevated locations in the area. From the A707 - Viewpoint 5 (Fig 9a and 9b) there will be stretches of the road that will have visibility of the cottages on the hillside across the valley as a built feature on the side of a largely bare hillside, and at certain times of day, the glazed elevation will make the cottages more noticeable and this is a concern to me.

The Landscape Architect has the following additional concerns:

1. The track improvements, and especially the entrance/ exit improvements including visibility splays, will alter the character of this road and may require the felling of a number of roadside trees to the west to improve visibility.
2. The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the visualisation.
3. The effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley.
4. Concerned if it was envisaged that even more cottages of this style could be accommodated in this location - considers that due to the visual sensitivity of the site the proposal is not acceptable and would not safeguard landscape quality of this part of the SLA.

In conclusion, while the Landscape Architect considers that in certain locations new development that offers another, contemporary experience of the Borders and its high quality landscape, can be accommodated this site is not such a location, given its prominent location on the side of Rink Hill. The principle of development, at some distance from the nearest building group in an SLA gives added

concerns. Therefore on landscape and visual grounds, the Landscape Architect cannot support this development.

#### ARCHAEOLOGY OFFICER:

For full details of reply see IDOX. In summary, the Council Archaeology Officer is largely in agreement with the applicant's archaeological assessment. It notes the presence of designated and undesignated assets in the surrounding area, most significantly the Scheduled Rink hill fort and undesignated line of the Pict's Work prehistoric or early historic boundary.

- Direct Impact Mitigation - In line with the recommendation in the applicant's archaeological assessment, recommends that a condition for an archaeological watching brief is required. This should cover areas of the development not previously disturbed by the existing access track.

- Recommended Conditions - The Archaeology Officer supports the principle of the application and feels that impacts to cultural heritage can be mitigated. If the Council is minded to approve this application, recommends the following:

- o A suitably worded condition to facilitate open access and interpretation of the Rink fort from the development area. This can be negotiated at a later date with the Archaeology and Access Officers.
- o A suitably worded informative that seeks a proposal to emphasise the heritage elements within the site itself as outlined above
- o Archaeology: Developer Funded Watching Brief

#### ENVIRONMENTAL HEALTH:

In summary, the application was assessed in terms of Air quality, Noise, Nuisance, Private Water Supply. For full details of reply see IDOX. This is an Application to construct two holiday cottages with a plant room. The development is to be serviced by private drainage and water supply systems. These can impact on public health and amenity if not properly installed and maintained. If the dwellings are to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome.

Conditions and informatives are proposed in the EVH reply.

#### PLANNING CONSIDERATIONS AND POLICIES:

Scottish Borders Local Development Plan (Adopted 2016)  
PMD1 Sustainability  
PMD2 Quality Standards  
ED7 Business, Tourism and Leisure Development in the Countryside  
ED9 Renewable Energy Development  
HD2 Housing in the Countryside  
HD3 Protection of Residential Amenity  
EP5 Special Landscape Areas  
EP8 Archaeology  
EP13 Trees Woodlands and Hedgerows  
IS5 Protection of Access Routes  
IS7 Parking Provision and Standards  
IS9 Water Supply

Other  
SPG - Householder Development  
SPG - Placemaking and Design  
SPG - Landscape and Development  
SPG - Local Landscape Designations  
SPG - Renewable Energy

**Recommendation by** - Andrew Evans (Planning Officer) on 23rd September 2016

## SITE

This application relates to an area of agricultural land at Rink Farm. The site is sloping, and accessed from the B class road by means of an existing track. The site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area. The land rises from the road up towards Rink Hill to the North. The site is part of an agricultural pasture on the south west slopes of Rink Hill which is a prominent hill on the north side of the Tweed.

## PROPOSED DEVELOPMENT

The application seeks full planning permission for the erection of two holiday let dwellings. These would be located on the side of Rink Hill. The proposed dwellings are contemporary single storey structures, detached from each other. They would be set into the slope of the hill. The proposed dwellings would feature extensive south facing glazing. They would be accessed via an updated access track and upgraded junction with the B class road. The proposed development would incorporate solar panels. Behind each of the dwellings would be positioned a 2.5km solar array, set into the slope of the hillside. A new parking area would also be formed adjacent to the track.

## POLICY PRINCIPLE

The application requires to be considered principally in terms of policy ED7 of the Local Development Plan on Business, Tourism and Leisure development in the countryside. Policies PMD2 and HD3 of the Scottish Borders Local Development Plan 2016 are also relevant to this proposal, as is policy ED9 on Renewable Energy. The development will not conflict with policy HD2 if controlled as holiday accommodation only.

## ECONOMY AND TOURISM

As noted above, the application requires consideration against policy ED7 of the LDP on Business, Tourism and Leisure Development in the Countryside. The application is supported by a business plan (which is sensitive and marked as such on the Council back office system to prevent publication on the PublicAccess website). The Economic Development Service of the Council was consulted on the application, and is supportive of the application. I also note the support provided in principle from the regional director of Visit Scotland, which is set out in the supporting planning statement. I am content that a tourist development in the countryside could be possible in the correct location. This site is however elevated, and is sensitive in landscape and visual terms.

## LANDSCAPE AND VISUAL IMPACT

Policy EP5 of the LDP sets out the council position in terms of development proposals within Special Landscape Areas. Further policy context is provided within the adopted SPG on Local Landscape Designation. Policy EP5 provides that the Council will seek to safeguard landscape quality and will have particular regard to the landscape impacts of proposed developments, including visual impacts. Proposals that have significant adverse impacts will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local significance. The Landscape Architect confirms the site lies within the Tweed/Gala Ettrick Confluences - an Upland Fringe Valley with Settlements, as described in the Borders Landscape Assessment, a Landscape Character Area (LCA) unique in the Borders, characterised as a 'Medium to large scale flat bottomed valley, enclosed by undulating upland fringe hills' with 'Mature broadleaf woodlands and shelterbelts prominent along valley floor and lower slopes.'

- Special Landscape Area

The site is located within the Tweed, Ettrick and Yarrow Confluences Special Landscape Area, and is on an elevated hillside location. The adopted SPG on Local Landscape Designations sets out a statement of Importance for each of the new Special Landscape Areas. It notes that East of Thornielee, the area in which this site is located, the Tweed flows in to a narrower section, winding between steep valley sides which are often densely forested. The statement goes on to note forces for change, in the SLA, of which the following are relevant to this proposal:

- o Development pressure at the edges of Galashiels and Selkirk
- o Development of wind farms and wind turbines, and hillside access tracks

The Statement makes Management recommendations, and those relevant here are as follows:

- o Continue to promote sustainable estate management to balance the needs of biodiversity, recreation and tourism
- o Careful management of land use at settlement edges.
- o Consider landscape and visual impacts of proposed developments in and around settlements
- o Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valley

#### - Submitted Mitigation

The Landscape Architect notes that the proposal is to build two detached holiday cottages on the hillside at approximately 180m AOD, the local landform altered and terraced with sweeping mounds to provide a degree of landform screening of the rear and side elevations of the cottages, with the south west facing elevation glazed and bowed under a slightly sloping roof. Improved access up an existing field track will access the parking bays and paths leading to the separate cottages. I note that the design incorporates some measures which attempt to minimise the landscape and ecological impacts of the development. The accompanying information with the application sets out that the design of the dwellings has been carefully considered to seek to minimise the visual impact of the development. This is accepted, though only to a limited degree. Further mitigation would have been possible in terms of the parking areas, and the proposed solar panel positions.

#### - Impact and Visibility

The visibility of the site was subject to a submitted Landscape and Visual Impact Assessment (LVIA) that accompanied the application. A subsequent addendum was also lodged prior to the determination of the application. Also lodged were photographic proposed visuals of the proposed development on the hillside. The development would be prominent in views of Rink Hill from the opposite side of the valley.

The LVIA information lodged with the application sets out the locations where there would be visibility of the proposed development. Primarily, the greatest area of concern on the part of the planning authority is the stretch of approximately 600 m of the A707 with open views of the site. It is noted that the existing forestry planting within the forestry commission land screens the site effectively from the woodland tracks within the hillside. However the site is not screened from the roadside and it is in this area that the development will be visible. There is no mitigation possible to reduce the impact of the view at this location to an acceptable level. The LVIA addendum identifies that the proposed development would be experienced transiently by road users along this 600m. This area of road is not just experienced by passing motorists however. There is a forestry commission car park towards Yair Bridge, and the road is well used by horse riders and cyclists as well as passing motorists.

The LVIA addendum sets out that these dwellings have been positioned lower down the slope of the hillside so as to not appear against the skyline. Whilst this is correct, and the development would not be considered against the skyline, I would contend that the location is still highly visible from the A707, and that a much lower location than is proposed would reduce the impact.

The sections of visibility further east, north of Sunderland Hall are of less concern, there being extensive planting within the estate, and the roads within this area being private.

Sections 5.32 and 5.33 of the LVIA confirm that from this location at Yair, visual effects are as follows:

5.32 - The proposal sites openness and elevated slopes means there will be clear views of all the construction works as they progress on the site. These views will include the movement of site workers, deliveries, and machinery such as evacuators, telescopic loaders and storage of material occurring at various stages of the works which will be of a temporary nature. The distance of approximately 750-800m will lessen the visual prominence of the activity from this viewpoint.

5.33 - The proposed development will add two distinct new built features into this distinct rural view, as illustrated in the photomontage (see Figure 9b in the appendix). Views will contain full front profiles of the two proposed holiday cottages sited within the slope of the site and partial views of the proposed energy features and pathway from this point. Views of the main parking area will be partially contained by the shaped embankments around it. There will be some minor light emissions from these buildings at night. There will be also be some movement of visitors through the proposed site and travelling to/from it.

The Council Landscape Architect advises of concerns regarding this proposal and its impacts upon the SLA. The site is prominent from the opposite side of the valley. This is greatest at the section of road between the old Yair Bridge, and the Substation (and particularly the section of roadside before the substation. Here the site will appear above the road level, half way up the hillside.

The Council Landscape Architect sets out concerns that the track improvements, and especially the entrance/ exit improvements including visibility splays, will alter the character of this road. The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the submitted visualisation. The Landscape Architect also notes that the effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley. There would be concern if it was envisaged that even more cottages of this style could be accommodated in this location - The Landscape Architect considers that due to the visual sensitivity of the site the proposal is not acceptable and would not 'safeguard landscape quality' of this part of the SLA.

The landscape impact of the access junction onto the B7060 would be unwelcome, as would the exposure of the buildings out from the hillside, though there is an existing track here and views of the works from that road will be localised and short-lived.

Despite the efforts to minimise the impacts of the development by earthworks, and setting into the hill slope, it remains the case that the development will likely have an adverse impact on views from the A707, which is considered to be unacceptable. I am satisfied that a significant adverse impact on the landscape would arise as a result of changes to the landscape and placing of the buildings and associated track and other works in such an exposed and isolated hillside location. I am further satisfied that this impact would be contrary to policy EP5 of the Local Development Plan, and contrary to the recommendations set out in the adopted Supplementary Planning Guidance on Local Landscape Designation.

Policy PMD2 of the LDP sets out that developments should respect the character of the surrounding area, neighbouring uses, and neighbouring built form. The proposals in this case are considered not to respect the character of the surrounding area, due to the elevated and isolated location of the site, relative to surrounding dwellings and buildings.

#### ALTERNATIVE SITING OPTIONS

Policy ED7 of the LDP sets out the criteria against which tourism developments in the countryside will be assessed. The policy is explicit in criteria (c) that where a new building is proposed, the developer will be required to produce evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding.

I note the planning statement lodged in support of this application. The agent has discounted use of the existing buildings in the farm complex. An option for a lower lying site was also not pursued. Sections 5.14 to 5.17 of the submitted planning statement set out the applicant's position in terms of sequential analysis. It is contended that no suitable alternative exists. It is contended that no existing building or brownfield site is available for development. It is further contended by the agent that it is desirable that the tourism development be located away from the noise and odour encountered on the farm. The option for an alternate site or building conversions has been in my view been too readily discounted. A master planning



exercise could have further considered in greater detail the development potential of the existing traditional agricultural buildings at the farm steading.

Furthermore, even if a conversion was not pursued, there are potential locations either side of the Existing Rink Farm Cottages where development of two holiday lets could have been accommodated on the edge of an existing building group. These would have been at a much lower topographic level than the current proposals, and would have been compatible with the Special Landscape Area status. Again, this option was not explored in sufficient detail, the submitted statement only covering brownfield options and existing buildings as noted above, in terms of policy ED7, and not considering other options around the farm, in terms further reducing visual impact of policy EP5. I do not consider that the assessment of brownfield sites and existing buildings has been done in sufficient depth. I am not convinced that the examination of existing opportunities is comprehensive. I accept however that the applicants are not willing to develop within the steading. While I believe that a lower lying site than is proposed would also be possible alongside the steading, this is not an explicit requirement of Policy ED7.

However Policy ED7 also requires that developments respect the character of the surrounding area. The proposals in this case are considered not to respect the character of the surrounding area, due to the elevated and isolated location of the site, relative to surrounding dwellings and buildings.

#### PLACEMAKING AND DESIGN

The proposals require to be assessed in terms of the adopted Supplementary Planning Guidance on Placemaking and Design. Policy PMD2 of the Local Development Plan is also relevant to this application. It is noted that the proposed contemporary design approach seeks to minimise the form and visual mass of the building, and to maximise the views from, and solar gain to the property. The design approach taken is generally appropriate; however some further finessing of details would have been possible, were the principle of development acceptable in terms of landscape impact.

#### ARCHAEOLOGY

An archaeological desk based assessment was lodged with the planning application. Policy EP8 of the LDP sets out the Council position in terms of archaeology. In this case, archaeology was identified at registration stage as a potential issue. The Archaeology Officer was consulted on the application and advises that he can support the proposal, subject to full consideration being given to the matters he goes on to raise. The Archaeology Officer noted discrepancies between the submitter Archaeology Assessment, and the submitted planning statement. He supports the principle of the application and considers that impacts to cultural heritage can be mitigated. Were the application otherwise acceptable, the matters raised by the archaeologist could be dealt with via condition, and the proposals should be capable of compliance with policy EP8 of the LDP.

#### TREES

Existing trees, woodland, and hedgerows are protected by policy EP13 of the Local Development Plan. Policy EP13 of the LDP is relevant here. There are existing trees to the south of the access, between the site access and the minor road serving the site. These are sufficiently distant and downslope of the site and access that I would be satisfied no adverse impacts on these trees would arise from the proposed dwellings or access.

In terms of the proposed visibility splay at the site entrance, I note that there are existing trees here. These appear not to be impacted by the proposed visibility splay. However, the submitted drawings do not accurately plot the positions of these trees. These are self-seeded trees along the edge of the field boundary.

I note also the supplementary submissions made by the agent and consultants in regard the comments of the Council Landscape Architect. It is contended again in the applicant's statement that there is no need for tree removal at the access. I do not have reason to doubt this position, however that the drawings do not accurately plot the locations and positions of these trees would appear to be part of the source of this issue. It is quite clear there are sporadic trees along the line of the field boundary wall to the west of the access junction with the B road. These are however outwith the visibility splay identified on the submitted access drawings.

The proposals are considered not to conflict with policy EP13 of the LDP on Trees, Woodland and Hedgerows. Were the application otherwise acceptable, a condition requiring a detailed plan plotting the tree locations to BS: 5837 would be required.

#### ROAD SAFETY AND ACCESS

Roads Safety is a material planning consideration. The existing junction of the access road with the N7060 is at an acute angle, and visibility west is poor, due to vegetation and a bend in the road. A technical note setting out the proposed access accompanies the proposals. Detailed drawings of the proposed junction and altered access have been lodged with the application. Also included are details of the proposed visibility splay.

The Roads Planning Service was consulted on the application and advises of no objection in principle. The RPS Engineer was satisfied that safe access was achievable. Were the application otherwise acceptable, then the location and position of the trees adjacent to the splay would have to be established in line with adopted policy and guidance.

Subject to conditions to address the RPS requirements and subject to suitable confirmation being forthcoming in regards tree positions, then it would be possible for the proposals to be considered acceptable in terms of impacts on road safety.

#### PRIVACY AND AMENITY

Policy HD3 of the Scottish Borders Local Development Plan sets out that residential amenity will be afforded protection. The Council has adopted supplementary planning guidance on Householder Development which sets out standards for privacy and amenity. I am content that the proposal would not affect the daylight to neighbouring properties, or the privacy of neighbours. The proposals are considered to comply with policy HD3 of the LDP and with the standards on privacy and amenity set out in the adopted SPG on Householder Development.

#### RENEWABLE ENERGY DEVELOPMENT

It is noted that the proposals make modest provisions for installation of renewable energy technology. Policy EP9 along with PMD1 supports the development of small scale renewable energy developments which include micro-scale photovoltaic/solar where they can be satisfactorily accommodated into their surroundings whilst ensuring that impact on the natural and built environment and upon the amenity of neighbouring properties is not significant.

The cutting into the slope to accommodate the panels reduces their visual impact, and they will be screened by the proposed holiday lets. A condition would have been appropriate in terms of end of life removal of panels.

#### WATER SUPPLY AND DRAINAGE

The site is located in a rural area. Policy IS9 of the Local Development Plan on Waste Water Treatment Standards and Sustainable Urban Drainage is relevant to this application. Water and drainage services would require confirmation in due course, and this could be ensured via standard planning condition.

The Council Environmental Health Service was consulted on the application. Subject to suitable conditions to meet the issues covered in the EHO reply, the requirements of policy PMD2 and section 4.2 (Water and Drainage) of the SPG on New Housing in the Borders Countryside could be met.

#### CONCLUSION

It is accepted that significant economic benefits would arise from this proposed tourist development. It is recognised that to a certain degree, some mitigation of the impacts of the proposed development is possible. There remain however concerns regarding the landscape and visual impacts of the proposed development, which is on an exposed hillside location within a Special Landscape Area. There remains potential to

develop in a less exposed, lower lying area, and that being the case, the application cannot be supported in the current location.

**REASON FOR DECISION :**

By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Etrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts

**Recommendation:** Refused

- 1 By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Etrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts

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





I have the following additional concerns:

1. The track improvements, and especially the entrance/ exit improvements including visibility splays, will alter the character of this road and may require the felling of a number of roadside trees to the west to improve visibility.
2. The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the visualisation.
3. The effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley.
4. I would be concerned if it was envisaged that even more cottages of this style could be accommodated in this location – I consider that due to the visual sensitivity of the site the proposal is not acceptable and would not ‘safeguard landscape quality’ of this part of the SLA.

### Conclusion

While I consider that in certain locations new development that offers another, contemporary experience of the Borders and its high quality landscape, can be accommodated this site is not such a location, given its prominent location on the side of Rink Hill. The principle of development, at some distance from the nearest building group in an SLA gives me some added concerns. Therefore on landscape and visual grounds, I cannot support this development.

Siobhan McDermott  
LANDSCAPE ARCHITECT

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 19th July 2016

Contact: Andrew Evans ☎ 01835 826739

Ref: 16/00844/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 9th August 2016, 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 9th August 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mr J M & R Bayne

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of 2 No dwellings for holiday let, and associated infrastructure works

**Site:** Land North West Of 4 Rink Farm Cottages Galashiels Scottish Borders

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### OBSERVATIONS OF: Archaeology Officer

## CONSULTATION REPLY

Thank you for requesting an archaeology consultation. I have read the applicant's very helpful archaeology statement as well as the planning statement in assessing this application.

### Assessment

I am largely in agreement with the applicant's archaeological assessment. It notes the presence of designated and undesignated assets in the surrounding area, most significantly the Scheduled Rink hill fort and undesignated line of the Pict's Work prehistoric or early historic boundary. I raised two issues with the applicant's archaeological contractors during pre-planning; potential direct impacts to the Pict's Work boundary, and indirect setting impacts to assets in the area. I largely agree with the report's conclusions on setting. I do not feel that the development will create major setting effects that would run counter to Policy EP8 of the Local Development Plan. That said, I do feel there is a slightly higher impact to the setting of the Rink Fort than set out in the report. As shown in the applicant's planning statement, Figure 1, the development will be read from the A707 as being located just below the Rink fort which occupies the summit and this location accentuated by the plantation within the site. This adds a competing element that detracts slightly from the appreciation, experience and understanding of the fort and its immediate setting. That said, I do not feel this is a major effect, perhaps more on the moderate scale per the archaeological report's criteria. However Figure 1 is perhaps somewhat misleading in that it seems to suggest the south-eastern lodge will appear with a bright finish, and it is this that presents the most distracting element.

The archaeological assessment also specifies that there is a low potential for directly discovering archaeological features or deposits through development. While I largely agree with this assessment, I do not agree with the view that the development is unlikely to encounter features associated with Pict's Work boundary. This is shown clearly on the Ordnance Survey 1<sup>st</sup> edition as crossing the area of the existing access track in the middle of the 19<sup>th</sup> century. Since this time it has been largely ploughed down, and likely disturbed by the construction of the track. The section that survives to the east is an example of the what the

earthwork would have looked like until these landscape changes took place. While there are no upstanding features within or near the development area, this does not preclude the presence of sub-surface features surviving. Indeed, it is likely that the earthwork formed of a ditch and bank will partly survive as buried soil (for the bank) or, at the very least, as a filled ditch. This ditch, if it survives, is important to our understanding of the earthwork in that it may contain sediments that contain environmental materials that could be used to date the feature and perhaps provide a relative chronological relationship to the Rink fort. I note that a new entrance and section of track is to be formed. This may encounter traces of the earthwork, particularly in the area where the new track meets the old.

There remains a low potential for archaeology in the rest of the site, and I agree with the archaeological assessment on this. The report suggests that a condition for a watching brief can be used to mitigate direct impacts by allowing for archaeological recording of features or deposits during development. I also agree with this recommendation. This, however, has not been followed into the applicant's Planning Statement

### **Setting Mitigation**

To partly off-set the setting impacts, there is some potential for increasing the heritage relevance of the new development. The linkages to the Rink hill fort should be enhanced. In particular open access and interpretation should be afforded to the fort from the cottages and sign-posted for walkers who may not use the holiday lets. This need not necessarily mean new paths or gates, anything existing could be used if appropriate, but it would provide a substantial amenity value for the development and encourage the active use and stewardship of the fort itself. It should be noted, however, that as the fort is Scheduled no excavation or felling of trees should take place within the Scheduled Monument area itself without obtaining Scheduled Monument Consent from Historic Environment Scotland. Improving access to the Rink fort will increase the appreciation, experience and understanding of the asset and its setting.

In addition to the above, in assessing the application I was struck by the (perhaps coincidental) similarity of the proposal to certain elements of prehistoric settlement design in the Borders. The use of terraces into the lower slopes of a hillside closely reflects the similar choices made by communities in the Bronze Age who occupied in particular the upper Tweed and Clyde catchments. Similarly, the rounded shapes in the front elevations reflect the round-houses that occupied terraced platforms in the past. More could be made of this relationship through some form of on-site interpretation. This can be handled through an informative, or condition if you feel this is appropriate.

Both recommendations would help off-set the impacts to the Rink fort's setting, and are in line with Policies EP8, ED7 (specifically that it should be respectful to the amenity and character of the surrounding area) and paragraph 93 of SPP (enhancing the natural and built environment). The recommendations are also in line with the Tourism and Strategy Action Plan in that the development would further capitalise on the unique heritage of the area.

### **Direct Impact Mitigation**

In line with the recommendation in the applicant's archaeological assessment, and my own, I recommend that a condition for an archaeological watching brief is required. This should cover areas of the development not previously disturbed by the existing access track.

### **Recommended Conditions**

I support the principle of the application and feel that impacts to cultural heritage can be mitigated. If the Council is minded to approve this application, I recommend the following:

- A suitably worded condition to facilitate open access and interpretation of the Rink fort from the development area. This can be negotiated at a later date with myself and our Access Officers.
- A suitably worded informative that seeks a proposal to emphasise the heritage elements within the site itself as outlined above
- **Archaeology: Developer Funded Watching Brief**

No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved **Written Scheme of Investigation (WSI)** outlining a **Watching Brief**. **Development and archaeological investigation shall only proceed in accordance with the WSI.**

The requirements of this are:



- The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- Development should seek to mitigate the loss of significant archaeology through avoidance in the first instance according to an approved plan.
- If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).
- Initial results shall be submitted to the Planning Authority for approval in the form of a **Data Structure Report (DSR)** within one month following completion of all on-site archaeological works. These shall also be reported to the National Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion
- The results of further mitigation of significant archaeology shall be reported to the Council following completion for approval and published as appropriate once approved.

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

To: **Development Management Service**  
**FAO Andrew Evans**

Date: **9 Aug 2016**

From: **Roads Planning Service**  
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/00844/FUL**

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**Subject: Erection of 2 No Dwellings for holiday let and associated  
infrastructure works  
Land North West of 4 Rink Farm Cottages, Galashiels**

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Whilst no objections were raised at pre-application stage, the following points must be incorporated into the design in order to gain my support for these holiday units;

- First 20 metres of the new access to be constructed to the following specification “40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.”
- Remainder of access track to be formed with a well compacted, free draining smooth running surface. This will involve the removal of the central grass strip along the length of the track and upgrading the existing running surface which is only suitable at present for 4x4 type vehicles.
- The bellmouth of the access must be a minimum of 5.5 metres wide for the first 7.5 metres.
- The width of the private access road would benefit from a reduction from 4.5 metres to 3.7 metres. The reason for this is that 4.5 metres gives an impression that two vehicles can pass each other. The minimum width for two way movements is 4.8 metres. Reducing the road width to 3.7 metres will remove any confusion of passing and will also reduce construction costs. The passing places are adequately spaced out.
- Existing access to be grubbed up to the satisfaction of the Council once the new access has been formed. This must be carried out prior to the holiday units becoming available for use.
- New access to be formed and available for use prior to works commencing on the holiday units, to ensure construction traffic benefits from the new and improved access. The phasing of the new access works can be agreed to ensure that the final wearing course is laid prior to occupation of either of the holiday units.
- Visibility splays of 2.4 by 90 metres to be provided in both directions onto the public road and maintained as such in perpetuity.
- An appropriately worded condition or legal agreement restricting the use of these units for holiday accommodation only and no permanent residency.

Given the above requirements for the access, I will require an amended plan to be submitted for approval.

It should be noted that all works within the public road boundary must be undertaken by a contractor first approved by the Council.

**AJS**

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	<b>16/00844/FUL</b>
<b>Uniform Ref</b>	<b>16/01405/PLANCO</b>
<b>Proposal</b>	<b>Erection of 2 No dwellings for holiday let, and associated infrastructure works</b>
<b>Address</b>	<b>Land North West Of Rink Farmhouse Galashiels Scottish Borders</b>
<b>Date</b>	<b>3/8/16</b>
<b>Amenity and Pollution Officer</b>	<b>David A. Brown</b>
<b>Contaminated Land Officer</b>	<b>Reviewed – no comments</b>

**Amenity and Pollution**

Assessment of Application

*Air quality*

*Noise*

*Nuisance*

*Private Water Supply*

This is an Application to construct two holiday cottages with a plant room.

The development is to be serviced by private drainage and water supply systems.

These can impact on public health and amenity if not properly installed and maintained.

If the dwellings are to be serviced by a private water supply the applicant will need to provide details to demonstrate that the supply will be adequate for the size of the dwelling and not affect supplies in the vicinity. In order to do this the application should provide the following information:

1. The type of supply ie borehole, spring, well etc
2. The location of the source by way of an 8 digit reference number.
3. Details of other properties on the supply (if the supply is an existing one)
4. Estimated volume of water that the supply will provide (details of flow test)
5. Evidence that this supply will not have a detrimental effect on supplies in the area
6. Details of any emergency tanks
7. Details of treatment to be installed on the system.
8. Details of any laboratory tests carried out to ensure the water is wholesome.

For information, the minimum daily volume of water that requires to be supplied by a private water supply must be equivalent to one cubic metre (or 1000 litres) of water per day for every five persons who will be using the supply. It is the provision of this quantity that must be ensured and, as such, water storage facilities may be necessary for this purpose. In addition, when designing storage facilities, the minimum recommended capacity is three days' worth of supply, in order to allow for supply interruption/failure.

## Recommendation

Delete as appropriate – Agree with application in principle, subject to Conditions and Informatives.

## Conditions

*No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.*

*Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.*

*No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition*

*Reason: To ensure that the development does not have a detrimental effect on public health.*

*Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2*

*Reason To protect the residential amenity of nearby properties.*

*All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.*

*Reason To protect the residential amenity of nearby properties.*

## Informative

### Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

### Private Drainage

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

### Wood Burning Stoves

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.

## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 19th July 2016

Contact: Andrew Evans ☎ 01835 826739

Ref: 16/00844/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 9th August 2016, 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 9th August 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Mr J M & R Bayne

**Agent:** Ferguson Planning

**Nature of Proposal:** Erection of 2 No dwellings for holiday let, and associated infrastructure works

**Site:** Land North West Of 4 Rink Farm Cottages Galashiels Scottish Borders

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**OBSERVATIONS OF: Economic Development Section**

## CONSULTATION REPLY

Economic Development supports the application for the provision of new holiday accommodation at land north west of Rink Farm Cottages, Galashiels. The application fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:

- Increasing volume of overnight visitors.
- Increasing overnight visitor spend.
- Ensure the Region's accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.
- Ensure a relevant range of types of accommodation is available across the Region to meet evolving market demand and expectations. Identify opportunities where better quality and new products can 'lead' and generate new demand and continue to raise average quality quotient across all forms of accommodation.

## Local Review Body – List of Policies

**Local Review Reference:** 16/00027/RREF

**Planning Application Reference:** 16/00844/FUL

**Development Proposal:** Erection of 2 No dwellings for holiday let, and associated infrastructure works

**Location:** Land North West of 4 Rink Farm Cottages, Galashiels

**Applicant:** Mr J M & R Bayne

### **ADOPTED LOCAL DEVELOPMENT PLAN 2016**

#### POLICY PMD1: SUSTAINABILITY

In determining planning applications and preparing development briefs, the Council will have regard to the following sustainability principles which underpin all the Plan's policies and which developers will be expected to incorporate into their developments:

- a) the long term sustainable use and management of land
- b) the preservation of air and water quality
- c) the protection of natural resources, landscapes, habitats, and species
- d) the protection of built and cultural resources
- e) the efficient use of energy and resources, particularly non-renewable resources
- f) the minimisation of waste, including waste water and encouragement to its sustainable management
- g) the encouragement of walking, cycling, and public transport in preference to the private car
- h) the minimisation of light pollution
- i) the protection of public health and safety
- j) the support to community services and facilities
- k) the provision of new jobs and support to the local economy
- l) the involvement of the local community in the design, management and improvement of their environment

#### POLICY PMD2: QUALITY STANDARDS

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:

##### Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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

## Local Review Body – List of Policies

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,

g) it considers, where appropriate, the long term adaptability of buildings and spaces.

### Placemaking & Design

h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,

i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,

j) 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,

k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,

l) it can be satisfactorily accommodated within the site,

m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,

n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

### Accessibility

o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,

p) it incorporates, where required, access for those with mobility difficulties,

q) it ensures there is no adverse impact on road safety, including but not limited to the site access,

r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,

s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

t) It provides meaningful 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,

u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

### POLICY ED7: BUSINESS, TOURISM AND LEISURE IN THE COUNTRYSIDE BUSINESS, TOURISM AND LEISURE

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:



## Local Review Body – List of Policies

- a) the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- c) the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- a) the development must respect the amenity and character of the surrounding area,
- b) the development must have no significant adverse impact on nearby uses, particularly housing,
- c) where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) the development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### POLICY ED9: RENEWABLE ENERGY DEVELOPMENT

#### RENEWABLE ENERGY DEVELOPMENTS

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 significant adverse impacts or effects, giving due regard to relevant environmental, community and cumulative impact considerations.

The assessment of applications for renewable energy developments will be based on the principles set out in Scottish Planning Policy (2014), in particular, for onshore wind developments, the terms of Table 1: Spatial Frameworks. Renewable energy developments, including wind energy proposals, will be approved provided that there are no relevant unacceptable significant adverse impacts or effects that cannot be satisfactorily mitigated. If there are judged to be relevant significant adverse impacts or effects that cannot be satisfactorily mitigated, the development will only be approved if the council is satisfied that the wider economic, environmental and other benefits of the proposal outweigh the potential damage arising from it.

#### SUPPLEMENTARY GUIDANCE

The council will produce statutory Supplementary Guidance on wind energy and renewable energy. This shall be submitted to Ministers within 12 months of adoption of the plan. The

## Local Review Body – List of Policies

guidance will accord with Scottish Planning Policy (2014), and will set out the detailed policy considerations against which all proposals for wind energy and other forms of renewable energy will be assessed, based on those considerations set out at paragraph 169. The guidance on wind energy will contain the onshore spatial framework as required by Scottish Planning Policy (2014), identifying areas where wind farms will not be acceptable, areas of significant protection, and areas with potential for wind farm development, and indicating the minimum scale of onshore wind development that the framework applies to.

The council will produce statutory Supplementary Guidance to update the landscape and visual guidance for single and groups of 2 or 3 wind turbines in Berwickshire so that it accords with Scottish Planning Policy (2014).

### CONSIDERATION OF WIND ENERGY PROPOSALS

The assessment of wind energy proposals will include the following considerations:

- the onshore spatial framework which identifies those areas that are likely to be most appropriate for onshore wind turbines;
- landscape and visual impacts, to include effects on wild land, and taking into account the report on Landscape Capacity and Cumulative Impact (July 2013) as an initial reference point, the landscape and visual impact assessment for a proposal (which should demonstrate that it can be satisfactorily accommodated in the landscape, and should properly address the issues raised in the 2013 report), and other relevant landscape, visual and cumulative impact guidance, for example that produced by Scottish Natural Heritage;
- all cumulative impacts, including cumulative landscape and visual impact, recognising that in some areas the cumulative impact of existing and consented development may limit the capacity for further development;
- impacts on communities and individual dwellings (including visual impact, residential amenity, noise and shadow flicker);
- impacts on carbon rich soils (using the carbon calculator), public access, the historic environment (including scheduled monuments and listed buildings, and their settings), tourism and recreation, aviation and defence interests and seismological recording, telecommunications and broadcasting installations, and adjacent trunk roads and road traffic;
- effects on the natural heritage (including birds), and hydrology, the water environment and flood risk;
- opportunities for energy storage;
- net economic impact, including local and community socio-economic benefits such as employment, associated business and supply chain opportunities;
- the scale of contribution to renewable energy generation targets, and the effect on greenhouse emissions;
- the need for conditions relating to the decommissioning of developments, including ancillary infrastructure, and site restoration; and
- the need for a robust planning obligation to ensure that operators achieve site restoration.

Developers must demonstrate that they have considered options for minimising the operational impact of wind turbine proposals, including ancillary development such as tracks.

### CONSIDERATION OF OTHER RENEWABLE ENERGY DEVELOPMENTS

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

# Local Review Body – List of Policies

residential amenity and the historic and natural environment.

Renewable technologies that require a countryside location such as the development of bio fuels, short crop rotation coppice, “biomass” or small scale hydro-power will be assessed against the relevant environmental protection and promotion policies, and other relevant policies in the local development plan.

Waste to energy schemes involving human, farm and domestic waste will be assessed against Policy IS10 Waste Management Facilities.

## POLICY HD2: HOUSING IN THE COUNTRYSIDE

The Council wishes to promote appropriate rural housing development:

- a) in village locations in preference to the open countryside where permission will only be granted in special circumstances on appropriate sites,
- b) associated with existing building groups where this does not adversely affect their character or that of the surrounding area, and
- c) in dispersed communities in the Southern Borders housing market area.

These general principles in addition to the requirement for suitable roads access will be the starting point for the consideration of applications for housing in the countryside, which will be supplemented by Supplementary Planning Guidance / Supplementary Guidance on New Housing in the Borders Countryside and on Placemaking and Design.

### (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:

- a) 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,
- b) 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,
- c) 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.

In addition, where a proposal for new development is to be supported, the proposal should be appropriate in scale, siting, design, access, and materials, and should be sympathetic to the character of the group.

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 Development Plan period. This will include those units under construction or nearing completion at that point.

### (B) DISPERSED BUILDINGS GROUPS

## Local Review Body – List of Policies

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 that meet the above criteria may be approved provided that:

- a) the Council is satisfied that the site lies within a recognised dispersed community in the Southern Borders housing market area,
- b) 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,
- c) the design of housing will be subject to the same considerations as other types of housing in the countryside proposals.

### (C) CONVERSIONS OF BUILDINGS TO A HOUSE

Development that is a change of use of a building to a house may be acceptable provided that:

- a) the Council is satisfied that the building has architectural or historic merit, is capable of conversion and is physically suited for residential use,
- b) 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
- c) the conversion and any proposed extension or alteration is in keeping with the scale and architectural character of the existing building.

### (D) RESTORATION OF HOUSES

The restoration of a house may also be acceptable provided that the walls of the former residential property stand substantially intact (normally at least to wallhead height). In addition:

- a) the siting and design reflects and respects the historical building pattern and the character of the landscape setting,
- b) any proposed extension or alteration should be in keeping with the scale, form and architectural character of the existing or original building, and
- c) significant alterations to the original character will only be considered where it can be demonstrated that these provide environmental benefits such as a positive contribution to the landscape and/or a more sustainable and energy efficient design.

### (E) REPLACEMENT DWELLINGS

The proposed replacement of an existing house may be acceptable provided that:

- a) the siting and design of the new building reflects and respects the historical building pattern and the character of the landscape setting,
- b) the proposal is in keeping with the existing/original building in terms of its scale, extent, form and architectural character,
- c) significant alterations to the original character of the house will only be considered where it can be demonstrated that these provide environmental benefits such as a

## Local Review Body – List of Policies

positive contribution to the landscape and /or a more sustainable and energy efficient design.

### (F) ECONOMIC REQUIREMENT

Housing with a location essential for business needs may be acceptable if the Council is satisfied that:

- a) 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
- b) 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
- c) 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
- d) no appropriate site exists within a building group, and
- e) there is no suitable existing house or other building capable of conversion for the required residential use.

In ALL instances in considering proposals relative to each of the policy sections above, there shall be compliance with the Council's Supplementary Planning 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 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:

- a) the principle of the development, including where relevant, any open space that would be lost; and
- b) 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, loss of privacy and sunlighting provisions. 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 EP5: SPECIAL LANDSCAPE AREAS

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

## Local Review Body – List of Policies

### POLICY EP8: ARCHAEOLOGY

#### (A) National Archaeological Sites

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

- a) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and
- b) there are no reasonable alternative means of meeting the development need.

#### (B) Battlefields

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

#### (C) Regional or Local Archaeological Assets

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

### POLICY EP13: TREES, WOODLANDS AND HEDGEROWS

The Council will refuse development that would cause the loss of or serious damage to the woodland resource unless the public benefits of the development clearly outweigh the loss of landscape, ecological, recreational, historical, or shelter value.

Any development that may impact on the woodland resource should:

- a) aim to minimise adverse impacts on the biodiversity value of the woodland resource, including its environmental quality, ecological status and viability; and
- b) where there is an unavoidable loss of the woodland resource, ensure appropriate replacement planting, where possible, within the area of the Scottish Borders; and
- a) adhere to any planning agreement sought to enhance the woodland resource.

### POLICY IS5: PROTECTION OF ACCESS ROUTES

Development that would have an adverse impact upon an access route available to the public will not be permitted unless a suitable diversion or appropriate alternative route, as agreed by the Council, can be provided by the developer.

# Local Review Body – List of Policies

## POLICY IS7: PARKING PROVISION AND STANDARDS

Development proposals should provide for car and cycle parking in accordance with approved standards.

Relaxation of technical standards will be considered where appropriate due to the nature of the development and/or if 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 seeking additional public parking provision, in the context of policies to promote the use of sustainable travel modes.

## POLICY IS9: WASTE WATER TREATMENT STANDARDS AND SUSTAINABLE URBAN DRAINAGE

### WASTE WATER TREATMENT STANDARDS

The Council's preferred method of dealing with waste water associated with new development will be, in order of priority:

- a) direct connection to the public sewerage system, including pumping if necessary, or failing that:
- b) 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:
- c) agreement with Scottish Water and SEPA where required 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:
- d) for development in the countryside i.e. not within or immediately adjacent to publicly sewered areas, the use of private sewerage treatment may be acceptable, 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 sewage treatment system will normally be refused unless exceptional circumstances prevail and the conditions in criteria (d) above can be satisfied.

Development will be refused if:

- a) it will result in a proliferation of individual septic tanks or other private water treatment infrastructure within settlements,
- b) it will overload existing mains infrastructure or it is impractical for the developer to provide for new infrastructure.

### SUSTAINABLE URBAN DRAINAGE

Surface water management for new development, for both greenfield and brownfield sites, must comply with current best practice on sustainable urban drainage systems to the satisfaction of the council, Scottish Environment Protection Agency (where required), Scottish Natural Heritage and other interested parties where required. 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. 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.

# Local Review Body – List of Policies

## OTHER MATERIAL CONSIDERATIONS

- SBC Supplementary Planning Guidance on Householder Development 2006
- SBC Supplementary Planning Guidance on Placemaking and Design 2010
- SBC Supplementary Planning Guidance on Landscape and Development 2008
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012
- SBC Supplementary Planning Guidance on Renewable Energy 2007





**APPLICATION REFERENCE : 16/01114/FUL**
**Schedule of Plans and Drawings Refused:**

Plan Ref	Plan Type	Plan Status
196 60	Site Plan	Refused
196 61	Floor Plans	Refused
196 62	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a scale that appears suited for the uses proposed on the agricultural holding on which it would be situated, which further undermines the case for justification in this location.

**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)**

**Agent (if any)**

Name

Name

Address

Address

Postcode

Postcode

Contact Telephone 1

Contact Telephone 1

Contact Telephone 2

Contact Telephone 2

Fax No

Fax No

E-mail\*

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 type="checkbox"/>            | <input checked="" 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:

THE SITE IS A SMALLHOLDING AND IT IS ADVISABLE TO MAKE AN APPOINTMENT AS THERE ARE ANIMALS PRESENT

**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.

The site is a smallholding where the applicant breeds and brings on cattle, poultry and other stock.

The cold store has consent under permitted development so all that is being asked is to double the footprint of this store.

The hayshed forms a mezzanine level over the store, and has been kept to a restricted height so as it is not visible from beyond the tree line to the North of the site. Levels and the heights of the trees have been noted on the drawings to exemplify the height of the tree-tops - this information was taken from a topographical survey of the site by an independant specialist surveyor.

The building is to be clad in natural home-grown larch and the roof has been designed to follow the contours of the site.

The building is required to further the agricultural activities within the existing small-holding.

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.

n/a

**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.

drawing 196 62 with refusal stamp showing height and design of building relative to tree tops  
copy of refusal notice

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

[Redacted Signature Box]

Date

2/12/16

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

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

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

Application for Planning Permission

Reference : 16/01114/FUL

To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles

With reference to your application validated on **7th September 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

Proposal : Erection of poultry cold store/hay store

At : Field No 0328 Kirkburn Cardrona Scottish Borders

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

Dated 21st October 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA

Signed

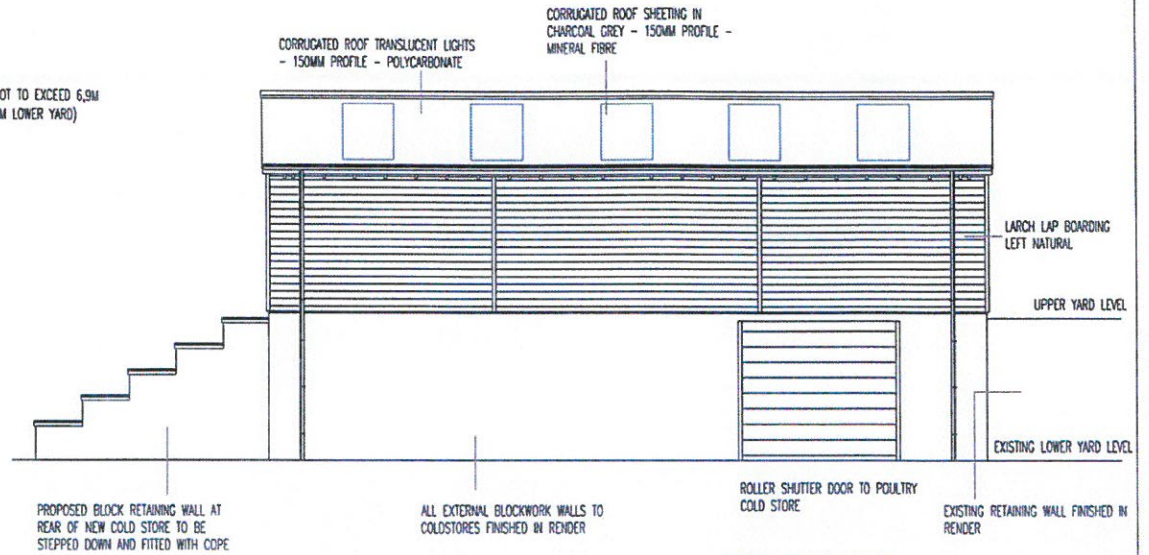
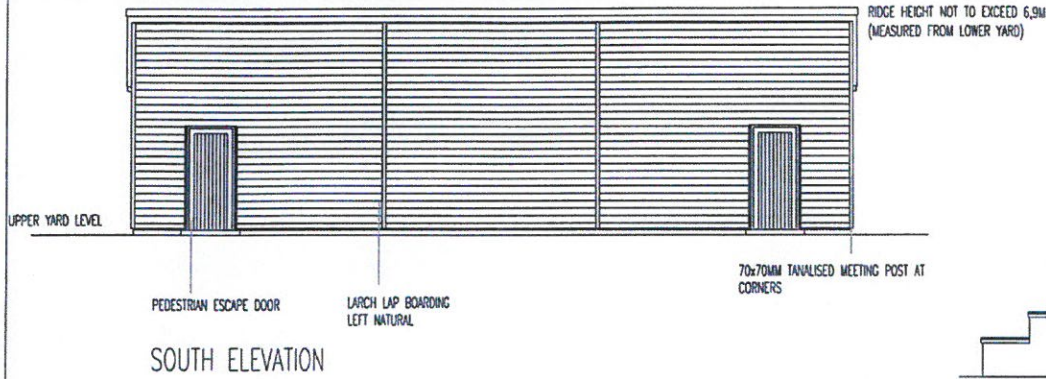


.....  
Chief Planning Officer

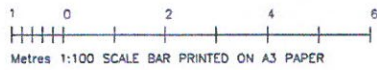




16/01114/FUL



NORTH ELEVATION



Page 247

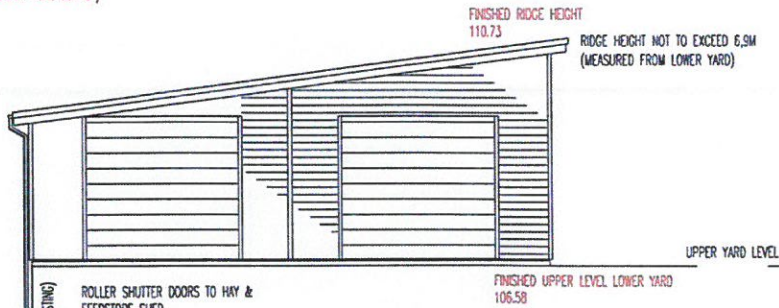
TREE-TOP HEIGHT OF TREES TO NORTH OF SITE (IN DRIVE WOOD) RANGING BETWEEN 111.57 & 112.97M (FROM TOPOGRAPHICAL SURVEY)

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

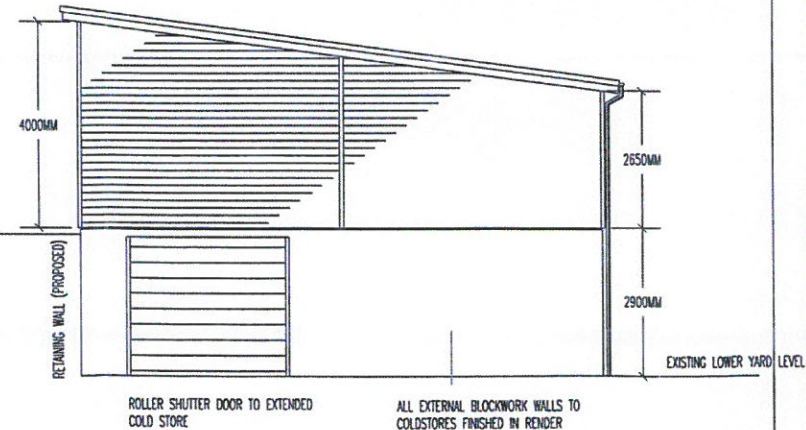
**REFUSED**

subject to the requirements of the associated Decision Notice

AMENDMENTS	
A	
B	
C	
D	
E	
F	



WEST ELEVATION



EAST ELEVATION

SCALE 1:100 OR AS STATED AUG 2016

drg 196 62 ELEVATIONS AND HEIGHTS  
REVISION --

PROPOSED EXTENSION TO POULTRY COLD-STORE WITH LOW RISE HAY SHED BUILT OVER COLD STORES

KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd

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**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/01114/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Erection of poultry cold store/hay store

**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

Plan Ref	Plan Type	Plan Status
196 60	Site Plan	Refused
196 61	Floor Plans	Refused
196 62	Elevations	Refused

**NUMBER OF REPRESENTATIONS: 0**  
**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

There have been previous applications for various agricultural type developments on this site. The current submission is for a relatively small scale building to be used for agricultural storage. This type of development is unlikely to generate a significant number of traffic movements given the size of the unit.

Access to the site is to be via the existing junction, which is to be upgraded as per a separate application (15/01206/FUL). As such, I would be seeking for a condition to be attached to any consent for this current application requiring the access to be upgraded, as per the application 15/01206/FUL, prior to the storage unit becoming operational.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

This is an Application to erect a poultry cold store and hay shed.

Refrigeration equipment can cause noise problems if not properly installed and maintained.

Recommendation

No objection subject to Conditions.

Conditions

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 - 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

Archaeology Officer:

There are no archaeological implications. I previously responded with respect to application 15/00563/FUL which contains more detailed comments.

Economic Development:

Economic development cannot support this application for the following reasons.

- o We will require sight of a business plan for the poultry business and cash flow projections.
- o Economic development would also have concerns about the proximity of the poultry unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed.

Landscape Architect:

I have has a look at this application and note that the height of the building is 2m lower than the proposed building that made up the refused application (15/00563/FUL) Nonetheless, I remain concerned that the proposal will have a negative impact on the quality of the Special landscape Area and especially on views driving along the minor road immediately to the north and the immediate area. There is nothing in the submission that shows cross sections or relationship to the other consented buildings and that demonstrates how the buildings would work on this sloping site. Nor has any landscape mitigation been proposed to help reduce the impact from sensitive receptors.

I therefore, on landscape and visual grounds, would not support this application.

Peebles and District Community Council: Response awaited.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP8 Archaeology

Policy EP5 Special Landscape Areas

Policy ED7 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 15th October 2016

This application is the sixth application in recent years for this part of the smallholding at Kirkburn, this time proposing cold storage in excavated land to the rear of a previously approved cold storage area and placing a hay/animal feedstuff store above it. The cold store will be accessed from the existing cold store and the hay store will be accessed from the upper yard. It will be 4.4m in height when measured from the upper yard level with shallow monopitched roof sloping up to the south. The exterior will be larchlap boarding with two pedestrian doors and two vehicular doors. The roof will be charcoal grey mineral fibre sheeting. No Business Plan or Masterplan has been submitted with the application.

It is important to understand the full background to this application by repeating extracts from earlier Handling Reports in relation to previous applications on the site and adjoining sites, especially in relation to landscape impacts. On 16/00495/FUL, the following was stated:

"The application is a resubmission of 15/00563/FUL which was refused. However, the application is only for one of the two buildings previously refused under that reference number - the building to the rear of the existing buildings at upper yard level, housing the animal flotation unit. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south. The extract from the previous Handling Report relating to landscape impact still applies with this application, the background being important to the understanding of the issues of landscape impact, as follows:

"The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting

the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons."

This application still poses the same issues of landscape prominence above the treeline when viewed from the A72. It is almost the same height exactly as the building refused under 16/00495/FUL. The Landscape Architect continues to oppose the application for the same reasons, including the impacts of the building from the local road adjoining the site. The submitted drawing now includes some references to tree top heights, indicating that the trees "In Drive Wood" have a top higher than the ridge of the proposed building. The reference is not clear as although it says "To north of site", "In Drive Wood" isn't clear whether it means the trees between the public road and the river or not. Even if it does, there is no tree survey as was previously submitted further east with the rabbit and mushroom sheds to indicate which, and how many, of the trees were of a height that could effectively screen the proposed building. Whilst it is accepted that the tree cover does increase in height to the west of the site, there is insufficient information in the form of sections, tree survey and photomontages to display the screening claimed by the applicant. This information has been repeatedly sought in earlier applications and not been submitted. Even if that could be proved, there are clearly landscape related concerns about expanding the existing buildings upwards in height, in relation to visual impacts from the public road adjoining the site. Given the continued objection from the Landscape Architect, I cannot accept that this submission addresses the landscape impact concerns sufficiently to comply with the relevant LDP Policies.

Policy ED7 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. In this case, the upper building is proposed for hay storage yet neither seems suited for the purpose nor related to the size and current farming activities on the holding. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. Whilst it has been mentioned previously that an additional 12 acres to the rear are used from an adjoining farm, there has been no demonstration of this in a Business Plan nor any evidence that a lease is in place. In any case, there is no evidence to justify 140 square metres of floorspace for the storage of hay from the landholding or animal foodstuffs, especially given the existence of existing buildings on the holding. There is also no apparent ventilation which would benefit such storage. Similarly, no explanation how additional cold storage is necessary, almost doubling the existing consented cold storage area. Economic Development cannot accept the proposal without details of the poultry business and cash projections. They again express concerns over the relationship with the proposed holiday business to the east, an issue of particular concern to the Local Review Body who rejected two previous applications on this site.

It is concluded that the application is contrary to Policies PMD2 and ED7 of the Local Development Plan in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited either to the proposed uses for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location.

In terms of Environmental Health matters, these can be controlled by planning conditions and there are no archaeological implications with this part of the Kirkburn smallholding. In terms of road safety, it is similarly identified that traffic movements are not likely to be problematic with this proposal and the junction improvement (under 15/01206/FUL) could be achieved by condition.

**REASON FOR DECISION :**

The application is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

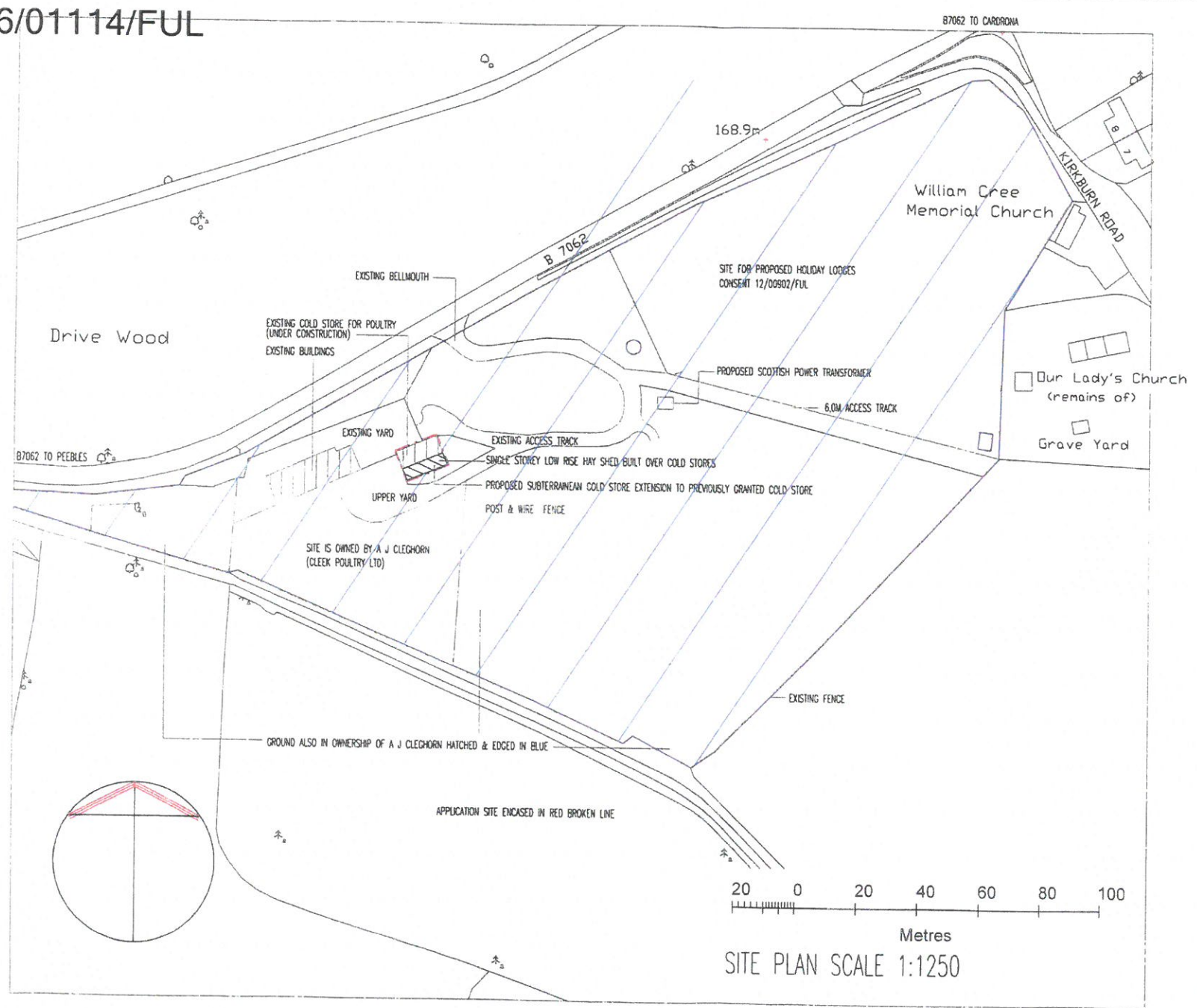
The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a scale that appears suited for the uses proposed on the agricultural holding on which it would be situated, which further undermines the case for justification in this location.

**Recommendation:** Refused

- 1 The application is contrary to Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
  
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a scale that appears suited for the uses proposed on the agricultural holding on which it would be situated, which further undermines the case for justification in this location.

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





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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

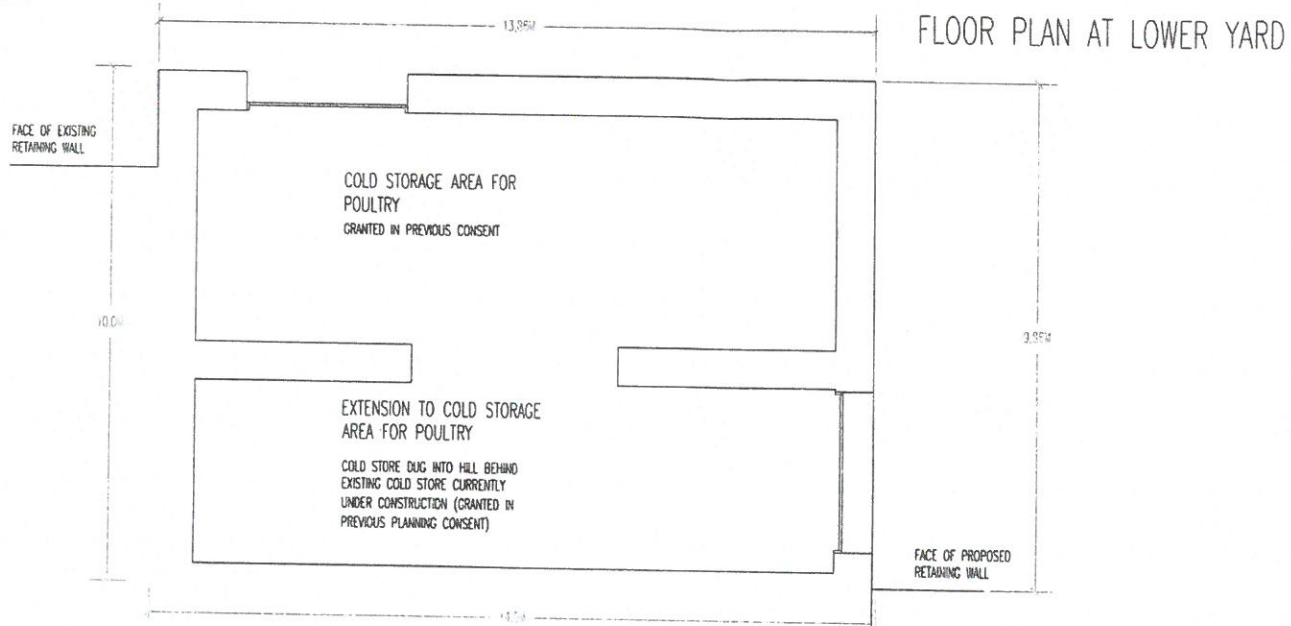
AMENDMENTS	
A	
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D	
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SCALE 1:1250 OR AS STATED AUG 2016

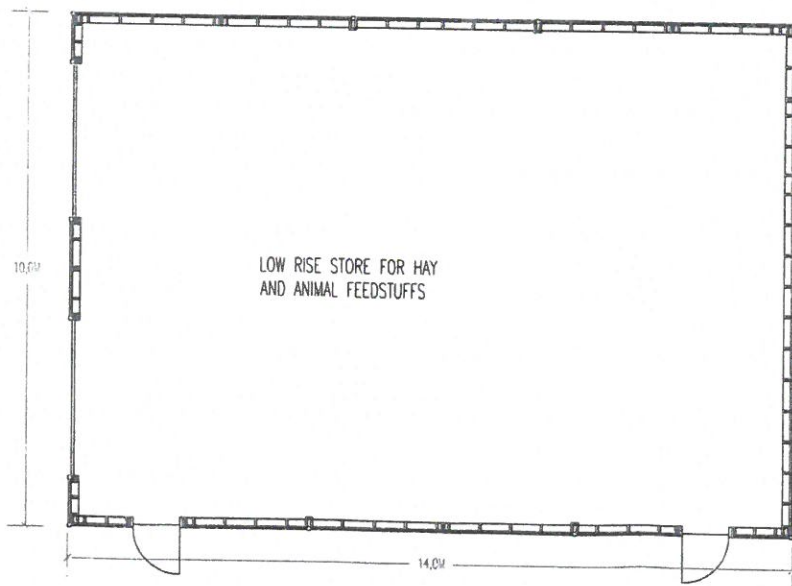
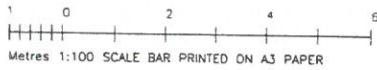
drg 196 60 REVISION ---	SITE PLAN
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PROPOSED EXTENSION TO POULTRY COLD-STORE  
WITH LOW RISE HAY SHED BUILT OVER COLD  
STORES

KIRK BURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd



FLOOR PLAN AT LOWER YARD



FLOOR PLAN AT UPPER YARD

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

**REFUSED**

subject to the  
requirements of the  
associated Decision  
Notice

AMENDMENTS	
A	
B	
C	
D	
E	
F	

SCALE 1:100 OR AS STATED AUG 2016

drg 196 61  
REVISION --

GENERAL ARRANGEMENT

PROPOSED EXTENSION TO POULTRY COLD-STORE  
WITH LOW RISE HAY SHED BUILT OVER COLD  
STORES

KIRKBURN, CARDRONA, PEEBLES, EH45 9HU  
Cleek Poultry Ltd

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference: 15/01206/FUL**

**To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles EH45 9HU**

With reference to your application validated on **12th October 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Upgrade of existing access**

**at: Field No 0328 Kirkburn Cardrona Scottish Borders**

The Scottish Borders Council hereby **grant planning permission** in accordance with the approved plan(s) and the particulars given in the application and in accordance with Section 58 of the Town and Country Planning (Scotland) Act 1997, subject to the following direction:

- That the development to which this permission relates must be commenced within three years of the date of this permission.

And subject to the conditions on the attached schedule imposed by the Council for the reasons stated

**Dated 9th December 2015  
Planning and Regulatory Services  
Environment and Infrastructure  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE: 15/01206/FUL**

**Schedule of Plans and Drawings Approved:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 30	Location Plan	Approved
196 31	Elevations	Approved

**REASON FOR DECISION**

The application, with conditions, complies with Development Plan Policies on amendments to access for development within the countryside in that the proposed amendments will improve the access for existing use and for consented holiday development at the site.

**SCHEDULE OF CONDITIONS**

- 1 The retaining walls shown on the approved plan to be faced with natural stone cladding within one month of their formation, a sample of which should be submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the visual amenity of the area.
- 2 Notwithstanding what is shown on the plans, planning permission is only granted for the access upgrading and not for the entrance folly.  
Reason: The entrance folly is not considered to be of an appropriate scale to be satisfactorily accommodated within the site without impacts of dominance and incongruity from the public road.
- 3 No development to be commenced until details of the gully outfall routes are submitted to, and approved by, the Planning Authority.  
Reason: In the interests of road safety.

**FOR THE INFORMATION OF THE APPLICANT**

It should be noted that:

- 1 In relation to Condition 2, any revised design of entrance folly should be submitted as a new planning application and should address the issues of scale and dominance through considerable reductions in width and height and a design more successfully related to the proposed entrance walls and ground levels. There should also be more information provided on the design detailing. It is suggested by the Landscape Architect that you may wish to consider entrance pillars as a possible alternative in any resubmission.

N.B: This permission does not include any consent, approval or licence necessary for the proposed development under the building regulations or any other statutory enactment and the development should not be commenced until all consents are obtained.

### **Notice of Initiation of Development**

Section 27 of the Town and Country Planning (Scotland) Act (as amended) requires that any person who has been granted planning permission (including planning permission in principle) and intends to start development must, once they have decided the date they will start work on the development, inform the planning authority of that date as soon as is practicable. A form is enclosed with this decision notice for this purpose.

### **Notice of Completion of Development**

Section 27B requires that any person who completes a development for which planning permission (including planning permission in principle) has been given must, as soon as practicable after doing so, give notice of completion to the planning authority.

When planning permission is granted for phased development then under section 27B(2) the permission is to be granted subject to a condition that as soon as practicable after each phase, other than the last, is completed, the person carrying out the development is to give notice of that completion to the planning authority.

In advance of carrying out any works it is recommended that you contact Utility Bodies whose equipment or apparatus may be affected by any works you undertake. Contacts include:

Transco, Susiephone Department, 95 Kilbirnie Street, Glasgow, G5 8JD  
Scottish Power, Riccarton Mains Road, Currie, Edinburgh, EH14 5AA  
Scottish Water, Developer Services, 419 Balmore Road, Possilpark, Glasgow G22 6NU  
British Telecom, National Notice Handling Centre, PP404B Telecom House, Trinity Street, Stoke on Trent, ST1 5ND  
Scottish Borders Council, Street Lighting Section, Council HQ, Newtown St Boswells, Melrose, TD6 0SA  
Cable & Wireless, 1 Dove Wynd, Strathclyde Business Park, Bellshill, ML4 3AL  
BP Chemicals Ltd, PO Box 21, Bo'ness Road, Grangemouth, FK2 9XH  
THUS, Susiephone Department, 4<sup>th</sup> Floor, 75 Waterloo Street, Glasgow, G2 7BD  
Susiephone System – **0800 800 333**

If you are in a Coal Authority Area (Carlops or Newcastleton), please contact the Coal Authority at the following address: The Coal Authority 200 Lichfield Lane, Berry Hill, Mansfield, Nottinghamshire NG18 4RG.

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.



**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/01206/FUL  
**APPLICANT :** Cleek Poultry Ltd  
**AGENT :**  
**DEVELOPMENT :** Upgrade of existing access  
**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
196 30	Location Plan	Approved
196 31	Elevations	Approved

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**Roads Planning:**

No objections but seeks further information on where the gullies discharge to and expresses concerns over potential impacts of folly on ground levels and whether a use generating traffic is proposed.

**Landscape Architect:**

Opposes the current design of folly and suggests a much reduced version or, preferably, gate post features to match with the local vernacular. Also recommends the access retaining walls be faced with natural stone.

**Peebles and District Community Council:** Response awaited.

**PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy D1 Business Tourism and Leisure Development in the Countryside

**Recommendation by** - Craig Miller (Lead Planning Officer) on 7th December 2015

This application is for the alteration of an existing access at Kirkburn, Cardrona, and for the erection of a castellated folly on the western curve of the amended access. The access works involve widening of the access to 6m, creating a tarmac area with kerbs and 6m radii, drainage provisions and a one metre high concrete block retaining wall either side. The gradient would meet 1 in 15 for the first six metres then no steeper than 1 in 8. Sightlines of 2.4 by 120m would be formed.

The entrance folly would be constructed in local reclaimed stone with ashlar dressings and resemble a castellated turret, 4.5m in diameter and 6.3m to the top of the castellations. Two raised string courses are shown and a series of slot-like indentations or voids. There is no further information on whether the folly would have any use, entrance or, indeed, roof.

The access improvements are similar to those proposed for the holiday chalet development consented under 12/00902/FUL but which have yet to be implemented. It is understood that the applicant envisages that the current standard of unimproved access is resulting in objections from Roads Planning towards other proposals at the site using the access. However, such improvements could have been imposed as conditions on any future planning permissions, the main reasons for Roads Planning objections relating to traffic generating proposals being submitted without supporting Transport Statements. In any case, similar road junction improvements were sought by condition on the original holiday chalet approval and were clearly acceptable by the Council for that development - so there should be no reason why a stand-alone proposal to improve the access should not also be supported. This does not mean, however, that any further proposals that could potentially give rise to greater traffic generation or a different nature of traffic should not still be supported by the previously requested Transport Statement. A junction improvement, in itself, may not be sufficient to allay Roads Planning concerns.

The junction improvements go further than those previously consented on the holiday chalet development, mainly involving an increased width of road further up into the site, at the point where the access to the holiday chalets splits from the farm access. The main benefits, apart from the increased width, are a tarmac surface at the bellmouth, improved interception of surface water, retaining of any increased excavation and shallower gradients. Roads Planning have now confirmed their acceptance of the proposals, albeit wanting more information on the route of the gullies. The Landscape Architect had previously suggested stone-faced walling to soften the impacts of the access and this is again recommended by her rather than the stark appearance of concrete block retaining walls as proposed at present. This requirement can be imposed by condition.

The erection of the folly on the western side of the enhanced site entrance must be judged against Policy G1 of the Consolidated Local Plan, relating to quality of design standards. The folly has no intended use and is seen as an ornate entrance feature, therefore, it cannot be judged against Policy D1 as other proposals at Kirkburn have been. There should be no reason why a suitably designed and scaled entrance feature, perhaps relating to the curved retaining walling, could be considered to comply with the criteria listed in Policy G1. However, what is proposed at present is not considered to be in compliance. Given the lack of sufficient flat land at the entrance area and despite the drawing suggesting the folly on a flat site, there are no finished floor levels or contours shown to demonstrate at what elevation above road level the folly will be positioned. Similarly, the height of 6.3m and width of 4.5m could be considered to be out of scale with the context of the landscape and minor road surrounding the site, the height either being accentuated by a raised floor level or fit within the site incongruous due to significant excavation and retaining.

The criteria within Policy G1 require "scale, massing and height" appropriate to surroundings, the development to be "satisfactorily accommodated within the site", to be "compatible with...the surrounding area, neighbouring uses and neighbouring built form" and to be "designed in sympathy with Scottish Borders architectural styles". Whilst a major reduction in height and width could successfully address some of the concerns over scale, dominance and landscape fit, further details of the structure would also be required of how it is set into the site, how it relates to the entrance walling and whether it has a roof, wall or door openings. There is clearly some context in this part of the Tweed Valley for an entrance structure with historical appearance, given the proximity of Kailzie, the Wm Cree Memorial Church and the former Scheduled Monument of Our Lady's Church. However, the structure should be of a scale and design which is able to be accommodated without over-dominance or impression of being totally out of context. The Landscape Architect makes reference to incorporating such a structure with the junction walling as an entrance feature, preferably in the form of gatepost features.



The current design cannot be supported for the aforementioned reasons and the consent will only be issued for the access improvements. A Condition and Informative will be imposed to clarify that the current design of folly is not approved and that a new application would be required for a revised design which may be considered more favourably if significantly reduced in height and width and related better to the ground levels and entrance walling.

#### **REASON FOR DECISION :**

The application, with conditions, complies with Development Plan Policies on amendments to access for development within the countryside in that the proposed amendments will improve the access for existing use and for consented holiday development at the site.

#### **Recommendation: Approved - conditions & informatives**

- 1 The retaining walls shown on the approved plan to be faced with natural stone cladding within one month of their formation, a sample of which should be submitted to, and approved by, the Planning Authority.  
Reason: To safeguard the visual amenity of the area.
- 2 Notwithstanding what is shown on the plans, planning permission is only granted for the access upgrading and not for the entrance folly.  
Reason: The entrance folly is not considered to be of an appropriate scale to be satisfactorily accommodated within the site without impacts of dominance and incongruity from the public road.
- 3 No development to be commenced until details of the gully outfall routes are submitted to, and approved by, the Planning Authority.  
Reason: In the interests of road safety.

#### **Informatives**

It should be noted that:

- 1 In relation to Condition 2, any revised design of entrance folly should be submitted as a new planning application and should address the issues of scale and dominance through considerable reductions in width and height and a design more successfully related to the proposed entrance walls and ground levels. There should also be more information provided on the design detailing. It is suggested by the Landscape Architect that you may wish to consider entrance pillars as a possible alternative in any resubmission.

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



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference: 15/00563/FUL**

**To: Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **28th May 2015** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal: Extension to form additional cold storage with agricultural storage shed above, erection of animal flotation unit and installation of roof mounted photovoltaic panel array**

**At: Field No 0328 Kirkburn Cardrona Scottish Borders**

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

**Dated 3rd August 2015  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**



**Signed**

.....

**Chief Planning Officer**

**APPLICATION REFERENCE: 15/00563/FUL**

**Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SUNMODULE	Specifications	Refused
196 04 REV A	Elevations	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**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  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 15/00563/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Extension to form additional cold storage with agricultural storage shed above, erection of animal flotation unit and installation of roof mounted photovoltaic panel array

**LOCATION:** Field No 0328 Kirkburn Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
SUNMODULE 196 04 REV A	Specifications Elevations	Refused Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

Roads Planning:

The principle of agricultural activity at this site has already been established through various applications. However it is disappointing to note that previously conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remains substandard. This proposal, if approved, is obviously going to increase the amount of vehicles using the access and, as such, enforcement action should be raised to enforce the compliance of the existing conditions.

There is a lack of information in terms of the number of vehicle movements this proposal will bring. As such, I will require a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Should this application be supported, then I must insist that the access is upgraded as per my comments below prior to work commencing on the development. A detailed plan should be submitted for approval showing the following upgrading works;

- The first 6m of the access to be at a gradient of no steeper than 1 in 15, with the access track no steeper than 1 in 8 thereafter.
- The access road must be a minimum of 6m wide for a minimum 10m length, with 6m radii at the bellmouth.

- The first 6m of the access to be surfaced to my specification i.e. 40mm of 14mm size close graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course (basecourse) to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.
- Measures to be put in place to prevent the flow of water onto the public road.
- Visibility splays of 2.4 by 120 metres in either direction onto the public road. These splays must be retained in perpetuity thereafter.

It should be noted that access requirements were conditioned as part of a previous application for holiday lodges by the same applicant, 12/00902/FUL, which is yet to be implemented. A detailed drawing of the junction upgrades was submitted to the Council and subsequently approved.

Until I receive this additional information I must withhold my support for this proposal.

Landscape Officer:

#### Description of the Site

The site is located in the western part of a larger north facing field on the southern side of the Tweed valley.

The site lies wholly within the Tweed Valley Special Landscape Area (SLA) and the designation recognises the special character of the valley landscape in the Designation statement as follows:

'The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys.

Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.'

The Inventory Designed Landscape of Kailzie lies immediately across the minor road to the north.

The field slopes steeply down to the minor road that runs northeast/ southwest immediately to the north.

#### Nature of the Proposal

The proposal is for the erection of a 10m x 14m store with staff facilities and roof mounted solar panels, a 25 x 6m building to house an animal therapy flotation tank also with roof mounted solar panels.

#### Implications of the Proposal for the Landscape including any Mitigation

The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

#### Conclusion

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.

Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application.

Archaeology Officer: Thank you for requesting an archaeology consultation. The application area was partly covered by a previous archaeological watching brief that failed to identify significant archaeology. Given this, and groundworks that have commenced in the immediate vicinity since the watching brief in 2005, I do not believe there are any further mitigation measures required.

Environmental Health:

Amenity and Pollution

Assessment of Application

Noise

Water and Drainage

This Application includes proposals to erect a cold store and a solar panel array. Refrigeration equipment can be a source of noise complaints if not properly installed and maintained.

Electrical power generating facilities can cause noise impacts from transformers and other ancillary equipment.

This Application proposes to use a private water supply and drainage system.

These can impact of public health.

Recommendation

Agree with application in principle, subject to Conditions.

Conditions

Noise

Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2

Reason To protect the residential amenity of nearby properties.

The Unit shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.

Reason To protect the residential amenity of nearby properties.

No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.

Reason: To ensure that the site is adequately serviced without a detrimental effect on the water supplies of surrounding properties.

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

Informative

#### Private Water Supply

As the proposal may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

#### Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

Peebles and District Community Council: Response awaited.

#### **PLANNING CONSIDERATIONS AND POLICIES:**

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development

Policy BE2 Archaeological Sites and Ancient Monuments

Policy EP2 Areas of Great Landscape Value

Policy D1 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

**Recommendation by** - Craig Miller (Lead Planning Officer) on 29th July 2015

The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.



Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually

related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds. without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer who also points out the lack of any Landscape and Visual Impact Assessment to demonstrate the impacts of the development.

I have no issues with the solar panels on the rear facing roof slopes.

Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. There is staff provision in the storage building in the form of a rest room, kitchenette and a toilet which either seem unnecessary and unrelated to tractor and vehicle storage - or excessive in that such provision could be provided elsewhere on the holding, probably within the existing buildings. Certainly, there would be no effective justification to have these facilities duplicated in every building proposed on this site. It is also questioned whether such a modest holding, already with a range of buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

Roads Planning have concerns over this proposal together with others submitted on the same and adjoining sites. They point out that conditioned work has never been completed, with the bell mouth still requiring to be surfaced and visibility from the access onto the public road remaining substandard. This proposal, if approved, would increase the amount of vehicles using the access and should it be approved, upgrading works should be conditioned following the submission of details. Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan.

There were a series of issues also raised by Environmental Health covering noise, private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not

concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

#### **REASON FOR DECISION :**

The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.

The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

#### **Recommendation: Refused**

- 1 The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed buildings will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings and that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

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



**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997**

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

**Application for Planning Permission**

**Reference : 16/00495/FUL**

**To : Cleek Poultry Ltd The Tractor Shed Kirkburn Cardrona Peebles**

With reference to your application validated on **10th May 2016** for planning permission under the Town and Country Planning (Scotland) Act 1997 for the following development :-

**Proposal : Extension to form animal flotation unit**

**At : Field No 0328 Kirkburn Cardrona Scottish Borders**

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

**Dated 29th June 2016  
Regulatory Services  
Council Headquarters  
Newtown St Boswells  
MELROSE  
TD6 0SA**

**Signed**



.....  
**Chief Planning Officer**

**APPLICATION REFERENCE : 16/00495/FUL****Schedule of Plans and Drawings Refused:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19640	Elevations	Refused
19641A	Site Plan	Refused

**REASON FOR REFUSAL**

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**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  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF :** 16/00495/FUL

**APPLICANT :** Cleek Poultry Ltd

**AGENT :**

**DEVELOPMENT :** Extension to form animal flotation unit

**LOCATION:** Field No 0328 Kirkburn  
Cardrona  
Scottish Borders

**TYPE :** FUL Application

**REASON FOR DELAY:**

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
19640	Elevations	Refused
19641A	Site Plan	Refused

**NUMBER OF REPRESENTATIONS: 0**

**SUMMARY OF REPRESENTATIONS:**

**Roads Planning:**

The previous application (15/00563/FUL), which was subsequently refused permission, for a similar proposal on this site requested additional information regarding traffic movements.

The current submission does not include any information on the number, type and frequency of vehicular movements associated with this proposal. As a result, I am unable to make an informed decision of the impact this proposal will have on the junction with the public road and the section of private road leading to the site.

Until I receive this additional information, I must recommend refusal of this application.

**Environmental Health:**

**Amenity and Pollution**

**Assessment of Application**

**Noise**

**Water and Drainage**

This Application proposes to erect a facility for treating animals.

This Application proposes to use a private drainage system.

This can impact of public health.

#### Recommendation

Agree with application in principle, subject to Conditions.

#### Conditions

No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition

Reason: To ensure that the development does not have a detrimental effect on public health.

#### Informative

##### Private Drainage System

Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

#### Landscape Architect:

My comments of 20th July 2015 in relation to previous application - Ref No 15/00563/FUL remain relevant and apply to this revised application.

These were :

"The submission provides nothing in the way of topographical information and given that there are no cross sections showing how the proposal related to existing site levels, I am concerned that the sheds may be visible from the north side of the valley and more locally from the B7062 immediately to the north of the field. I suggest that the existing trees along the north boundary may not provide adequate screening for these sheds and it may be that they will be seen from much of the surrounding elevated land to the north west, north and north east.

No Landscape and Visual Impact Assessment (LVIA) has been undertaken to test the scheme to test the visual effect on the integrity of the SLA and visual impact on the receptors on the adjacent road.

Local Plan Policy EP2 requires developers to comply with Structure Plan policy N11 which states that 'In assessing proposals for development in AGLVs (replaced by SLAs in 2012), the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development.'

The submitted information was limited and I have a concern that the proposal will be highly visible and will have a serious negative visual impact on this part of the Tweed valley.

I would expect to see a realistic photomontage presentation submitted as part of a LVIA to establish how visible this proposed development would be from a number of sensitive receptors both in the immediate vicinity and across the valley.

Without a simple landscape and visual impact assessment that clearly shows the effects on this part of the Tweed valley SLA, I cannot make an informed judgement about this proposal and I therefore do not support this application."

#### Archaeology Officer:

Thank you for requesting an archaeology consultation. There are no archaeological implications for this proposal. The western half of the red-line area was archaeologically monitored in 2005 during a



top-soil strip. No features or finds were identified. The eastern half has been impacted by track creation. As such, there is a very low chance for archaeological discovery within the proposed development area.

#### Economic Development:

There appears to be no business case supporting documents with this application so Economic Development cannot support this application without full sight of this information. The drawing refers to the use of the flotation unit for toning muscle on animals reared for slaughter - therefore, please can the applicant be requested to, and confirm that, the unit will be included as a part of an agricultural business and submit a business plan, including cash flow projections, in order for it to be evaluated.

Economic development would also have concerns about the proximity of the flotation unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed

#### Peebles and District Community Council:

### **PLANNING CONSIDERATIONS AND POLICIES:**

#### Scottish Borders Local Development Plan 2016

Policy PMD2 Quality Standards

Policy EP5 Special Landscape Areas

Policy EP8 Archaeology

Policy ED7 Business, Tourism and Leisure Development in the Countryside

"Special Landscape Area 2 - Tweed Valley" - Supplementary Planning Policies

#### **Recommendation by** - Craig Miller (Lead Planning Officer) on 22nd June 2016

The application is a resubmission of 15/00563/FUL which was refused. However, the application is only for one of the two buildings previously refused under that reference number - the building to the rear of the existing buildings at upper yard level, housing the animal flotation unit. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south. The extract from the previous Handling Report relating to landscape impact still applies with this application, the background being important to the understanding of the issues of landscape impact, as follows:

"The site forms part of an 8 acre smallholding at Kirkburn, Cardrona, on the back road to Peebles. This planning application is one of six which have been submitted for various buildings and structures on the land to the south and west of the holiday chalets site. Together with a seventh proposal in the form of an AGN, four of the applications all relate to the same site and are competing proposals, only one of which could actually be implemented. This application is for two new buildings erected at higher yard level above and behind the existing range of buildings and recently consented cold store.

The first building will be erected on top of the previously consented cold store and over a proposed excavated cold store extension, one described as being for poultry, the other for red meat. Above these areas, a new storage shed is proposed measuring 10m by 14m, 6m to the eaves and 7.3m to the ridge both as measured from the upper yard. The second building will be to the rear of the existing buildings and will be erected at upper yard level, measuring 6m by 24m, 4m to the eaves and 5.5m to the ridge. They will be clad in larchlap boarding with a charcoal grey fibre roof, the larger building possessing two roller shutter doors to the side gable and two pedestrian doors to the rear. Two further roller shutter doors will serve the cold stores. The interior of the larger building is described as for tractors/implements/mobile food van parking. Staff quarters are shown at one end of the building at mezzanine level consisting of a rest room, toilet and kitchenette. The smaller building is proposed to house an animal flotation tank with roller shutter door and pedestrian door.

The site also lies within the Tweed Valley Special Landscape Area No. 2 - a recent local landscape designation which requires extra care and attention to be paid to development that could adversely impact

on the character of the landscape. Management recommendations were set out in the Supplementary Planning Guidance accompanying the designation, the most pertinent being "...to better integrate existing development into the landscape". This was arising out of pressure for development on hills and hillsides across the designated area.

Such considerations were uppermost when the adjoining holiday chalets application was considered at Committee. As a result of concerns over visual impacts on rising land, revisions to the scheme were required to reduce impacts on the recently designated landscape. This involved removal of upper chalets and the loop road as well as a series of cross sections to demonstrate that the development would not be seen from the A72 on the Horsbrugh Straight above the existing tree canopy line.

In processing the initial AGN application for Mushroom growing sheds, concern was expressed that those sheds were as tall as the Hub House within the holiday development, yet apparently on higher ground by several metres. The tree top heights on the sections submitted with the holiday chalets application indicated screening up to about 188m AOD which was sufficient to screen the Hub House. It was not felt that the proposed sheds would be screened to the same extent by the existing trees, the Landscape Officer believing that they will be highly visible above them. The same loop road was also proposed as part of the Mushroom sheds application which would also be visible above the tree canopy.

The Landscape Officer concluded that in the absence of any Landscape and Visual Impact Assessment to prove otherwise, the development would have a detrimental impact on the Special Landscape Area. The applicant was invited to respond to these concerns with supporting information which could include cross sections, photomontages, topographical and floor level information. They were also invited to consider the precise siting of the sheds and the roof height and design. It was clearly stated, however, that any additional information submitted may still confirm the concerns over landscape impact, especially if significant excavation required to lower floor levels remains prominent in itself.

A revised plan was submitted for the mushroom shed application accompanied by a topographical detailed survey and proposals to reduce the impacts of those buildings by cutting in the floor level as well as reducing the heights of those buildings from 7.3m down to 4.8m. The accompanying letter believed that they were a better design solution than the initial proposal. Tree heights were demonstrated, in the highest case, to be higher than the ridge height now proposed. However, of the tree heights actually shown, the general top of the tree line is still appreciably below the ridges of the two buildings. The most recent application on the same site for rabbit breeding sheds goes further and lowers the floor levels even more whilst still keeping the new 4.8m ridge height. These reductions and design solutions are still being considered, noting that it is possible that the ridge heights of those buildings could be as little as 0.5-1.5m above the average tree line height. The applicant has been written to with further requests to pull the floor level of the mushroom sheds down to that of the rabbit sheds - amongst other issues still to be addressed.

This background also includes recent consideration of the application for a cattle court building on the site, which was neither cut into the site nor lower in height, being more than 2.5m above the heights of the revised mushroom/rabbit sheds, without taking into account any cut into the site. Even if such cut was proposed for the cattle shed application, the height of the building would still result in projection above the average tree height by at least 3-4.5m which would have a major landscape impact, exacerbated by the bulk of the building across its 44m length. There was clear advice from the Landscape Officer that such an impact would be unacceptable, given the level of projection of building above the tree line when viewed from the A72. There was also likely to be local impacts from the B7062 next to the site.

Those landscape impacts were exacerbated by the circuitous access track, water holding tank and solar array which would all be wholly visible above the tree canopy from the A72, increasing the development of an elevated field. The solar panels would face away from view so there would be no reflective impact. However, the slope of the ground means that the elevated rear of the structures would be presented to public view to the north, rising up the hill to the Laverlaw Road and introducing an intrusive element into the hill slope. The effects would be contrary to the purposes of designating the Special Landscape Area in the first instance.

An associated application for hay sheds and a feed silo simply proposed buildings of much greater ridge heights in similar positions to the cattle court/mushroom/rabbit sheds. The impacts would be even more immense on the hillside above the tree canopy, topped by a towering silo structure which would even be sited on higher land still. There would be no amount of ground regrading that would make these proposals

anything other than significantly prominent in a designated landscape. That application was also considered unacceptable on grounds of landscape impact, within a designated landscape area.

The application for the storage building and animal flotation tank building cause the same issues of landscape impact. Whilst it is accepted that at least they would have the appearance of being more visually related to the existing buildings in terms of location to the rear of existing buildings, the level of projection above the ridge of the existing buildings would still be excessive, ranging from 3.7m for the flotation tank building to 5.6m for the storage shed building. It is acknowledged that the line of tree cover north of the public road is a little higher at this end of the land holding and the existing buildings are screened by those trees - but only just. It is considered that there is not a further 3.7-5.6m vertical height screening above the tree tops to enable such large buildings set at higher level to be effectively screened, either from the A72 or from the public road adjoining the site. Whilst there may be a second topographical survey plan which could have covered this end of the site, this has not been submitted with the application and it would be highly unlikely, in any case, that there would be any demonstration of adequate existing screening given the height differentials between the existing building ridges and those proposed - especially the storage building ridge. It certainly appears that the existing contours would be similar to those being proposed for the rabbit/mushroom sheds, without the cutting into ground levels as proposed for those buildings. Excavation in this location would also cause difficulties with the upper yard, access and impacts on the rear of the existing buildings. It is concluded that the impacts on the landscape would be significant with this proposal, affecting the character and quality of the designated landscape and particularly noticeable from the A72. This is the conclusion of the Landscape Officer."

Although there have been several other decisions on planning applications since the above was written, none have changed the position in relation to landscape impact. Nor have the new LDP Policies altered the Council's position on landscape impact in a Special Landscape area. Whilst the previous associated storage building would have been the most prominent which has now been dropped from the proposals, the previous application was still refused on the basis of the landscape impact of the animal flotation building too, it being considered that 3.7m of height extension above the current building ridge lines was not acceptable and would lead to unacceptable landscape prominence. The switch in ridge position would not be sufficient to reduce the impacts to acceptable levels. The Council Landscape Architect continues to oppose the application for these reasons.

The previous application was also refused on road safety grounds due to lack of information. The previous Handling Report stated the following:

"Roads Planning also consider there to be a lack of information in terms of the number of vehicle movements this proposal (and the others) will bring. They have requested a Transport Statement to be submitted which details the type, number and size of vehicle trips which will be generated by this proposal along with the frequency of trips. The statement must also include anticipated traffic movements for all other proposed development served by this access.

Given the uncertainty over the scale of the buildings and their suitability for the purposes intended, it is understandable that there are Roads concerns over the ability of the access to accommodate the development without further information being submitted. In the absence of such information, it has not been adequately demonstrated that the access is capable of safely accommodating the traffic generated by the proposed development. This would be contrary to Policy D1 of the Consolidated Local Plan."

These concerns still exist, even with the fact that the application is only for the flotation unit.

Economic Development have commented on the lack of a Business Plan again with this application, despite the application only being for the flotation unit. The comments in the previous Handling Report remain pertinent to the resubmitted application, albeit Policies PMD2 and ED7 have replaced Policies G1 and D1, as follows:

"Policy D1 looks for uses which are related to the ground on which they are located, for purposes which are generated by the land and any particular activity carried out on the land. It is known that the landholding is only 8 acres, of which 3 have been earmarked for the consented chalet development and some of the remainder are occupied already by buildings and the yard area. The stated purpose of the buildings and their scale raise issues over need and justification, as with the other proposals and in the absence of a co-ordinated Business Plan. .... It is also questioned whether such a modest holding, already with a range of

buildings (including a consented cold storage building and tractor shed) can justify such large additional accommodation which appears duplication. In the absence of a Business Plan, there is no demonstration of the required need for such buildings on this small holding.

It is concluded that the application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed buildings that would justify an exceptional permission in this rural location and therefore the development would appear as unwarranted development in the open countryside. The proposed buildings are not of a design or scale that appear suited either to the proposed use for which they are intended or the size of the holding on which they would be situated, which further undermines the case for justification in this location."

There were a series of issues also raised by Environmental Health covering private water and private drainage issues which could all be covered by appropriate conditions. The Archaeology Officer is not concerned at these proposals, given the previous development of the steading buildings and the lack of any significant findings.

#### **REASON FOR DECISION :**

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

#### **Recommendation: Refused**

1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.

2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.

3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

**SCOTTISH BORDERS COUNCIL  
LOCAL REVIEW BODY DECISION NOTICE**

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**APPEAL UNDER SECTION 43A (8) OF THE TOWN AND COUNTRY PLANNING  
(SCOTLAND) ACT 1997**

**THE TOWN AND COUNTRY PLANNING (SCHEMES OF DELEGATION AND LOCAL  
REVIEW PROCEDURE) (SCOTLAND) REGULATIONS 2013**

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**Local Review Reference: 16/00024/RREF**

**Planning Application Reference: 16/00495/FUL**

**Development Proposal: Extension to form animal flotation unit**

**Location: Field no 0328, Kirkburn, Cardrona**

**Applicant: Cleek Poultry Ltd**

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**DECISION**

The Local Review Body (LRB) upholds the decision of the appointed officer and refuses planning permission for the reasons set out in this decision notice on the following grounds:

- 1 The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2-Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape.
- 2 The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location.
- 3 The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## **DEVELOPMENT PROPOSAL**

The application relates to an extension to form an animal flotation unit at Kirkburn, Cardrona. The application drawings consisted of the following drawings:

<b>Plan Type</b>	<b>Plan Reference No.</b>
Elevations	196 40
Site Plan	196 41A

## **PRELIMINARY MATTERS**

The Local Review Body considered at its meeting on 19<sup>th</sup> September 2016 that the Review had been made under section 43A (8) of the Town & Country Planning (Scotland) Act 1997.

After examining the review documentation at that meeting, which included: a) Notice of Review including Decision Notice; b) Officer's Report; c) Papers referred to in the report; d) Consultations and e) List of policies, the LRB concluded that it had sufficient information to determine the review and proceeded to consider the case. In coming to its conclusion the LRB considered the request from the applicants for a site inspection, further written submissions and one or more hearing session.

## **REASONING**

The determining issues in this Review were:

- (1) whether the proposal would be in keeping with the Development Plan, and
- (2) whether there were any material considerations which would justify departure from the Development Plan.

The Development Plan comprises: SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. The LRB considered that the most relevant of the listed policies were:

- Local Plan policies : PMD2, EP5 and ED7

The LRB noted that the applicant sought planning consent for an animal flotation unit within his 8acre smallholding at Kirkburn, Cardrona on the B7062 to Peebles. The site is a part of a larger north facing field which slopes downwards from the south towards the B7062. The flotation unit measures 24m (l) x 6m (w) x 5.5m (h) in charcoal grey corrugated sheeting.

Members noted that the application was a resubmission of a previous application which now omitted a storage building which was located on the eastern part of the site. Members noted that the proposed flotation unit was positioned in the same location as previous on elevated land on the southern side of an existing building at upper yard level. It is identical in height and size, albeit with the monopitched roof sloping down to the north as opposed to previously sloping down to the south.

The Review Body noted that the site lies wholly within the Tweed Valley Special Landscape Area (SLA) which recognises the special character of the valley. Members discussed the importance of the SLA of the Tweed Valley, and were concerned that there would be a negative impact on it from the scale and height of the proposals. The Review Body concluded that the scale and height of the proposal would have a negative impact on the character and quality of the landscape.

It was noted the Council's Landscape Architect had requested a Landscape and Visual Assessment to check the impact of the proposal on the surrounding landscape and the SLA. It was also noted that Roads Planning had requested further info regarding traffic generation and Economic Development had requested a business plan. This information had not been produced and the LRB therefore considered there was no material before them that would either demonstrate that an exceptional consent should be granted for economic reasons, nor that that the development could proceed without unacceptable detriment to road safety.

The LRB also had concerns as to how compatible this proposal would be, without a conflict of uses, with other approved and proposed uses within the smallholding given the limited size of the site.

## **CONCLUSION**

After considering all relevant information, the Local Review Body concluded that the proposal was contrary to the Development Plan and that there were no other material considerations that would justify departure from the Development Plan. Consequently the decision of the appointed officer was upheld.

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### **Notice Under Section 21 of the Town & Country Planning (Schemes of Delegation and Local Review procedure) (Scotland) Regulations 2008.**

1. If the applicant is aggrieved by the decision of the planning authority to refuse permission 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 question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within 6 weeks of the date of the decision.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part V of the Town and Country Planning (Scotland) Act 1997.

**Signed....Councillor R. Smith**  
Chairman of the Local Review Body

**Date.....29 September 2016**





## PLANNING CONSULTATION

To: Economic Development Section

From: Development Management

Date: 8th September 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01114/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th September 2016, 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 29th September 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of poultry cold store/hay store

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Economic Development Section**

## CONSULTATION REPLY

Economic development cannot support this application for the following reasons.

- We will require sight of a business plan for the poultry business and cash flow projections.
- Economic development would also have concerns about the proximity of the poultry unit to an existing consent for holiday lodges, as we do not consider that they would be compatible if both are developed.

## PLANNING CONSULTATION

To: Landscape Architect

From: Development Management

Date: 8th September 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01114/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th September 2016, 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 29th September 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of poultry cold store/hay store

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Landscape Architect**

## CONSULTATION REPLY

I have has a look at this application and note that the height of the building is 2m lower than the proposed building that made up the refused application (15/00563/FUL) Nonetheless, I remain concerned that the proposal will have a negative impact on the quality of the Special landscape Area and especially on views driving along the minor road immediately to the north and the immediate area. There is nothing in the submission that shows cross sections or relationship to the other consented buildings and that demonstrates how the buildings would work on this sloping site. Nor has any landscape mitigation been proposed to help reduce the impact from sensitive receptors. I therefore, on landscape and visual grounds, would not support this application.

Siobhan McDermott  
LANDSCAPE ARCHITECT

**Scottish Borders Council**

**Regulatory Services – Consultation reply**

<b>Planning Ref</b>	16/01114/FUL
<b>Uniform Ref</b>	16/01784/PLANCO
<b>Proposal</b>	Agricultural shed for rearing broiler chickens
<b>Address</b>	Field No 0328 Kirkburn Cardrona Scottish Borders
<b>Date</b>	26/9/16
<b>Amenity and Pollution Officer</b>	David A. Brown
<b>Contaminated Land Officer</b>	Reviewed No comment

**Amenity and Pollution**

Assessment of Application

*Noise*

This is an Application to erect a poultry cold store and hay shed.

Refrigeration equipment can cause noise problems if not properly installed and maintained.

**Recommendation**

No objection subject to Conditions.

**Conditions**

*Any noise emitted by plant and machinery used on the premises will not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2*

*Reason To protect the residential amenity of nearby properties.*

*All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.*

*Reason To protect the residential amenity of nearby properties.*

## PLANNING CONSULTATION

To: Archaeology Officer

From: Development Management

Date: 8th September 2016

Contact: Craig Miller ☎ 01835 825029

Ref: 16/01114/FUL

### PLANNING CONSULTATION

Your observations are requested on the under noted planning application. I shall be glad to have your reply not later than 29th September 2016, 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 29th September 2016, it will be assumed that you have no observations and a decision may be taken on the application.

**Please remember to e-mail the DCConsultees Mailbox when you have inserted your reply into Idox.**

**Name of Applicant:** Cleek Poultry Ltd

**Agent:** N/A

**Nature of Proposal:** Erection of poultry cold store/hay store

**Site:** Field No 0328 Kirkburn Cardrona Scottish Borders

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**OBSERVATIONS OF: Archaeology Officer**

## CONSULTATION REPLY

There are no archaeological implications. I previously responded with respect to application 15/00563/FUL which contains more detailed comments.

# REGULATORY SERVICES



To: **Development Management Service**  
**FAO Craig Miller**

Date: **18 Oct 2016**

From: **Roads Planning Service**  
Contact: **Paul Grigor**

Ext: **6663**

Ref: **16/01114/FUL**

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**Subject: Erection of poultry cold store/hay store**  
**Field No. 0328 Kirkburn, Cardrona, Scottish Borders**

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There have been previous applications for various agricultural type developments on this site. The current submission is for a relatively small scale building to be used for agricultural storage. This type of development is unlikely to generate a significant number of traffic movements given the size of the unit.

Access to the site is to be via the existing junction, which is to be upgraded as per a separate application (15/01206/FUL). As such, I would be seeking for a condition to be attached to any consent for this current application requiring the access to be upgraded, as per the application 15/01206/FUL, prior to the storage unit becoming operational.

**AJS**



## Local Review Body – List of Policies

**Local Review Reference:** 16/00028/RREF

**Planning Application Reference:** 16/01114/FUL

**Development Proposal:** Erection of poultry cold store/hay store

**Location:** Field no 0328, Kirkburn, Cardrona

**Applicant:** Cleek Poultry Ltd

### ADOPTED LOCAL DEVELOPMENT PLAN 2016

#### Policy PMD2: Quality Standards

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:

#### Sustainability

- a) 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 such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. Planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low or zero carbon technology,
- b) it provides digital connectivity and associated infrastructure,
- c) it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their after-care and maintenance,
- d) it encourages minimal water usage for new developments,
- e) it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling and, depending on the location, separate provision for composting facilities,
- f) 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,
- g) it considers, where appropriate, the long term adaptability of buildings and spaces.

#### Placemaking & Design

- h) It creates developments with a sense of place, based on a clear understanding of the context, designed in sympathy with Scottish Borders architectural styles; this need not exclude appropriate contemporary and/or innovative design,
- i) it is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building,
- j) 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,
- k) it is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form,
- l) it can be satisfactorily accommodated within the site,
- m) it provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings,
- n) it incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on 'designing out crime'.

## Local Review Body – List of Policies

### Accessibility

- o) Street layouts must be designed to properly connect and integrate with existing street patterns and be able to be easily extended in the future where appropriate in order to minimise the need for turning heads and isolated footpaths,
- p) it incorporates, where required, access for those with mobility difficulties,
- q) it ensures there is no adverse impact on road safety, including but not limited to the site access,
- r) it provides for linkages with adjoining built up areas including public transport connections and provision for buses, and new paths and cycleways, linking where possible to the existing path network; Travel Plans will be encouraged to support more sustainable travel patterns,
- s) it incorporates adequate access and turning space for vehicles including those used for waste collection purposes.

### Greenspace, Open Space & Biodiversity

- t) It provides meaningful 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,
- u) 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.

Developers are required to provide design and access statements, design briefs and landscape plans as appropriate.

### Policy ED7 : Business, Tourism and Leisure in the Countryside

Proposals for business, tourism or leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:

- the development is to be used directly for agricultural, horticultural or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- the development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan;
- the development is to be used for other business or employment generating uses, provided that the Council is satisfied that there is an economic and/or operational need for the particular countryside location, and that it cannot be reasonably be accommodated within the Development Boundary of a settlement.

In addition the following criteria will also be considered:

- the development must respect the amenity and character of the surrounding area,
- the development must have no significant adverse impact on nearby uses, particularly housing,
- where a new building is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- the impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- the development meets all other siting, and design criteria in accordance with Policy PMD2, and



## Local Review Body – List of Policies

the development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

### Policy EP5: Special Landscape Areas

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

### EP8 Archaeology

#### **(A) National Archaeological Sites**

Development proposals which would destroy or adversely affect the appearance, fabric or setting of Scheduled Monuments or other nationally important sites will not be permitted unless:

the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site, and there are no reasonable alternative means of meeting the development need.

#### **(B) Battlefields**

The Council may support development proposals within a battlefield on the Inventory of Historic Battlefields Register, or a regionally significant site, that seek to protect, conserve, and/or enhance the landscape characteristics or important features of the battlefield. Proposals will be assessed according to their sensitivity to the battlefield.

#### **(C) Regional or Local Archaeological Assets**

Development proposals which will adversely affect an archaeological asset of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset.

In all of the above cases, where development proposals impact on a Scheduled Monument, other nationally important sites, or any other archaeological or historical asset, developers may be required to carry out detailed investigations.

Any proposal that will adversely affect a historic environment asset or its appropriate setting must include a mitigation strategy acceptable to the Council.

### **Other Material Considerations**

- Scottish Planning Policy
- SBC Supplementary Planning Guidance on Local Landscape Designations 2012

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