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PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 27TH MARCH, 2017

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the SCOTTISH BORDERS COUNCIL, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS TD6 0SA on MONDAY, 27TH MARCH, 2017 at 10.00 AM

J. J. WILKINSON,
Clerk to the Council,

20 March 2017

BUSINESS	
1.	Apologies for Absence.
2.	Order of Business.
3.	Declarations of Interest.
4.	Minute. (Pages 1 - 8) Minute of Meeting 6 March 2017 to be approved and signed by the Chairman. (Copy attached.)
5.	Applications. Consider the following application for planning permission:-
	(a) Howpark Wind Farm - 16/00980/FUL (Pages 9 - 42) Wind farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast on Land North of Howpark Farmhouse, Grantshouse. (Copy attached.)
	(b) Poultry Farm, Marchmont Road, Greenlaw, Duns - 16/01360/PPP (Pages 43 - 58) Residential development comprising 38 dwelling units with associated access, landscaping and open space at Poultry Farm, Marchmont Road, Greenlaw, Duns. (Copy attached.)
	(c) Bowbank Cottage, Bellfield Road, Eddleston - 17/00236/MOD75 (Pages 59 - 64) Discharge of planning obligation pursuant to planning permission T199-88 on Land South West And South East Of Bowbank Cottages, Bellfield Road, Eddleston. (Copy attached.)
6.	Supplementary Planning Guidance: Langton Edge, Duns - Planning Brief (Pages 65 - 96) Consider report by Service Director Regulatory Services. (Copy attached.)

7.	Appeals and Reviews. (Pages 97 - 102) Consider report by Service Director Regulatory Services. (Copy attached.)
8.	Any Other Items Previously Circulated.
9.	Any Other Items which the Chairman Decides are Urgent.
10.	Items Likely to be Taken in Private Before proceeding with the private business, the following motion should be approved:- 'That under Section 50A(4) of the Local Government (Scotland) Act 1973 the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the relevant paragraph of Part 1 of Schedule 7A to the aforementioned Act'.
11.	Minute (Pages 103 - 104) Private Minute of the Meeting held on 6 March 2017 to be approved and signed by the Chairman. (Copy attached.)
12.	Request to Reduce Development Contributions Requirements, Rosetta, Peebles (Pages 105 - 392) Consider report by Service Director Regulatory Services. (Copy attached.)

NOTE

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

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

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

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

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SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND
BUILDING STANDARDS COMMITTEE held
in the Council Headquarters, Newtown St.
Boswells on 6 March 2017 at 10.00 a.m.

Present: - Councillors R. Smith (Chairman), M. Ballantyne, J. Brown, J. Fullarton, I. Gillespie,
D. Moffat, S. Mountford, B. White.
Apologies:- Councillor J. Campbell.
In Attendance:- Chief Planning Officer, Lead Planning Officer, Principal Roads Planning Officer,
Chief Legal Officer, Democratic Services Team Leader, Democratic Services
Officer (F Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 6 February 2017.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the application as detailed in the Appendix to this Minute.

DECLARATION OF INTEREST

Councillor Smith declared an interest in application 14/00530/S36 and left the Chamber. In the absence of Councillor Smith, Councillor Brown chaired the meeting for this application only.

MEMBER

Councillor Mountford left the meeting during consideration of the following item.

3. **PLANNING REVIEW**

There had been circulated copies of a consultation document on the future of the Scottish Planning System. The Chief Planning Officer explained that the proposal identified four key areas of change – making plans for the future; People make the system work; Building more homes and delivering infrastructure and stronger leadership and smarter resourcing. The consultation report also included 20 proposals for improving the planning system set out within these four key areas, together with a series of technical questions for each of these proposals. The Chief Planning Officer reported that many of the Council's suggestions had been included and while there was support for the majority of the options, further clarity and guidance was required. There needed to be full funding of planning services and engagement with working groups and research. Everyone was being encouraged to read the document and advise him directly of any concerns. All Elected Members would be invited to attend a discussion on the proposed response prior to submission to Council on 30 March 2017 and final submission on 4 April 2017.

DECISION

NOTED that the draft response would be available in 1 -2 weeks and a discussion for all Elected Members arranged prior to submission to full Council on 30 March 2017.

4. **APPEALS AND REVIEWS**

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

DECISION

NOTED that:-

- (a) Appeals had been received in respect of:-
 - (i) the discharge of planning obligation pursuant to planning permission 00/00244/OUT at Broadmeadows Farm, Hutton;
 - (ii) Non compliance with condition no 2 of 13/01142/FUL; and
 - (iii) Erection of fence at 1 Borthwick View, Roberton, Hawick – 16/00105/UNDEV
- (b) there remained one appeal outstanding in respect of Land North West of Whitmuir Hall, Selkirk.
- (c) a review request had been received in respect of the Erection of cattle building with welfare accommodation in Field No 0328 Kirkburn, Cardrona.
- (d) there remained one review outstanding in respect of Land East of Keleden, Ednam
- (e) That Section 36 Public Local Inquiries had been received in respect of:-
 - (i) Variation of condition 2 to extend operational life of wind farm by additional 5 years at Fallago Rig 1, Longformacus
 - (ii) Erection of 12 additional turbines at Fallago Rig 2, Lonformacus.
- (f) there remained one S36 Public Local Inquiry outstanding in respect of Whitelaw Brae Wind Farm), South East of Glenbreck House, Tweedsmuir.

5. **PRIVATE BUSINESS**

DECISION

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 8 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

1. **MINUTE**

The Committee considered the private section of the Minute of 6 February 2017.

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chairman was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to keep Members informed.

2. **DEFECTIVE ROOF COVERING, RAINWATER GOODS AND DRY ROT AT 2 HIGH STREET AND 12 MARKET PLACE, JEDBURGH**

The Committee received an update of the progress of the work from Alan Geuldner, -
Principal Officer – Enforcement.

The meeting concluded at 1.25 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01239/FUL	Erection of Dwellinghouse	Garden ground of The Stables, Bonnington Road, Peebles

Decision: Approved, subject to the following conditions and to a Legal Agreement, relating to development contributions and access issues:

1. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored – including trees within and immediately adjoining the site boundary, to be identified by tree survey and Root Protection Areas plotted.
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works including replacement planting
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

2. The trees on and adjoining this site, which are identified as per Condition 1 to be protected, shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect them from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed. Once completed, the trees to be retained thereafter in perpetuity.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

3. A scheme of junction improvement of the access track with Bonnington Road shall be submitted for the approval of the Planning Authority, detailing a resurfacing of the concrete surface within public road verge with 75mm of 40mm size single course bituminous layer blinded with bituminous grit all to BS 4987 laid on 375mm of 100mm broken stone bottoming blinded with sub-base, type 1. The scheme also to include enlargement of the access splays. Once approved, the scheme to be completed before occupation of the dwellinghouse.

Reason: In the interests of road safety.

4. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials to be used in the construction of the external walls, roofs, windows and doors of the buildings have been submitted to and approved in writing by the Local Planning Authority, and thereafter no development shall take place except in strict accordance with those details.

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (or any subsequent provisions amending or re-enacting that Order), no additional window or other opening shall be made in the eastern

elevation of the eastern section of the dwellinghouse unless an application for planning permission in that behalf is first submitted to and approved in writing by the Local Planning Authority.

Reason: To safeguard the privacy and amenity of the occupiers of adjacent property.

6. No development to be commenced until fully detailed design proposals for foul and surface water drainage have been submitted to and approved by the Planning Authority. Once approved, the drainage then to be completed in accordance with the approved design proposals before any other element of the development is commenced.

Reason: To ensure that satisfactory arrangements are made for the disposal of surface and foul water.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
14/00530/S36	Erection of 15 Turbines 32 high to tip, access track, compound, permanent anemometer mast and 2 no borrow pits.	Land North, South East and West Birneyknowe Cottage, Hawick

Decision: That the Council indicates to the Scottish Government that it **objects** to the application for a 15 turbine wind farm on the Birneyknowe site. The reasons for the objections are as follows:

16.2 Reason for Objection 1: Impact on Landscape Character:

The proposed development would be contrary to policies PMD2, EP5, and ED9 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development Plan 2013 in that, taking into consideration the following factors, it would unacceptably harm the Borders landscape:

- There is no capacity for very large turbine development within these Landscape Character Areas and the applicant has failed to demonstrate how the proposed wind farm can be accommodated within the site without unacceptable adverse impacts on the landscape.
- By virtue of the location, scale and extent of the wind farm, the proposal would be out of scale with the receiving landscape and would contrast significantly with other landscape features, appearing as a dominant feature in the landscape.
- The proposal would intrude on views into and out of the Teviot Valleys Special Landscape Area.
- The proposal would diminish the significance of Rubers Law as an important landscape feature, due to the scale of the turbines and their proximity, competing with this sensitive skyline feature and adversely affecting its setting.
- The proposal would adversely affect the landscape setting of Hawick on approach from the north, dominating views and adversely affecting Hawick's landscape character.
- The proposal would be highly visible from the iconic panoramic viewpoint at the national border at Carter Bar.

16.3 Reason for Objection 2: Adverse Visual, Amenity and Cultural Heritage Impacts

The proposed development would be contrary to policies PMD2, ED9, EP8 and HD3 of the Scottish Borders Local Development Plan 2016 and policy 10 of the Strategic Development

Plan 2013 in that, taking into consideration the following factors, it would give rise to unacceptable visual, amenity and cultural heritage impacts:

- Limited containment within the 5km range and consequent significant visual impacts from sensitive receptors, including public roads, rights of way, hill summits, Common Riding routes and dwellinghouses.
- Significant cumulative impacts on sensitive receptors and on landscape character, with an overlapping of schemes and with turbines becoming a dominant feature in the area.
- Significant impacts to the historic landscape and settings of designated and non-designated sites and monuments and it has not been demonstrated that the benefits of the proposal will clearly outweigh the heritage value of the asset or its setting.

16.4 Advisory Note:

Should the application be considered for approval, conditions would be required covering a number of different issues, including noise limits, roads matters, ecology, archaeology, micro-siting and environmental management

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
16/01430/FUL	Erection of poultry building and associated works	Hutton Hall Barns, Hutton

Decision: Approved subject to the following conditions and informatives:

1 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority, in unless agreed in writing by the Planning Authority.

Reason: To ensure that the development is carried out in accordance with the approved details

2 No development shall commence until a Badger Survey and Badger Protection Plan, to include measures as set out in Informative 1 of this consent, shall be submitted to, and agreed in writing by, the Planning Authority. Thereafter, the works shall be carried out in accordance with the approved scheme.

Reason: In the interests of preserving biodiversity

3 No clearance/disturbance of habitats, which could be used by breeding birds, such as arable field, field margins and boundary features, shall be carried out during the breeding bird season (March-August) without the express written permission of the Planning Authority. Supplementary checking surveys and appropriate mitigation for breeding birds will be required if any habitat clearance is to commence during the breeding bird season.

Reason: In the interests of preserving biodiversity

4 No development shall commence until the full details of the finalised drainage scheme shall be submitted for the written approval of the planning authority, in consultation with SEPA, and all work shall be carried out in accordance with the approved scheme.

Reason: To ensure adequate protection of the water environment from surface water runoff

5 A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.

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

6 All planting, seeding or turfing comprised in the approved details of Drawing 010 REVF 10/02/2017 shall be carried out in the first planting and seeding seasons following the operation of

the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

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

7 None of the poultry buildings hereby consented shall be occupied (or otherwise become operational) until a plan for the management and control of potential nuisances (including noise, odour, air quality, flies and other pests) that would be liable to arise at the site as a consequence of and/or in relation to, the operation (individually and/or cumulatively) of all the poultry buildings hereby approved, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development

Reason: To ensure protection of environmental and residential amenity

8 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 0700 and NR 30 at all other times when measured within 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 safeguard the amenities the surrounding residential properties.

9 No lorry deliveries or upliftings shall take place between the hours of 10.00pm and 7.00am on any day.

Reason: To safeguard the amenities the surrounding residential properties.

Informatives

1 Mitigation is required to minimise disturbance to badgers. In line with the requirements of Condition No 4, the Badger Survey should extend to 400mm diameter from the centre of the proposed new development. The mitigation plan for badger agreed under 15/01173/FUL shall be updated and submitted for prior approval following the supplementary survey.

2 In line with the requirements of Condition No 4, the design of this SUDS scheme should include measures to protect badger (including appropriate fencing).

3 There is a low potential for encountering buried archaeology during excavations. Should buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity be discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

4. Taking into account the other poultry shed at the site, the operation on site will exceed the Pollution Prevention and Control (PPC) threshold of 40,000. As such, this operation will require to be controlled by SEPA under the PPC Regulations.

5. Details of SEPA regulatory requirements and good practice advice for the applicant can be found on the Regulations section of the SEPA website. For further advice for a specific regulatory matter, contact a member of the operations team in the local SEPA office at Burnbrae, Mossilee Road, Galashiels TD11 1NF (tel: 01896 754797).

SEPA advises that it is at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application an/or neighbour notification or advertising.

NOTE

Mrs Angela MacLean, Applicant spoke in favour of the application.

VOTE

Councillor Brown, seconded by Councillor Mountford moved that the application be approved as per the officer's recommendation.

Councillor Fullarton, seconded by Councillor Gillespie moved as an amendment that the application be approved with an additional condition to provide a minimum of 26 weeks covered manure storage.

On a show of hands Members voted as follows:-

Motion - 6 votes

Amendment - 2 votes

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
03/00344/OUT	1. Discharge of planning obligation pursuant to planning 03/00344/OUT	Stonelea Stables
04/00718/REM	2. Removal of Condition No3 from planning Permission 04/00718/REM (Occupancy restriction)	Ashkirk Selkirk

Decision - 16/01452/MOD75

Approved the modification to the Section 75 Agreement in respect of planning application 16/01452/MOD75, and that the relevant Clause be removed from the Agreement.

Decision - 16/01455/FUL

Approved in respect of planning application 16/01455/FUL

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

27th MARCH 2016

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/00980/FUL
OFFICER:	Mr Scott Shearer
WARD:	East Berwickshire
PROPOSAL:	Wind farm development comprising of 8 no turbines 100m height to tip and associated works, infrastructure, compounds, buildings and meteorological mast
SITE:	Land North Of Howpark Farmhouse Grantshouse
APPLICANT:	LE20 Ltd
AGENT:	Farningham Planning Ltd

SITE DESCRIPTION

The application site is located on sloping pasture land above Howpark Farm on the south western side of Coldingham Moor. The site extends to 135ha and is used for sheep and cattle grazing with drystone walls dividing the land into fields. The site is bisected by Howpark Road which runs in a north/south direction. Penmanshiel Wind Farm which consists of 14 turbines of 100m tip lies directly to the north west of the site and Drone Hill Wind Farm which consists of 22 turbines of 76m tip lies directly to the north east. Harelaw Burn runs across the western side of the site and the site also contains thin strips of plating at various locations.

The nearest residential properties are located at the Howpark hamlet which lies approximately 300m to the south of the site. The nearest settlements (not including access track) are as follows;

- Grantshouse, 1.5km to the south west
- Coldingham 5.5km, to the east
- Reston, 5.7km to the south east
- Cockburnspath, 5.8km to the north west

Landscape Designations:

The site itself is not within any designated landscape areas. The following designations do however relate to the site;

- Berwickshire Coast Special Landscape Area is approximately 970m to the north
- Lammermuir Hills Special Landscape Area is approximately 8km to the west

Press Castle Designed Landscape is a little under 2.6km to the south west of the site.

PROPOSED DEVELOPMENT

The application seeks consent to install 8no wind turbines with a minimum capacity of 20MW. The turbines are to have maximum tip height of 100m and indicated hub height of 60m. The array of turbines is roughly linear with two rows of four turbines.

The site will be accessed via the south east from a new access track. The associated infrastructure proposed includes a substation and control room building, a 1MW storage battery, a permanent metrological mast (up to 60m in height), access tracks, temporary construction compounds and associated ancillary engineering works.

The proposed wind farm would have an operational life span of 25 years after which the wind farm would be decommissioned.

NEIGHBOURING SITES/SCHEMES RELEVANT TO CONSIDERATION OF CURRANT PROPOSAL:

A list of these sites are included within Table 7.4 of the Environmental Statement (ES) and identified on Figure 7.13 of the Landscape and Visual Impact Assessment (LVIA). The most pertinent sites are those closest to this site and are noted below;

Operational:

Drone Hill - 22 turbines, 76m in height located directly to the north east, approved on appeal.

Brokholes - 3 turbines, 79m in height located 3.5km to the south, approved by SBC.

Aikengall (Wester Dod) – 16 turbines, 125m in height, located 11.5km to the west.

Consented (including under construction):

Penmanshiel – 14 turbines, 100m in height, located directly to the west, approved on appeal.

Moorhouse – 2 turbines, 77.9m in height, located directly to the northwest of Drone Hill Wind Farm, approved by SBC.

Quixwood – 13 turbines, 115m in height located 4km to the south west, approved by SBC.

Neuk Farm – 2 turbines, 110m in height, located 5.5km to the west, approved on appeal by the Local Review Body

Fernylea – 2 turbines, 125m in height, located in East Lothian 7.5km to the west.

Hoprigshiels – 3 turbines, located 7.5km to the west, approved on appeal by the Local Review Body.

Aikengall 2 and 2a – 38 turbines 125 – 145m in height located 10km to the west, both approved on appeal.

PLANNING HISTORY

15/00083/SCO – This is the Scoping Opinion that preceded this application. The scoping exercise, which is intended to address the extent of information to be included within the Environmental Statement, sought an opinion on the same number and height of turbines proposed within this application.

15/01415/PAN – This is the Proposal of Application Notice that preceded this application.

REPRESENTATION SUMMARY

In total objection comments from 24 different addresses have been received. Each of these representations are available in full on *Public Access*. The main grounds of objection are noted below;

- Planning and Building Standards Committee determined in 2014 that there was no further capacity for wind energy development in the area
- Over provision of facility in area
- Original application at Drone Hill included turbines of 102m which were viewed to be inappropriate
- Adverse landscape and visual impact
- Detract from the setting of the Berwickshire Coast SLA
- Poorly related to Penmanshiel and Drone Hill Wind Farms
- Different design to neighbouring turbines will exacerbate their visual impact
- Turbines higher than those at Drone Hill and some will occupy higher ground leading to increased prominence
- Development is located outwith bowl which contained Drone Hill
- Detrimental cumulative impacts with other wind farms in East Berwickshire
- Control building poorly sited and fails to integrate with surrounding area
- Negatively impact on the Southern Upland Way, the Berwickshire Coastal Route and other walking and cycling routes
- Adversely affect the setting of the Winding Cairn SAM
- Renewable energy benefits of the proposals do not outweigh the landscape and visual impacts
- Photomontages are inaccurate
- Visual assessments within the ES are understated
- Adversely affect residential amenity
- Affected residential properties have been omitted from the submitted Residential Visual Amenity Assessments
- Adversely affect tourism assets particularly High View Caravan Park
- Site conflicts with SBC spatial strategy for wind farm development
- Conflicts with provisions of the Local Development Plan, SBC Structure Plan and SPP
- The Landscape Character Type is not suitable for wind energy development
- Noise nuisance
- Development will cause shadow flicker which cannot be mitigated.
- Loss of Trees
- Inadequate screening
- Impinge on water supply
- Development will negatively affect health of residents in close proximity to the proposals
- Scottish Government's Renewable targets are already met
- Road network cannot accommodate delivery and construction vehicle use

APPLICANTS' SUPPORTING INFORMATION

The application is supported by an ES which includes the following documents;

- Volume 1 - Non Technical Summary
- Volume 2 - Main Report and Figures
- Volume 3 - Technical Appendices
- Volume 4 - Landscape and Visual Impact Assessment Figures
- Planning Statement
- PAC Report

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access Officer: No Rights of Way or Core Paths are directly affected. The land Reform Act seeks a right of responsible access through the site once the development is completed and the tracks should be available for public use. The proposal will be visible from a number of recreational paths / routes which are used for walking, cycling and horse riding. The scale, cumulative and sequential impact of the development has an unacceptable landscape and visual impact upon recreational routes. If approved, planning conditions requesting a study of the paths within the site and a developer contribution to promote the Core path Network are recommended.

Archaeology Officer: Support principle of development, subject to mitigation. Direct Impacts – Despite the design mitigating many impacts on known heritage assets, there are still areas of sensitivity such as fields containing Scheduled Atton, settlement and evidence of pit alignment in addition to knowledge of archaeological discoveries during other wind farm developments on neighbouring sites. A watching brief is recommended to mitigate the known and potential loss of archaeological resource across the whole site and significant discoveries should be preserved in situ.

Indirect impacts – Individually and cumulatively, the development poses an adverse impact to the setting of the Winding Cairn. A judgement is required if this impact is contrary to archaeology policies of the Local Development Plan (LDP). Agree with the recommendations of Historic Environment Scotland (HES) that the impact on the scheduled monument is moderately adverse and while this should not preclude development the negative impact on its setting can be off set through a contribution towards the North Berwickshire landscape archaeology project which will increase the understanding, appreciation and experience of the affected historic environment.

The developments impact on the Drone Hill Chain Home Radar Station is underestimated in the ES. The asset does not coincide with the caravan park and is associated with other WWII air defences in the area. The radar station is of regional significance and the effects of the development on it are recommended to be medium. Under ES assessment criteria this would require mitigation may be possible through on-site interpretation which would require negotiation with the land owners.

Ecology Officer: No objection. Planning conditions are recommended to mitigate impacts on and compensate the loss of ecological interests. Recommend conditional measures include; the appointment of an Ecological Clerk of Works, an Environmental Management Plan, Species and Habitat Protection Plans, Ecological

Monitoring and agreement of Decommissioning and Restoration Strategies. Advise that the Ornithological assessment should be submitted in due course as supplementary information.

Environmental Health: Additional information provided by the applicant has clarified an error in the ES. No objection is raised subject to conditions being imposed to restrict noise levels of the turbines, ensure the development is operated appropriately and agree a procedure to investigate noise complaints.

Forward Planning: Identifies the range of relevant policy, guidance and material considerations. Conclude that the proposal does not accord with the recommendations of the Ironside Farrar Study (2013) for the scale of the turbines proposed in this area. The presence of two windfarms adjacent to the site should be taken into consideration when assessing the merits of the proposal and whether this is a suitable addition to these windfarms from a cumulative perspective.

Landscape Architect: The Landscape Architect has made a detailed assessment of the proposed scheme in relation to Policy ED9 of the LDP and identified landscape and windfarm guidance. Does not object to the proposal and the following key observations have been made;

- Proposal affects five different character areas. In an undeveloped landscape this effect would be considerable however the character changing effects are substantially reduced as the proposal would be seen against other turbines.
- Increase in scale of turbines is to a degree offset by proposal linking existing windfarms to create a single unified cluster.
- The proposed array responds to the underlying shape of the ground and the pattern of development at Drone Hill and Penmanshiel.
- Site falls within LCT19: Coastal Farmland viewed in isolation the proposal is out of scale with the receiving landscape.
- Additional planting strengthens landscape framework and should be secured by condition.
- Impact on the amenity of the five closest properties requires further consideration and screen planting may provide mitigation.
- Proposal appears to create a single windfarm on Coldingham Moor and avoids visual tension with existing windfarms.
- Cumulatively landscape and visual impact is minimised by existing windfarm development on Coldingham Moor.
- Ironside Farrar's Study does not offer support for a large scale windfarm in this location. A detailed landscape and visual assessment has not resulted in the Landscape Architect finding grounds to warrant objection largely because most of the effects of the impacts of the development are already evident and the additional effects would not exacerbate the existing impacts.

Roads Planning Service: Have assessed the impact of the development on the section of public road immediately after A1 junction through to the site entrance and Howpark Road crossing. Impact on the trunk road which includes the junction on to A1 is a matter for Transport Scotland. Recommend that a Traffic Management Plan (TMP) should be approved to agree how the traffic associated with the wind farm is managed to minimise the impact on all other road users in the surrounding network. A list of detailed points for inclusion in the TMP has been provided.

Statutory Consultees

Community Council (Abbey St Bathens, Bonkyl and Preston): Object, siting following grounds;

- Adverse landscape and visual impact, particularly from viewpoints 11 and 13
- Cumulative impact where the location has reached saturation point.

Community Council (Cockburnspath and Cove): Object, siting following grounds;

- Development would add the array of varying turbine heights which would have a detrimental cumulative landscape and visual impact.
- Proposal sited on high ground where they will appear taller and less well contained in the landscape.
- Detrimentally add to noise levels and impact require more rigorous noise assessments
- Detract from the residential amenity and amenity of tourist attractions and facilities
- National wind energy targets have been met
- Detract from the setting of the Berwickshire Coast Special Landscape Area.

Community Council (Grantshouse): Object, siting following grounds;

- Detrimental to environment
- Detrimental to residential amenity
- Fail to integrate with height and design of turbines on neighbouring wind farms and will not impact the landscape and visual impact of the existing group
- Loss of view
- Coldingham Moor and Drone Hill are saturated by wind energy development
- Fails to comply with provisions of development plan, most notably cumulative impacts
- Detrimental impact on local tourism attractions and facilities

Community Council (Reston and Auchencrow): Noted that no prior engagement from the applicants before lodging the application was carried out. No formal response to the merits of the proposal has been provided at the time of writing.

East Lothian Council: Questions are raised about the accuracy of some of the submitted visuals and choice of viewpoints in East Lothian. Based on the information provided, the proposals appear to have a minimal visual impact on the setting of East Lothian. If consented the proposals would exist for a period without Dronehill or Penmanshiel but given their low elevation and limited spread, when viewed by themselves from East Lothian the proposals will have a limited visual impact by themselves.

Joint Radio Council: No objection.

Historic Environment Scotland (HES): Identify that the Winding Carin (Scheduled Ancient Monument) and Category A-listed Renton House are national historic environment interests affected by the proposals. The proposal is recommended to have a moderate adverse impact on the settings of both assets. However the impact is not of a scale to raise issues of national significance concluding that no objection is raised. Justification for this assessment is provided within an annex of the consultation response provided by HES.

Ministry of Defence (MOD): No objection. Recommend all turbines are fitted with suitable lighting so they are identified by aircraft and precise details of the construction period, height of equipment and location of each turbine is provided so flight charts are updated with this information.

NATS Safeguarding: Following further assessment, an updated response has been provided confirmed that NATS are satisfied that the impact of the development on the St Abbs aeronautical radio station site is not detrimental to its operations and the original objection has been withdrawn.

Scottish Environmental Protection Agency (SEPA): Original concerns expressed about the siting of Turbine 8 have been addressed by additional information which confirmed that the turbine is not being located in an area of groundwater. During construction de-watering may take pollution from this location into a nearby water course however SEPA are satisfied that this can be mitigated by agreeing a Construction Environment Management Plan (CEMP) which will also include measures to protect the environment from pollution as a result of this development as set out in the ES. Recommend that conditions are attached to control the siting of SUDS or settlement lagoons outwith Groundwater Dependent Terrestrial Ecosystem (GWDTE) and agree the details to dewatering of turbine foundations. Content that the development should not impact on private water supplies and no peat is present on the site.

Scottish Natural Heritage (SNH): The proposal will not affect any sites designed for their nature conservation interest. The proposal will have a degree of localised landscape and visual impact in addition to the Drone Hill/ Penmanshiel/ Moorhouse combined wind energy development. The nature of the additional effects of the proposal by way of increasing the extent, linkage and intensification of the existing array are primary considerations. The proposals are considered to meet their guidance for siting and designing windfarms and SNH recommend that it represents an appropriately designed extension to the combined array in landscape and visual terms. On reaching this recommendation, a range of observations are noted within SNH's appraisal of the proposal. In summary, these are:

- Concerns about the landscape and visual impact of the Drone Hill and Penmanshiel developments have been raised. These proposals will not adversely alter the design or appearance of the combined development or landscape character.
- The proposal relates to the skyline impacts of existing arrays
- A coherent relationship with the design and operation of the existing turbines in the array is recommended, particularly heights and rotational speeds which will be evidence from close range.
- Proposal bridges a narrow gap between wind farms
- Proposed landscaping in Figure 7.7e is welcomed and should be secured as part of any consent
- The location of the substation control building is prominent and an alternative layout re-positioning the building behind the existing stone wall should be explored and further details of earthworks and planting to mitigate landscape impact should be agreed.
- Support proposals for a Construction Management Plan (CEMP), mitigation measures in the ES and support use of an Ecological Clerk of Works.

A detailed Appendix describing/expanding upon landscape and visual impacts and their significance is included with the planning consultation response.

Transport Scotland: No objection, but recommends conditions relating to transportation/management of abnormal loads and nature of proposed signage/traffic control.

DEVELOPMENT PLAN POLICIES:

SESplan Strategic Development Plan June 2013:

Policy 1B	The Spatial Strategy: Development Principles
Policy 10	Sustainable Energy Technologies

Local Development Plan 2016 (LDP):

Policy Reference	Policy Name
PMD1	Sustainability
PMD2	Quality Standards
ED9	Renewable Energy Development
HD3	Protection of Residential Amenity
EP3	Local Biodiversity
EP5	Special Landscape Areas
EP7	Listed Buildings
EP8	Archaeology
EP9	Conservation Areas
EP10	Gardens and Designed Landscapes
EP15	Development Affecting the Water Environment
IS2	Developer Contributions
IS5	Protection of Access Routes
IS8	Flooding

OTHER PLANNING CONSIDERATIONS:

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

- Renewable Energy (2007)
- Wind Energy (2011)
- Visibility Mapping for Windfarm Development (2003)
- Biodiversity (2005)
- Local Landscape Designations (2012)
- Developer Contributions (2010)

- Ironside Farrar Study (2013) on Wind Energy Consultancy Landscape Capacity and Cumulative Impact

Scottish Government Policy and Guidance:

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

Scottish Government On-line Renewables Advice:

- Circular 3/2011 Environmental Impact Assessment (S) Regulations 2011

- PAN 60 Planning for Natural Heritage 2008
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment

Historic Scotland Publications:

- Scottish Historic Environment Policy (2011)

SNH Publications:

- Siting and designing windfarms in the landscape (2014)
- Visual Representation of Wind Farms (2014)
- Assessing the cumulative impact of onshore wind energy developments (2012)

Other Publications:

ETSU-R-97 - The Assessment and Rating of Noise from Wind Farms

KEY PLANNING ISSUES:

- Land use planning policy principle
- Economic benefits attributable to the scheme
- Benefits arising in terms of renewable energy provision
- Landscape and visual impacts including residential amenity visual impacts, arising from turbines and infrastructure
- Cumulative landscape and visual impacts with other wind energy developments
- Physical and setting impacts on cultural heritage assets
- Noise impacts
- Ecological, ornithological and habitat effects
- Impact on road safety and the road network
- Shadow flicker
- Developer contributions

ASSESSMENT OF APPLICATION:

Planning Policy Principle

Scottish Government Policy, regional strategic policy and local planning policy/guidance are supportive of the principle of constructing wind energy projects unless, with regard to the specific circumstances, the environmental harm caused outweighs the benefits of energy provision.

Policy ED9 of the Local Development Plan 2016 (LDP) is specifically concerned with Renewable Energy Development. This policy promotes the need for assessments to be made against the principles set out in Scottish Planning Policy 2014 (SPP), in particular the Spatial Framework set out in Table 1.

Considered against Table 1 of SPP, the proposed development is not located within a Group 1 area by being located in either a National Park or National Scenic Area. Group 2 lists various designations and interests where there will likely be a need for

significant protection from wind farms. One of the listed sensitivities of the Group to is the provision of 2km separation of the development from a recognised settlement in the LDP. Turbine No. 8 (T8) is located 1.94km Gransthouse meaning that the site does fall within a Group 2 Area of Significant Protection. Where wind farms fall within categories of significant protection listed within Group 2, their development *may* still be appropriate however in this case, the development must demonstrate that its visual impact on Grantshouse is not adverse or the impact can be mitigated.

Considered against the Council's Wind Energy SPG Spatial Strategy, adopted in 2011, the turbines would be situated in an Area of Search with Minor Constraints. This can be qualified as a site which is outwith areas of protection such as national or local planning designations.

Having tested the proposal against national and local spatial framework considerations for wind farm developments, the site is not located within an area which would automatically preclude the development of a wind farm. The precise impacts of the proposal must however be assessed against relevant LDP policy criteria to establish if the development of a wind farm at this site is suitable. This assessment will be carried out within the remainder of this report.

Design Methodology

The layout has attempted to follow the linear pattern of the developments at Drone Hill and Penmanshiel and responds to the shape of the ground. The height of the turbines, including their hub height to blade length correspond with those being used at Penmanshiel but will differ from those used at Drone Hill Wind Farm. SNH have advised that the proposals broadly satisfy the principles in their guidance on "Siting and Designing Wind Farms in the Landscape" and responds to the existing Drone Hill/Penmanshiel/Moorhouse (hereinafter referred to as the Drone Hill Cluster) in landscape and visual terms.

Landscape and Visual Impacts:

Landscape Character

Figure 7.8a illustrates that the development site is situated at the north western corner of Landscape Character Type (LCT) 19Co: Coastal Farmland: Coldingham as indicated in the Borders Landscape Assessment 1998. This assessment describes the LCA as being;

"a diverse coastal landscape of rolling farmlands and rugged sea cliffs."

The site is very close LCT 21CM: Coastal Moorland: Coldingham Moor which is another coastal type which lies immediately to the north and contains the majority of the wind farms at Penmanshiel and Drone Hill. Immediately to the west lies LCT 26EyW: Pastoral Upland Fringe Valley: Eye Water, which is described as an 'Upland fringe type'. The development will have direct effects on both these LCTs, particularly LCT 21CM.

The applicants have presented the opinion at Fig 7.8b in the ES and supplemented by further information that by accounting for existing wind farm developments in the immediate area that the receiving LCT now displays the characteristics of Coastal Moorland. This is a reasonable suggestion to make, however the site contains improved grassland and includes enclosed fields which is a defining characteristic of LCT 19Co and not 21CM. Because the site is located at an intersection of three

LCTs, there are overlaps in character. It is considered that it is reasonable to conclude that, as advised by the Landscape Architect, the site is located within LCT 19Co but that, because it is located on the edge of the LCT, it should be recognised the location does display features of neighbouring LCTs. Ultimately, the LCT of the receiving landscape is of secondary importance to whether the proposal is suitable in landscape terms and it is this that will be discussed within this report.

Landscape Capacity

Policy ED9 gives significant weight to The Landscape Capacity and Cumulative Impact Study 2013 by Ironside Farrar being an initial reference point for landscape and visual assessments for wind energy developments. This study is based on the LCT's which are also referenced as Landscape Character Areas (LCAs) of Borders Landscape Assessment (ASH Consulting Group for SNH, 1998).

The section above covering Landscape Character advises that the applicants and the Planning Authority do not necessarily agree on the classification of the receiving Landscape Character Area (LCA). To address this difference of view, the application has been considered against both corresponding LCTs of Ironside Farrar's study: LCT19 ii and 21. Both of these LCTs fall within a wider landscape area identified as the Coastal Zone. Table 6.1(iv) considers the potential for further windfarm development in LCT's within this area. It is revealing that both LCT 19ii and 21 are recommended to only have some capacity for medium sized turbines. Medium sized turbines are qualified within the study as being turbines between 25 – 50m high. Both study areas are noted to have increased capacity for potential wind energy development towards the west of their areas which is where this site is located, but this does not necessarily recommend that there is capacity for larger turbines. *(N.B. Ironside Farrar's study was approved prior to the determination of Penmanshiel Wind Farm, but the study made reference to the submission of this application.)*

To help consider the landscape impacts of this application, is it important to outline key views on the landscape impact which were expressed as part of the assessment of neighbouring wind farm schemes. These are as follows;

- The Council opposed the development of a wind farm containing 76m high turbines at Drone Hill and 100m high turbines at Penmanshiel. Central to the Council's opposition to these schemes were concerns that these developments would have adverse landscape and visual impacts and the Council defended these views at appeals.
- In their response to this application, SNH have made reference to the serious concerns they raised against Penmanshiel which was based on the landscape and visual impact of the combined Drone Hill and Penmanshiel developments.
- On determining the last application for wind turbines in this landscape where consent was obtained for two 76m high turbines at the P&BS Committee on 3rd March 2014, Members observed that the landscape had reached saturated point, noting in the minute that;

"In approving the application Members asked that it be recorded that they considered that this landscape had now reached capacity in terms of the number of turbines which could be accommodated."

Information gathered about the Council's recommendations on neighbouring wind farm proposals and recommendations within Ironside Farrar's Study clearly suggest

that this landscape does not have the capacity to support large turbines. It is however material to consider the decision's by the Reporter to approve windfarm developments at Drone Hill and more latterly Penmanshiel. These approvals have introduced large turbines into the landscape and both of these wind farms are now in existence. The prevailing character of the landscape which would receive this proposed development is now different to the landscape when applications at Drone Hill and Penmanshiel were being considered. The current proposal must be considered against these prevailing circumstances. Consideration of the landscape, visual and cumulative impacts will determine whether this landscape has further capacity for the additional turbines proposed.

Theoretical Visibility

The submitted Zone of Theoretical Visibility (ZTV) mapping (refer to Figure 7.6a and 7.6b) shows the areas which will be affected by the development. The Council's Landscape Architect has suggested that the main visual impacts are expected to be within a 10km range of the development, therefore this assessment is generally focused on the impacts within this area.

According to the ZTV, there is a spread of visibility to the west extending onto the slopes of Ecclaw Hill through to Horseley Hill in the south. The valley corridor which contains the A1 and East Coast Railway Line limits the views of the development except from a couple of stretches within the 10km area. There are immediate views of the development towards the east however the rising coastal slope screens views from the coastline. Figure 7.8a suggests that 5-6 different LCAs in and around the 10km radius will have varying degrees of visibility of the development. The applicant indicates that within the 30km study area of the ZTV, 58.3% of the area will have visibility of the development; much of this is suggested to be attributed to the North Sea. It is advised that the land based visibility is 15.1% of the study area.

Cumulative impacts will be considered later in this report but because the development is directly adjacent to an existing complex of wind energy developments at the Drone Hill Cluster, it is important to note the findings of the Cumulative ZTV, shown in Figures 7.2a and 7.2b of the submission. The applicant states that Howpark Wind Farm would only add 1.1% of new areas of theoretical visibility, that is, additional areas where the Drone Hill Cluster is not already theoretically visible. The additional visibility of the proposal in association with its existing cluster is very minimal.

Landscape Impact

The landscape is not an "upland type" where the siting of wind farms would normally be preferred. The introduction of eight 100m high turbines will affect the character of the receiving landscape and other areas where the development will be visible from. Critically, the landscape character of the area has been changed by the presence of wind farms on sites adjacent to this application. This means that large wind turbines are now a feature of this landscape. Whatever one's view on the visibility of the Drone Hill Cluster, the acceptability of landscape (and visual) impacts of this proposal depends on the level of change of the existing character 'pre-development' weighed against the 'post-development'.

The existing Drone Hill Cluster is prominent from many viewpoints. The vertical nature of the turbines contrasts with the landscape. This is particularly apparent from Viewpoint (VP)5 where there is an important view across the A1 corridor. The present gap between the two schemes provides both windfarms with their own

identity and they do appear separate from one another. From VP5, this proposal fills the gap between the two schemes. The scale and positioning of this development acts as a link between the existing Drone Hill and Penmanshiel windfarms to create a larger cluster which arguably sits more comfortably in the landscape than the existing, separate wind farms. This unifying effect can also be viewed from other western VPs; VP7, VP11 and to a degree, VP2.

VP5 also encapsulates the setting of landscape setting of Grantshouse. The VP illustrates how the rising landform above Grantshouse is already affected by turbines. This proposal will intensify the number of turbines behind the settlement. The closest turbine of this proposal is no closer to Grantshouse than the closest turbine at Penmanshiel to the settlement. The proposal retains level of separation presently afforded to Grantshouse from turbine development and because the turbines are of a similar typology to those at Penmanshiel the proposal is not considered to have an adverse effect on the setting of Grantshouse.

The proposal will increase the extent of the Drone Hill Cluster across Coldingham Moor from both the east and west as shown in VP4 and VP6. The Howpark turbines will be apparent from these VPs as the turbines are viewed in near and middle ground. Although the extent of the Drone Hill cluster is increased as a result of this proposal, the additional turbines do generally relate to the skyline of the existing array which helps produce a level of coherency.

Turning to the impact of the proposal on landscape designations, the application site is not designated for its scenic value but it does lie close to the Berwickshire Coast SLA. The focus of the designation is the coastline stretch. VP3 is located within the SLA and VP14 looks along the coast from East Lothian. From VP3 the development is only visible through the existing wind development where the turbines in the foreground will remain the most apparent. VP14 provides an important panorama along the coastal headland of the SLA which is an important skyline. The proposal has limited impact on this view and both SNH and ELC are satisfied that the development does not impact on striking character of the landscape from VP14.

VP15 shows the development from the Eyemouth Coastal path which is within the SLA. The proposal does extend and intensify the array on the skyline. This view is distant and the development extends away from the coastline area.

The effect of the proposal on the SLA is considered to be limited. This judgement aligns with the observation of the Reporter during the determination of Penmanshiel where that development was not viewed to have an adverse effect on the SLA. The proposal is not viewed to adversely affect the setting of any other landscape designation or affect an area of wild land.

Visual Impact

The ZTV analysis confirms that the proposed development will almost always be visible alongside the existing Drone Hill Cluster. A selection of key viewpoints (VPs) has been selected to illustrate the visual effects of the development from important public locations.

Visual Impacts – Roads and Paths

The A1107 which also forms part of National Cycle Route 78 is a significant tourist route within Eastern Berwickshire. The ZTV demonstrates that the development will be visible along the stretch of this road which crosses Coldingham Moor and in

particular will be visible traveling towards the development from the south east. VP4 along with the Sequential Route Assessment at Figure 7.11 illustrates the impact on this route. VP4 shows the turbines alongside those at Drone Hill and in front of Penmanshiel. As stated above the proposed turbines generally relate to the skyline from this VP, except Turbine 4 which visually sits up more than any other in the array. In particular from this VP the differences from this scheme against Drone Hill will be apparent with the following differences noticeable;

- Turbine designs
- Layout, where turbines at Drone Hill stack behind one another against the lateral spread of Howpark
- Operational, i.e. rotational speed and blade sweep

VP5 was identified as an important landscape viewpoint and because it is on the A6112 Duns to Grantshouse Road increases its significance. The siting of the turbines helps to fill in the gap at the existing cluster and their height corresponds well to the turbines at Penmanshiel. From this VP the extent of the development from Penmanshiel across the south western slope of Coldingham Moor is increased. Visually, the scale of the proposed turbines will be accentuated from this VP because they are positioned in front of the smaller than those at Drone Hill. It is also noticeable that T4 appears as an outlier from this VP and because it sit up in front of Drone Hill a highlights the eastern spread across Coldingham Moor.

The ZTV identifies that there will be visibility of the development from the Southern Upland Way (SUW). VP6 to the west of the site shows that the proposed development will extend the spread of the Drone Hill Cluster across the skyline. This could impinge further on the attractiveness of the route when traveling east.

The identified impacts at the VPs are new visual impacts and will be experienced across a number of other VPs to differing levels. These impacts will be noticeable, especially from close proximity and create elements of visual confusion, more often between the differences of Howpark and Drone Hill.

To understand the level of noticeable changes, further details of the proposed turbines were requested; however, the choice of turbine type is not yet available which is not uncommon at this stage of a wind farm development. It is perceived that the turbine type should closely match those used at Penmanshiel, given the design similarities between the two to minimise visual disruption. The adverse visual impacts caused by T4 were identified to the applicants. It has been suggested that this turbine could be micro-sited. Provided micro-siting was on a lower ground level, this may address its prominence as an outlier.

Cumulative Landscape and Visual Impacts

The existing wind farm developments at Drone Hill and Penmanshiel have changed the character of the landscape. Again, it is important to consider the level of change arising specifically as a result of this proposal. Crucial within this deliberation is the Cumulative ZTV which confirms that Howpark Wind Farm would only add 1.1% of new areas of theoretical visibility to areas where there is visibility of the Drone Hill Cluster. In comparison, Penmanshiel Windfarm provided significantly more additional theoretical visibility at a level of 10.9% to its baseline which was set by the visibility of Drone Hill Wind Farm. This development would lead to the Drone Hill Cluster being more visible in the landscape; however the level of additionality is marginal.

The proposal will increase visibility of the Drone Hill Cluster. This is particularly apparent from the west and south east and the effects for this have already been discussed above. The addition of the proposed scheme is not considered to introduce windfarm development on LCAs which are not already impacted by the existing array.

The design differences of the turbines which would be used in this development, particularly alongside Drone Hill turbines has been a criticism of the proposal within the visual impact section. There are already locations where visibility of both Penmanshiel and Drone Hill wind farms reveal noticeable differences in appearance and operations of these two wind farms. It is not suggested that the addition of Howpark would resolve any visual issues between the existing schemes. Nevertheless, the addition of 8 additional turbines which relate to the positioning of turbines in the existing array may not appear visually discordant in the landscape. This view is shared by SNH who advise that; “we do not consider that the addition of the Howpark turbines will substantially or adversely alter the design or appearance of the combined development”.

The manner in which the proposal is added to the existing wind farms conforms with the ‘cluster and space’ concept which is often promoted with large wind energy development. There are other large wind energy developments in the areas that will create further cumulative impacts notably to Quixwood to the south and large turbines at Hoprigshiels, Neuk Farm and Ferneylea. These schemes are on the opposite side of the A1 corridor. The windfarms at Crystal Rig and Aikengall add to the cumulative and sequential effects which will be experienced within the wider landscape. This proposal maintains the existing separation distances from these other large consolidated windfarm sites and does not unacceptably alter the pattern of wind farm development in Berwickshire.

The assessment of this application has found that the existing Drone Hill Cluster is a reoccurring visual feature within the affected landscape. The cumulative impacts caused by this application are minimised as a result of the majority of the impacts already being evident in the affected area and by the limited additionality attributed to this proposal.

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

The assessment of landscape and visual assessment is complex and this has been illustrated by the various considerations posed by this proposal. The observation made by Members on determining the development at Moorhouse which added to this cluster is acknowledged but legislation requires that the Council is required to determine the application against the provisions of the LDP, unless material considerations indicate otherwise. Policy ED9 recommends that wind development should be supported unless there are “unacceptable significant adverse effects”.

In an undeveloped landscape this type, the introduction of eight 100m high turbines would be difficult to support. This view would be consistent with the view of Officers expressed in response to wind farm developments at Penmanshiel and Drone Hill. However, these wind farms are now present and their existence significantly alters the character of the landscape and backdrop which this proposal will be viewed against.

Unquestionably, this latest proposal does result in further adverse impacts on the landscape and visual amenity which are particularly apparent within the local

landscape around the development. The proposal will extend and intensify views of the existing cluster and give rise to noticeable operational differences between the different schemes. These impacts need to be balanced against the principle of this proposal helping to unify the existing Drone Hill Cluster within the landscape and evidence that the development will add only a limited amount of new visibility of the existing cluster in the affected area. The new adverse impacts caused by this development would not be necessarily be welcome, but they are significantly diluted by the proposal being added to a backdrop of two existing wind farms. On considering the impacts of this application, SNH have stated that;

“we do not consider the proposal significantly compromises the form or legibility of the existing combined development and its current relationship to the landform and features of local landscape character.”

Consideration of the landscape and visual impacts of this development is finely balanced. Weighing the identified impacts which would be caused by this proposal, against the impacts of the established Drone Hill Cluster it will be located beside, the new visual impacts are not judged to be significantly adverse. It is the view of officers and SNH that that proposed development does not warrant objection on landscape and visual grounds against the requirements of Policy EP9.

Visual Impacts – Residential Receptors

It has already been identified that the proposal lies within an Area of Significance of SPP because T8 lies within 2km of Grantshouse. The topography between Grantshouse and the development site does rise quite significantly and a planting belt encloses the north eastern edge of the settlement. Because of the intervening landform and planting, there should not be any visibility of the development from Grantshouse itself. On that basis, the proposal is not considered to have an adverse visual impact on residential receptors within this settlement.

The ZTV suggests that there would be visibility from Oldhamstocks in East Lothian. This village is close to 9km to the northwest. VP12 shows the view from Oldhamstocks. The proposal is only seen through Penmanshiel and as a result of this against the distance the proposal does not have an adverse visual impact on this settlement. The other settlements around 10km from the site which are suggested to have a degree of visibility are part of Chirside and Eyemouth. Both these settlements are over 10km from the development so any visual impacts on each of these settlements would be negligible.

Within 3km of the site, the ZTV suggests that 36 residential properties or groups of properties (which includes Grantshouse) will be affected by this development. This is a high number of properties which would be theoretically affected by this development. It should be acknowledged that visibility of the development would be experienced in the context of the existing Drone Hill Cluster. Because of the landform and the layout of the proposal alongside the existing cluster, it is considered that it is properties towards the south which will be more affected by this proposal because the development occupies their skyline.

The nearest property to the development is a bungalow known as Hazelfield (Property No 1 on Fig 7.12) which is 720m to the nearest turbine. An additional wireline was provided to illustrate the impact of the development on this dwelling and also the site immediately to its north west which has planning permission for one dwellinghouse. This VP demonstrates that Penmanshiel is already visible and Howpark, in particular T7 will extend towards and increase the magnitude of turbine

development from this property. The applicants have suggested the introduction of a planting strip along the field boundary to the north of Hazelfield which would help to provide some mitigation to the affected outlook from this property.

Renton Barns (No 6 on Fig 7.12), 1–5 Renton Cottages (No7 on Fig 7.12) and Renton House (No 22 on Fig 7.12) will all be affected by this proposal to varying degrees. VP2 from Renton Barns shows how the proposal fills in part of the gap between the existing development and its correlation to the scale of Penmanshiel, however it also demonstrates the extension of turbines towards these receptors which dominates their outlook. This view will be experienced from 1-5 Renton Cottages as well. It is also important to note the finding of Figure 11.10e from the upper floor of Renton House which although has been carried out for cultural heritage purposes reveals the scale and lateral spread of the development. This particular view will only be experienced from the upper floor of Renton House however its affect is considerable.

Properties towards the east and north eastern areas within the 3km area will be affected by this proposal as well. These properties will see the increased extent of the cluster and some properties may perceive the operational differences between the different developments noted above. To a degree, this impact is already visible between Penmanshiel and Drone Hill for properties on this side. The properties located on this side of the development are located on higher grounds level on Coldingham Moor than those to the south so impact on their visual amenity is not quite as severe.

The introduction of turbines of the scale proposed will often impact on the amenity of residential receptors. SPP gives weight to recognised settlements which this proposal does not adversely affect. The proposed development does raise some new visual impacts on individual residential receptors, particularly those to the south of the proposal. The proposal may diminish the outlook and the attractiveness of these properties but more often than not this impact is already experienced by windfarms which are already present in the environment. Weighing the present impact of existing windfarm upon the amenity of existing houses against the impacts of this proposal, the new impacts are not judged to be significantly adverse to warrant refusal against LDP policy provision covering residential amenity. If Members are minded to approve this proposal it is recommended that plating to mitigate some of the impact on Hazelfield can be secured by condition.

Visual Impacts of Associated Infrastructure

The positioning of the substation and control building is fairly prominent adjacent to Howpark Road, this impact is and associated work is localised. The design of the control building generally appears acceptable, however its precise siting and associated works such as fencing, hardstanding and lighting may increase its prominence in the local landscape. A feature of the LCA is the division of the land with drystone walls which are apparent at the location of the substation, in particular the control building should respect these boundaries. The principle of this aspect of the proposal is not objectable however further details to ensure that the proposals do not harm the local landscape are required. This can be achieved by suitably worded planning conditions.

It is the intention that the majority of the associated infrastructure is to be removed at the end of the operational life of the wind farm. To avoid unnecessarily lasting impacts suitably worded planning conditions can agree the eventual removal of these components.

The Council's Landscape Architect welcomes the structure planting across the site which provides some landscape mitigation. As advised by SNH the precise detail of the planting and all other earthworks can be agreed by condition.

Turbine Micro-siting

The ES states that a micro-siting allowance of 20m is appropriate for the turbines. The Council's Ecology Officer has recommended the micro siting is required for T5 and potentially T8 and micro-siting is required for T4 for visual reasons. The issue of micro-siting is important to consider and a degree of flexibility is suitable after investigations of the ground conditions. Due to the design methodology of this proposal any micro-siting should account for the linear pattern of the development and its coherence in the skyline beside the Drone Hill Cluster.

A micro-siting planning condition would require the applicant to undertake wireframe analysis of any micro-siting requirements to illustrate that each turbine's revised position can be tolerated in the landscape without adverse visual impacts.

Residential Amenity (Noise)

A noise assessment for the proposed development has been carried out and extended to include the cumulative noise effects from wind farms in the existing Drone Hill cluster. Environmental Health Officers are satisfied with the findings of the noise assessments which have been carried out. Noise generated by the development of Howpark is not considered likely to detrimentally affect the amenity of affected residential properties subject to the imposition of planning conditions to set appropriate noise levels and proper investigation and resolution of noise complaints.

Shadow Flicker, Interference and Aviation

The applicants have applied a test under national guidance on Shadow Flicker provided by the Scottish Government. This investigation has revealed that Howpark Farm Cottage will be affected by shadow flicker for 23 minutes between 04:44 and 05:07 hrs from the 15th to 21st of July. This assessment is accepted and it is acknowledged that this impact is not significant due to the time of day when the effect would occur.

Shadow flicker from the development will theoretically occur for 26 minutes at High View Caravan Park between the hrs of 19:00 and 20:00 from 8th to 10th of May and 1st to 2nd of August. This impact would occur at a time of day when it would be noticeable. The affected time period is short and limited to a small number of days but because it affects a holiday park this could detract from a person's visit, especially if they are only there for a short period of time. This can be mitigated by shutting down the turbine in question (T4) during the period it would affect the caravan park as suggested in the ES.

The assessment does not predict that any cumulative shadow flicker impacts will take place as a result of this development. Overall, the shadow flicker impacts are limited and mitigation to avoid adverse impacts on High View Caravan Park can be controlled via condition.

It was originally suggested that the proposed development would adversely affect an aeronautical radio station at St Abbs. Further investigations have been carried out by NATS and it has been confirmed that the development will not harm its operation.

Ecology and Habitat Impacts

The proposed development is not located within an international or nationally important area of nature conservation and known protected species.

SEPA originally objected to the proposal due to the potential for T8 to impact on wetland ecology. Further investigation into the ground condition around T8 has confirmed that there is not significant ground water present. This assessment has allowed SEPA to remove their objection. They have recommended that pollution from T8 could infiltrate the watercourse particularly during the construction process however this can be mitigated through a Construction Environmental Management Plan. To further mitigate the impact of the development on wetland ecology, conditions to restrict the siting of a SUDS or settlement lagoon in areas of Groundwater Dependent Terrestrial Ecosystems and methods of dewatering turbine foundations are recommended.

SEPA are satisfied that peat should not be present in this site and that the siting of the development is far sufficiently far enough away from private water supply sources so that runoff from the development should not interfere with these supplies.

The Council's Ecologist has scrutinised the range of habitat and species surveys which have been submitted. The development would impact on certain species and habitats however there are no significant impacts where the proposed development would be considered unacceptable against Policy EP3. It is recommended all ecological impacts can be mitigated through conditions covering;

- Micro-siting
- The appointment of an independent Ecological Clerk of Works to monitor compliance with ecological and hydrological commitments provided within the ES
- Agreement of a Construction Environmental Management Plan (CEMP)
- Protection plans for identified protected species
- Habitat Management Plan to compensate for the loss of habitat and enhance existing habitats (including wet modified bog)
- An Ecological Monitoring Programme
- Decommissioning and after care strategy to suitably remove the development from the affected environment

The suggested biodiversity enhancement programmed illustrated at Fig. 7.7e is welcomed by both the Ecologist and SNH. This programme could further enhance other habitats which are affected by this development and this can be secured by a condition agreeing a Habitat Management Plan. The Ecologist sought for further information to complete the ornithological assessment of the EIA. To date, this information has not been submitted in this manner, but the Ecologist has advised that this should not delay the determination and can be sought as supplementary information and it is suggested that this can be requested as an informative.

Taking into account these consultation responses, the proposal does not give rise to any significant biodiversity impacts that cannot be resolved by planning conditions covering the aforementioned matters.

Cultural Heritage Impacts

The Council's Archaeologist is generally content that the design mitigates the majority of direct the impacts on known heritage assets. Part of the Atton settlement Scheduled Ancient Monument (SAM) is located within the buffer of the site access track meaning the development may interfere with this SAM. The development of windfarms in neighbouring sites has led to archaeological discoveries. To mitigate the known and potential loss of the archaeological resources within the development site, it is recommended that a watching brief is conducted at all times during excavations required for development.

The proposed development will impact the setting of the Winding Cairn SAM which is located approximately 700m to the south west of T8 and the Category A listed Renton House which is 1.8k to T5. HES have expressed concerns that the proposed development will have degrees of moderate adverse impact on the setting of both of these national heritage assets.

In terms of impact on the SAM the turbines will appear obvious from the cairn, but does not challenge its dominance on the spur it is found or disrupt its relationship with other contemporary monuments in the surrounding area. Turing to Renton House, the impact will be on views from the house rather than views to this listed building. The development will impact on views from the upper level of the building as highlighted in VP2 however HES advise that the impacts do not cause sufficient harm to the setting of the house.

The Archaeologist agrees that with the recommendations of HES that the impact on the Winding Cairn is moderately adverse and while this should not preclude development, to achieve compliance with policy provision this impact should be mitigated. It is recommended that mitigation can be achieved through a developer contribution towards the North Berwickshire landscape archaeology project which will increase the understanding, appreciation and experience of the affected historic environment. Contributions to this scheme have been agreed as mitigation to archaeological setting implications of neighbouring wind energy developments which sets precedence for this form of mitigation in this area. The developers have agreed in writing to enter into this agreement.

The recommendations of the archaeologist that the impacts of the development upon the Drone Hill Chain Home Radar Station have been underestimated in the ES are accepted. It would be desirable to pursue the mitigation which is suggested by the Archaeologist. The station and surrounding pill boxes are located on third party land which is presently quite overgrown. Delivery of the improvements would require considerable engagement and agreement with a third party. This is outwith the control of the developers. Additionally, no mitigation was sought from Drone Hill wind farm which would have had a similar impact on the Chain Home Radar Station. In this context it is recommended that this mitigation would not be appropriate to pursue through the means of any planning permission.

The development does not detrimentally affect the setting of any other listed building or Conservation Areas.

On balance it is the view of Officers that the proposal will not have a significant enough impact on the affected cairn or any other heritage assets to warrant objection against LDP Policy ED9 or EP8 subject to the mitigation suggested above.

Economic and Socio-Economic Benefits

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

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

Eastern Berwickshire is recognised as being a popular tourist area. The number of caravan and camping facilities within the area are evidence of this with visitors often attracted by the areas attractiveness and recreational opportunities. Whether the implementation of wind farms is harming, or has harmed Borders' tourism economy is not quantified. It would be true to state, however, that their implementation divides opinion – the presence of wind farms causes some to be deterred, some to be ambivalent and some to respond positively.

High View Caravan Park on Drone Hill is a significant visual receptor directly to the east of the proposal. Because this site is a caravan site and not a residential development, it is not afforded the same level of protection under Policy HD2 which protects residential amenity. Turbines are however already significantly visible from High View Caravan Park. VP1 illustrates that the development will bring large turbines closer into the western view from this tourist facility. At the present time, no published information describing potential tourism effects is material to the consideration of an application of this type.

It may be concluded that in terms of economic benefits, there may be some gain. Conversely there may not be any socio-economic benefits, as suggested by third party representations. The potential impacts of the development upon these considerations are noted; nevertheless neither is viewed to be significant enough to be a major determining factor against the policy provision.

Renewable Energy Benefits

NPF3 is clear that the planning system must facilitate the transition to a low carbon economy and facilitate the development of technologies that will help to reduce greenhouse gas emissions from the energy sector. The efficient supply of low carbon and low cost heat and electricity from renewable energy sources are vital to reducing greenhouse gas emissions and can create significant opportunities for communities. SPP contains the following targets:

- 30% of overall energy demand from renewable sources by 2020;
- the equivalent of 100% of electricity demand from renewable sources by 2020.

SPP supports the development of a diverse range of electricity generation from renewable energy technologies.

This proposed development would have a total installed capacity of 20MW. This level of benefit is moderate compared to other schemes and its contribution is noted.

Public Access / Path Network

There are no Rights of Way or Core Paths which are located within the site which will be affected by this development.

The Access Ranger has raised concerns that the development gives rise to an increased visibility of turbines which detrimentally affects the experience of users using recreational routes within 6km of the site. Most notably this includes the SUW and National Cycle Route 78 and to a lesser extent the Berwickshire Coastal Path. The landscape and visual impacts of the development from these well used accesses area highlighted within Figure 7.11, VP4, VP6 and VP15 respectively. It is regrettable that the development will detract from the outlook from these recreational routes. These routes are already significantly affected by wind farm development in this area. Bearing this in mind, the detrimental impact of the proposal in wider land use planning terms is not judged to be significantly adverse in its own right to recommend refusal of this proposed development against Policy ED9.

It has been recommended that developer contributions should be sought to mitigate the impact of the development on the core path network however this is not considered to be appropriate as this will affect land outwith the developer's control. Mitigation to improve public access throughout the site is however feasible and could relate to access through the existing Drone Hill wind farm.

Traffic Management and Road Safety

The site benefits from being close to the A1 which take the majority of traffic movements associated with this development, limiting the impact on non-trunk roads.

There are no reasons why the development would not comply with LDP Policy ED9 in relation to trunk road and traffic impacts with no overriding concerns raised by Transport Scotland or the Council's Roads Planning Officer (RPO). Planning Conditions can seek the agreement for a Traffic Management Plan which will also require the provision of mitigation measures to cater for abnormal loads using the route and a separate condition will ensure that the junction from the public road into the site can appropriately cater for vehicles accessing the development.

CONCLUSION

Scottish Borders Council remains positive towards the principle of wind energy development, as reflected in its policies and guidance. As required by policy considerations, the benefits of energy production, and the disbenefits of environmental impact must be weighed carefully against one another. This is made clear in the 2014 SPP and reflected within the primary LDP Policy considerations for this development, Policy EP9.

Wind farm developments exist in locations immediately next to this proposal. It is acknowledged that this proposal has been designed as an extension to the existing wind farm array, which provide the background position for the current application. This proposal does give rise to adverse impacts, most notably landscape and visual impacts, but these are limited, with very few locations from where turbines are not already visible. All environmental disbenefits attributed to this proposed development have been thoroughly assessed against the impacts of the established windfarm developments in this location. It is considered, on balance, that the scale of change is

not so significant as to warrant refusal. A range of planning conditions and a legal agreement is recommended to provide further mitigation to the environmental, community and cumulative impacts of this development.

The matters raised in representations have been evaluated as part of this assessment however there are no material considerations that would justify a departure from policy provision in this specific case.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend the application is approved subject to a legal agreement addressing contribution towards North Berwickshire landscape archaeology project and the following conditions:

Commencement and Conformity

1. This consent is for a period of 25 years from the date of Final Commissioning. Written confirmation of the date of First Commissioning shall be provided to the Planning Authority no later than one calendar month after that date.
Reason: To define the duration of the consent.
2. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. This consent may not be assigned without the prior written authorisation of the Planning Authority. The Planning Authority may authorise the assignation of the consent (with or without conditions) or refuse assignation as they may, in their own discretion, see fit. The consent shall not be capable of being assigned, alienated or transferred otherwise than in accordance with the foregoing procedure. The Company shall notify the local planning authority in writing of the name of the assignee, principal named contact and contact details within 14 days of written confirmation from the Planning Authority of an assignation having been granted.
Reason: To safeguard the obligations of the consent if transferred to another company

Micro-siting

4. No development shall comment until a revised location for Turbine No 4 has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be undertaken in strict accordance with the agreed details.
Reason: Turbine No 4 requires to be repositioned so that it appears less obtrusive in the landscape.
5. All wind turbines, buildings, masts, areas of hardstanding and tracks shall be constructed in the location shown on plan reference Figure 4.1, except Turbine No 4. Wind turbines, buildings, masts, areas of hardstanding and tracks may be adjusted by micro-siting within the site. However, unless otherwise approved in advance in writing by the Planning Authority (in consultation with SEPA and SNH) micro-siting is subject to the following restrictions:

- i. No wind turbine foundation shall be positioned higher, when measured in metres Above Ordnance Datum (Newlyn), than the position shown on the aforementioned Figure 4.1 unless a scheme of details including wirelines showing the alternative positioning of the turbine have been to and agreed in writing by the Planning Authority (in consultation with SNH) and thereafter no development shall take place in strict accordance with the agreed
- ii. No micro-siting shall take place within areas of peat of greater depth than the original location;
- iii. No wind turbine, building, mast, access track or hardstanding shall be moved more than 20m from the position shown on the original approved plans;
- iv. No micro-siting shall take place within areas hosting Ground Water Dependent Terrestrial Ecosystems
- v. All micro-siting permissible under this condition must be approved in advance in writing by the Environmental Clerk of Works (ECoW).

No later than one month after the date of First Commissioning, an updated site plan must be submitted to the Planning Authority showing the final position of all wind turbines, masts, areas of hardstanding, tracks and associated infrastructure forming part of the Development. The plan should also specify areas where micro-siting has taken place and, for each instance, be accompanied by copies of the ECoW or Planning Authority's approval, as applicable.

Reason: to control environmental impacts while taking account of local ground conditions, and to restrict Micrositing to a reasonable distance to ensure that any movement of turbines or infrastructure does not give rise to significant change to the layout and appearance of the development.

Turbine Model

6. No development shall commence until, precise details of the actual turbine intended for use at the site shall be submitted to and agreed in writing by the Planning Authority. These details shall include a technical specification which includes noise output. Only the turbines agreed in response to this condition shall be used, unless further consent to vary the turbine model has been agreed in writing by the planning authority.

Reason: to ensure that the turbines are compatible with the locality in terms of their appearance and noise output, to protect both visual and residential amenity.

Substation and Ancillary Equipment

7. No development shall commence until final details of the siting, external appearance, dimensions, and surface materials of the substation building, associated compounds, any construction compound boundary fencing, external lighting and parking areas have been submitted to and approved in writing by the Planning Authority. The substation building, associated compounds, fencing, external lighting and parking areas shall be constructed in accordance with the approved details.

Reason: To ensure that the environmental impacts of the sub-station and ancillary development forming part of the Development conform to the impacts assessed in the environmental statement and in the interests of the visual amenity of the area.

Air Traffic Safety:

8. Prior to the erection of the first wind turbine, the developer shall provide written confirmation to the Planning Authority and the Ministry of Defence of the anticipated date of commencement of and completion of construction; the maximum height above ground level of construction equipment, the position of each wind turbine in latitude and longitude and the maximum height above ground level of each turbine and anemometry mast. The developer shall give the Planning Authority and the Ministry of Defence notice as soon as reasonably practicable if any changes are made to the information required by this condition.

Reason: In the interests of aviation safety.

9. Prior to the erection of the first wind turbine, a scheme for aviation lighting for the wind farm shall be submitted for the written approval of the Planning Authority in consultation with the MOD. The turbines shall be erected with the approved lighting installed and the lighting shall remain operational throughout the duration of this consent.

Reason: In the interests of aviation safety.

Turbine Failure/Removal:

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

Reason: to safeguard against the landscape and visual environmental impacts associated with the retention of any turbines that are deemed no longer to be operationally required.

Signage:

11. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without the written approval of the Planning Authority.

Reason: To ensure that the development does not unduly prejudice public amenity

Construction Hours:

12. Construction work which is audible from any noise-sensitive receptor shall only take place on the site between the hours of 07.00 to 19.00 on Monday to Friday inclusive and 07.00 to 16.00 on Saturdays, with no construction work taking place on a Sunday or on national public holidays. Outwith these specified hours, construction activity shall be limited to concrete pours, wind turbine erection, maintenance, emergency works, dust suppression, and the testing of plant and equipment, unless otherwise approved in advance in writing by the Planning Authority.

HGV movements to and from the site (excluding abnormal loads) during construction of the wind farm shall be limited to 07.00 to 19.00 Monday to Friday, and 07.00 to 16.00 on Saturdays, with no HGV movements to or from site taking place on a Sunday or on national public holidays.

Reason: To protect the amenity of the local area and localised ecological interests.

Road Safety:

13. There shall be no Commencement of Development unless a traffic management plan has been submitted to and approved in writing by the Planning Authority. The traffic management plan shall include:
- a) All construction traffic must be restricted to access via the A1. A sign in/sign out procedure must be in place to prevent vehicles exiting via the Howpark road.
 - b) Swept path analysis of the junctions and the minor public road leading to the site for the abnormal loads including details of tree pruning (this will require the agreement of the owners).
 - c) A detailed engineering drawing of the proposed access from the minor public road.
 - d) The junction with the minor public road must be to the following specification for the first 10 metres: 'a 40mm layer of 14mm size close graded bituminous surface course to BS 4987 laid on a 100mm layer of 28mm size dense base (roadbase) to the same BS laid on a 310mm layer of 100mm broken stone bottoming blinded with sub-base, type 1'.
 - e) Temporary over-run areas must be constructed to the above specification.
 - f) Detailed engineering drawing of the proposed access across the Howpark Road including traffic management measures.
 - g) Road condition surveys to be carried out prior to works commencing and upon completion of the construction phase. Any remedial works required as a result of damage/deterioration by construction traffic must be rectified at the expense of the developer. This will ideally be by way of a section 96 agreement.
 - h) No additional site access to be constructed without prior approval of the Planning Authority.
 - i) A programme for the works is required to ensure the avoidance of conflict between key stages of construction.
 - j) The proposed route for any abnormal loads on the trunk road network must be approved by the trunk roads authority prior to the movement of any abnormal load. Any accommodation measures required including the removal of street furniture, junction widening, traffic management must similarly be approved.

The approved traffic management plan shall thereafter be implemented in full, unless otherwise agreed in advance in writing with the Planning Authority and all work within the public road boundary must be undertaken by a contractor first approved by the Council.

Reason: In the interests of road safety and to ensure that abnormal loads access the site in a safe manner.

Shadow Flicker:

14. No development shall commence until a programme to mitigate the Shadow Flicker which would affect High View Caravan Park as identified within Chapter 14 of the ES has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be operated in strict accordance with the agreed details.

Reason: To safeguard the amenity of the tourist facility.

15. No development shall commence until a written scheme shall be submitted to and approved in writing by the Planning Authority setting out a protocol for the assessment of shadow flicker in the event of any complaint to Local Planning Authority from the owner or occupier of a dwelling which lawfully exists or had planning permission at the date of this permission. The written scheme shall include remedial measures to alleviate any shadow flicker attributable to the development. Operation of the turbines shall take place in accordance with the approved protocol unless the Planning Authority gives its prior written consent to any variations.

Reason: For the protection of amenity of local residents

Television interference:

16. Prior to the First Export Date a scheme providing for a baseline survey and the investigation and alleviation of any electro-magnetic interference to terrestrial television caused by the operation of the turbines shall be submitted to and approved in writing by the Planning Authority. The scheme shall provide for the investigation by a qualified independent television engineer of any complaint of interference with television reception at a lawfully occupied dwelling (defined for the purposes of this condition as a building within Use 9 of the Use Classes Order) which lawfully exists or had planning permission at the date of this permission, where such complaint is notified to the wind farm operator by the Planning Authority within 12 months of the First Export Date. Where impairment is determined by the qualified television engineer to be attributable to the wind farm, mitigation works shall be carried out in accordance with the scheme which has been approved in writing by the Planning Authority.

Reason: For the protection of amenity of local residents.

Noise:

17. At wind speeds not exceeding 10m/s at rotor centre height, the maximum cumulative wind turbine noise emissions level at each noise sensitive property shall not exceed the levels listed in Table 1 of SBC's Environmental Health Officers Response dated 22nd February 2017.

Reason: to protect nearby residents from undue noise and disturbance.

18. At wind speeds not exceeding 10m/s at rotor centre height, the maximum wind turbine noise emissions level from the development only at each noise sensitive property shall not exceed the levels listed in Table 2 of SBC's Environmental Health Officers Response dated 22nd February 2017.

Reason: to protect nearby residents from undue noise and disturbance.

19. The mitigation measures detailed in the Applicant's Noise and Vibration Assessment Chapter 10, shall be used to ensure that the Development operates within the above noise limits at all times.

Reason: to protect nearby residents from undue noise and disturbance. To ensure that noise limits are not exceeded and to enable prompt investigation of complaints.

20. Prior to the commencement of operation of the site a methodology for the investigation of noise complaints shall be agreed with the Planning Authority.
Reason: To ensure that noise limits are not exceeded and to enable prompt investigation of complaints

Archaeology:

21. No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, about the identified area of archaeological interest and no works shall take place within the area inside that fencing without the prior written consent of the Planning Authority.
Reason: To safeguard a site of archaeological interest.
22. 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.

Ecology:

23. No development shall commence until an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform

a Construction Environmental Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP), Species Protection Plan, Ecological Monitoring Plan and Decommissioning, Restoration and Aftercare Plan (“the ECoW works”). The terms of the appointment shall be submitted for the approval in writing by the Planning Authority in consultation with SEPA and SNH. The terms shall include the requirement to a) Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and b) Require the ECoW to report to the Company’s nominated construction project manager, the Planning Authority and SEPA any incidences of non-compliance with the ECoW works.

Reason: To secure effective monitoring of and compliance with the environmental mitigation and management measures associated with the Development.

24. No development shall commence until a Construction Environment Management Plan shall be submitted for the approval in writing by the Planning Authority. The CEMP shall include
- a) Risk assessment of potentially damaging construction activities,
 - b) Identification of “biodiversity protection zones”.
 - c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
 - d) A Drainage Management Plan which shall include details of turbine foundation dewatering.
 - e) A Site Waste Management Plan
 - f) An Accident Management Plan
 - f) Responsible persons and lines of communication.
 - g) The role and responsibilities on site of an ecological clerk of works (ECoW)

The approved CEMP shall be implemented throughout the construction period and operational phase as appropriate, strictly in accordance with the approved details, unless otherwise agreed in writing by the Planning Authority in consultation with SEPA.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

25. No development shall commence until a Species Protection Plan (including measures for bats, otter, badger, red squirrel, breeding birds, reptiles and amphibia as appropriate) is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure that the species affected by the development are afforded suitable protection from the construction, operation and decommissioning of the development.

26. No development shall commence until a Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including wet modified bog, farmland and woodland habitats to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To mitigate the loss of habitats as a result of this development.

27. No development shall commence until an ecological monitoring programme, including monitoring in years 1, 3, 5, 10 and 15 following construction, breeding waders, passage and wintering geese. This should also include proportionate post-construction monitoring of protected mammals (bats, otter, badger and red squirrel as appropriate) and habitats is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.
Reason: To ensure suitable procedures are in place to monitor the impact of the development on ecological interests

28. No SUDS ponds or settlement lagoons shall be placed in areas of deemed Groundwater Dependent Terrestrial Ecosystem.
Reason: To avoid impacts on wetland ecology.

Environmental Management:

29. No development shall take place until the precise detail of the location, specification, implementation and maintenance of the site landscaping and off site landscaping improve mitigate the impact on the property known as Hazelfield (and the adjoining site) has been submitted to and agreed in writing by the Planning Authority (in consultation with the Landscape Architect and the Ecology Officer) and thereafter the development shall take place in strict accordance with the agreed details.
Reason: To improve the landscape structure and provide protection to the visual amenity of Hazelfield.

Access:

30. No development shall take place until a study of the existing path network within development site has been undertaken and shall include measures to improve access for all users (i.e. pedestrian, cycle, horse, all ability routes) and link in with neighbouring routes has been submitted to and agreed in writing with the Planning Authority and thereafter the improvements shall be undertaken in accordance with the agreed details.
Reason: To improve recreational resources which are in close proximity to the Core Path Network.

Decommissioning and Financial Guarantee:

31. The Development will be decommissioned and will cease to generate electricity by no later than the date falling twenty five years from the date of Final Commissioning. The total period for restoration of the Site in accordance with this condition shall not exceed three years from the date of Final Decommissioning without prior written approval of the Scottish Ministers in consultation with the Planning Authority.

No Development shall commence Commencement unless a decommissioning, restoration and aftercare strategy has been submitted to

and approved in writing by the Planning Authority in consultation with SNH and SEPA. The strategy shall outline measures for the decommissioning of the Development, restoration and aftercare of the site and will include, without limitation, proposals for the removal of the Development, the treatment of ground surfaces, the management and timing of the works, and environmental management provisions.

Reason: To ensure the decommissioning and removal of the Development in an appropriate and environmentally acceptable manner and the restoration and aftercare of the site, in the interests of safety, amenity and environmental protection.

32. There shall be no Commencement of Development unless the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in condition 31 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations.

The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in condition 31. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason; to ensure that there are sufficient funds to secure performance of the decommissioning, restoration and aftercare conditions attached to this deemed planning permission in the event of default by the Company

Informatives

1. The applicant is advised that the EIA remains incomplete and that they should seeks to resubmit a revised chapter with a complete cumulative ornithological assessment in order to properly record its findings. This information should be provided before development commences.

DRAWING NUMBERS

Figure 1.2	The Application Site
Figure 4.1	Site Layout
Figure 4.2	Typical Turbine Elevations
Figure 4.3	Typical Turbine Foundation
Figure 4.4	Typical Crane Standing
Figure 4.5	Typical Access Track Detail
Figure 4.6	Control Building and Compound Plan
Figure 4.7	Control building Elevation
Figure 4.8	Cable Trench
Figure 4.9	Typical Internal Access Track Watercourse Crossing
Figure 4.10	Indicative Site Access Arrangement
Figure 5.1	Indicative Construction Compound and Batching Plant

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

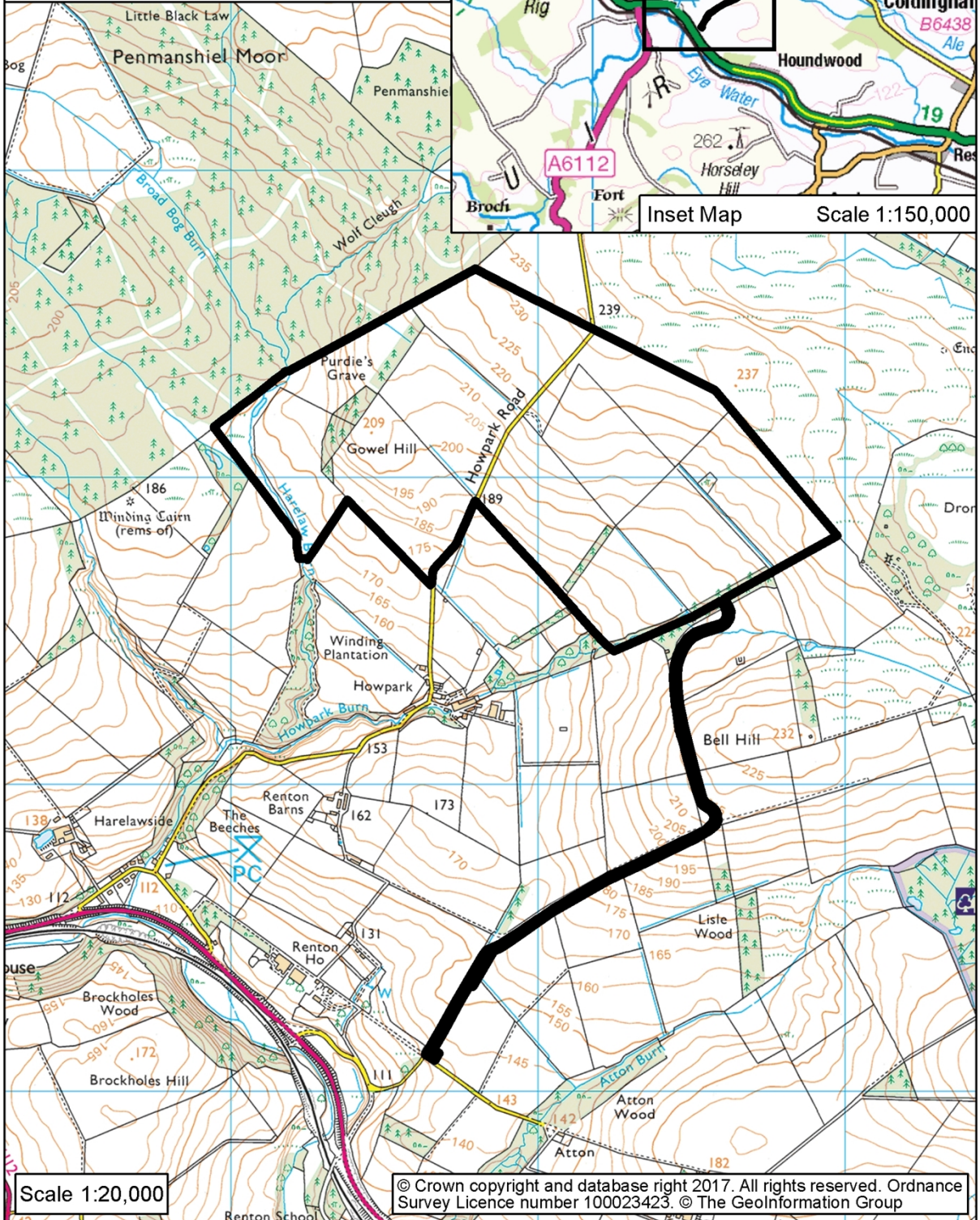
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16/00980/FUL

Land North Of Howpark Farmhouse
Grantshouse



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

27 MARCH 2017

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 16/01360/PPP
OFFICER:	Stuart Herkes
WARD:	Mid Berwickshire
PROPOSAL:	Residential development comprising 38 dwelling units with associated access, landscaping and open space
SITE:	Poultry Farm, Marchmont Road, Greenlaw, Duns
APPLICANT:	Amber Real Estates Investments Ltd
AGENT:	Turley Associates

SITE DESCRIPTION

The site is a disused poultry farm and associated agricultural land, which extends to 2.3 hectares. It lies immediately beyond the Development Boundary at the eastern end of Greenlaw; to the south of Marchmont Road; and to the north of the sewage works and Blackadder Water. The southern and western areas of the site lie within the 1 in 200 year flood risk envelope of the Blackadder Water, and are at medium to high risk of flooding.

The site's boundaries are defined by roads on its northern ('Marchmont Road') and eastern (sewage works access road) sides. The western boundary is Greenlaw's Development Boundary. This is itself defined by the boundaries of the nearest residential properties in Marchmont Road. The southern boundary lies at the foot of the embankment of the former railway. The main site entrance is at the northeast corner.

Four sizeable poultry sheds, along with some related but smaller ancillary structures and installations dominate the eastern part of the site, occupying the highest and most level area of land within its boundaries. While these structures appear serviceable, they are also older timber-built buildings that would be liable to require significant alteration, if not replacement, were the site to continue in operation as a modern poultry farm. Mature trees within the site and between the sheds and the public road, interrupt and soften views of the buildings from Marchmont Road. Some new tree planting has taken place within the site, including on the southern and western slopes which lie below the sheds.

Excepting new tree planting, the western section of the site is by contrast open and undulating, with the land sloping perceptibly downwards to both the south and west from the farm buildings, such that the southwest corner of the site has the lowest relief.

To the west, outwith the site and within the gardens of the nearest residential properties, the land rises again, such that the western part of the site is characterised by a

noticeable dip in levels, which prevails in the area between the boundary to the west and the poultry sheds to the east.

Across the entire site, there is a pronounced downward slope to the south as the land descends towards the watercourse of the Blackadder Water. This descent is truncated along the southern boundary of the site by the embankment of the former railway. The line of the railway separates the site from the sewage works and flood plain, which lie to the south again. The Blackadder Water is part of the River Tweed SAC and SSSI.

Away from the residential properties within Marchmont Road to the north and west, and the sewage works to the southeast, the surrounding area is otherwise predominantly open agricultural fields defined by hedging and occasional shelter belts.

PROPOSED DEVELOPMENT

This application seeks planning permission in principle for the development of the site for residential use, specifically 38 dwellings. This encompasses both the proposed redevelopment of the poultry farm itself, and the development of the open land within the west of the site.

The proposal is a Major Development, on account of the size of the site, and therefore requires referral to Members for decision.

As required in the case of a Major Application, the Applicant has carried out a Pre-Application Consultation exercise, which is detailed in a supporting report.

The proposal has been screened, and it is considered that the proposal raises no issues that would have required a full Environmental Impact Assessment.

PLANNING HISTORY

The site has no previous planning application history.

The Council's Forward Planning Section has advised that the site has previously been proposed as an allocated housing site within the Local Development Plan process which concluded in May last year with the adoption of the Scottish Borders Council Local Development Plan 2016.

As part of the 2016 LDP Examination, the Reporter examined the overall housing land supply position within Greenlaw and stated with regard to the Applicant's proposed inclusion of this site as a new housing allocation at Greenlaw, that: *"(t)he 3 currently proposed housing allocations could provide between them something in the order of 100 units. I consider that to be commensurate with the size and facilities of the settlement and that to further add to that supply would be inappropriate"*.

More recently, the site was again submitted for consideration by the Applicant as a proposed allocated housing site in response to the 'call for sites' issued by Forward Planning subsequent to the adoption of the Local Development Plan. This 'call for sites' resulted from the requirement to identify additional housing land sites to provide for a further 916 units during the current plan period within a supplementary guidance (SG) note on housing. This SG is currently out for consultation in a draft form. However, the

site has not been taken forward within the Housing Supplementary Guidance process, as a proposed allocated housing site. This is for the same reasons as were identified by the Reporter who examined the Local Development Plan, only a year ago.

REPRESENTATION SUMMARY

None

APPLICANTS' SUPPORTING INFORMATION

The Applicants' supporting details include:

- a planning statement;
- a pre-application consultation report;
- an indicative site plan;
- a design and access statement;
- a transport statement;
- an ecological assessment report;
- a flood risk assessment; and
- additional details subsequently supplied to augment the flood risk assessment and address specific concerns raised by SEPA within the latter's consultation response.

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Section: no objections in principle. However, any subsequent detailed design for this site should follow the principles of 'Designing Streets' and those of the Council's own 'Placemaking and Design' Supplementary Planning Guidance document; and should further incorporate the following points:

- Multiple access points for pedestrians, cyclists and vehicles;
- Marchmont Road along the boundary of the site to be widened to accommodate two-way traffic flow;
- The existing footway and street lighting infrastructure to be extended to serve this site;
- Proposed SUDS provision to be shown as part of any detailed proposal;
- Improvements to pedestrian provision along the existing Marchmont Road, by way of four pedestrian dropped kerbs; and
- Parking provision in accordance with the Council's standards.

Environmental Health Section (Amenity and Pollution): Confirmation from Scottish Water is required to ensure that there would be an adequate water supply for the proposed development. Further information on this point is requested for review prior to determination.

Environmental Health Section (Contaminated Land): The poultry farm land use is potentially contaminative, and it is the responsibility of the developer to demonstrate that the land is suitable for the use they propose. It is therefore recommended that if

planning permission is granted, this should be on condition that development is not permitted to start until a site investigation and risk assessment dealing with the potential for historic land contamination has been carried out, submitted and agreed by the Planning Authority. A planning condition capable of addressing this concern is proposed for imposition upon any PPP consent issued.

Housing Strategy Section: Anticipates a requirement for on-site delivery of affordable housing units in order to address the Council's Affordable Housing Policy requirements, which are advised to be liable at a rate of 25% affordable properties from the total of 38 proposed units.

Archaeology Officer: There are potential archaeological implications for this proposal, but these are judged to be low on account of the sloping nature of the land within the site, and the relatively compact nature expected of any works associated with the nearby Tenantry House site, which is thought unlikely to relate to any larger complex that might otherwise have been liable to have extended into the area of the site. In light of this, it is recommended that the Applicant be advised within an informative of the low potential for encountering archaeology during ground works. However, the same proposed informative also advises that further investigation secured by the development may be required if significant archaeology is discovered.

Education and Lifelong Learning: Identifies the need for contributions towards the new Berwickshire High School.

Flood Prevention Section: A small section at the south of the proposed site lies within the 1 in 200 year flood risk envelope of the Blackadder Water and is at medium to high risk of flooding. There is also a small watercourse at the eastern boundary of the site which may be an additional source of flood risk. The Applicant's Flood Risk Assessment confirms that the southwest area of the site is within the 1 in 200 year plus climate change flood extent and recommends that development remain outwith this area. Should this recommendation be taken forward, there would be no objections on the grounds of flood risk. The Applicant's recommendations that finished flood levels include 600mm freeboard and be 138.099mAOD – 142.62mAOD (as recommended by Chapter 8.0 of the Blackadder Water Flood Modelling Assessment) are supported. With respect to drainage, surface water management would have to be taken into consideration, and any plans would need to be submitted to the Council for approval.

Outdoor Access Section: There are no claimed rights of way/ core paths on this area of land. However, there is a permissive/ customary path immediately adjacent to the east of the site. The following recommendations are made in order to maintain and improve public access at the site and within the surrounding area: (i) a footway should be constructed along the roadside on the north side of the site to link the existing footway at the northwest corner of the site; (ii) a path should be created along the western boundary of the site to allow access from the roadside to the disused railway; (iii) should the Planning Authority seek to approve the application, Outdoor Access would seek a contribution (a nominal sum of £15,200 (£400 per dwelling)) from the developer for the development, for the continued maintenance and promotion of a path network within the western part of Berwickshire. This contribution would be used to fund the production of promotional literature as well as to carry out drainage works, bridge maintenance, path surfacing and annual maintenance work on the wider Core and Promoted Paths

Network, which would thus be strengthened through such a contribution from this development.

Ecology Section: Notes that the Applicant's Ecological Assessment (November 2015) identified no evidence of otters or badgers on site, and that there was considered to be limited potential for nesting birds in habitats on site. However, and although surveys are typically considered valid for 18 months, it is considered that since the Ecological Assessment was carried out 12 months ago, at a time when conditions for otter survey were unfavourable; given the close proximity of the site to the River Tweed SAC; and given the Ecology Section's own observations of evidence of badgers and birds in November 2016, it is considered that the advice of the Applicant's Ecological Assessment may now be out-of-date. It is accepted that there is negligible hibernation potential for bats within the structures on site and negligible potential tree roost features. There is considered to be low suitability for non-breeding summer roosts of individual crevice-dwelling species in the structures on site. However, moderately suitable commuting and foraging habitat for bats is present on and adjacent to the site (including grassland, scrub, trees and aquatic habitats that link to the wider landscape) and to this end, more information would be required with respect to this matter. Accordingly, the Ecology Section requests that prior to determination, the Applicant submit a proportionate Ecological Impact Assessment to consider potential impacts on European Protected Species (bats, otter), as well as badger and breeding birds.

Forward Planning Section: Advises that since the application site lies outwith the settlement boundary, and is not an allocated site within the Local Development Plan (LDP), the principle must be assessed against Local Development Plan Policy PMD4 (Development Outwith Development Boundaries). This policy aims to ensure that any development proposals outwith the development boundary would have to comply with the rigorous exceptions criteria contained within this same policy. In respect of these criteria, the proposal would not be for a job generating development, is not solely for affordable housing and would not offer significant community benefits.

With respect to the potential for the proposal to address an identified housing land shortage, it is advised that in accordance with Local Development Plan Policy HD4, the Draft Supplementary Guidance on Housing has recently been produced to address the shortfall in housing land identified at the Examination of the LDP. Accordingly, the Applicant's contention that the proposal might be justified under criterion c. of Policy PMD4 as meeting that particular identified housing land shortfall does not therefore follow, because the shortfall is being regulated under a different policy (HD4). As such, the proposal does not therefore meet the criteria contained within Policy PMD4.

The Forward Planning section also provide a summary of the history of the presentation and assessment of the site as a proposed allocated housing land site, noting that it was not previously included by the Reporter at the recent Examination of the LDP and that given that there are already allocated housing sites, and even a longer-term housing site in Greenlaw, the development of which has not been progressed to date, there is no current requirement for any new or additional proposed allocated housing sites.

It is further advised that during Forward Planning's more recent identification of sites with potential to address the 916 units shortfall, the indicative capacity of this particular site was not considered to make a significant contribution towards the housing shortfall and notes that there is no developer/house builder associated with the proposal.

Given the existing housing, mixed use and longer term housing sites in Greenlaw, it is not considered that there is capacity for a further housing allocation within the plan period within Greenlaw, as well as those identified within the LDP. Overall, taking the above into consideration, it was not considered that the site should be included within the Draft Housing SG.

In summary, it is advised that the proposal is contrary to the plans and policies of the Adopted Local Development Plan, chiefly Policy PMD4 that might otherwise have allowed for an exceptional approval, and therefore concluded that the proposal should not be supported.

Statutory Consultees

Greenlaw and Hume Community Council: unanimously considers that the site should be an area for commercial or residential development, and that such a development would: (i) provide a significant economic stimulus; create jobs; and generate trade for local businesses; (ii) benefit the community by bringing in a younger generation, who in turn would support the local school and community groups, and make the village more attractive to commuters; and (iii) make positive use of a site that has become dilapidated and an eyesore within the area, and possible health and safety risk.

The Community Council considers that the Planning Authority has overlooked the potential of the site to help address the shortfall in housing land and considers that the site offers greater potential for more immediate development than some of the existing allocated housing sites at Greenlaw. It does not anticipate at least one such site to offer any prospects of development in the short-term, whereas the Community Council understands that the current site is a more realistic prospect for development in that it understands the Applicant (Amber Real Estates Investments Ltd) to be a developer with an active interest in progressing the proposed development. It also considers that Forward Planning's identification of the site's potential contribution towards addressing the housing shortfall of 916 units as "insignificant" is misinformed, in that 38 units would equate to 4% of the shortfall.

It clarifies that first and foremost, it wishes to see the site added to, rather than substituted for, existing allocated housing sites within Greenlaw, but adds that it considers that a proposal supported by an active interest in its development should be preferred to one where there is no such interest.

The Community Council requested, and its representatives duly attended, a meeting with the Planning Authority on 15 February to discuss Forward Planning's consultation response (already summarised above).

Scottish Natural Heritage: advises that there are likely to be significant effects on the qualifying interests of internationally important natural heritage interests, chiefly the River Tweed SAC. However, it advises that at present, there is insufficient information available for it to determine if there would be an adverse impact upon site integrity. To this end, it identifies the need for particular information to be supplied at the detailed application stage in order for it to carry out an appraisal of these effects.

This would more specifically include: (i) measures to be taken to prevent silt, building material, chemical pollutants or any other debris from entering the watercourse during the construction phase (which it considers might usefully be provided in the form of a Construction Method Statement); and (ii) details of the infiltration-based SUDS feature(s) which have been indicated as the proposed surface water treatment system that would serve the residential re-development of the site.

Additionally, SNH advises that the Applicant's protected species surveys were conducted in November 2015 and in unfavourable circumstances. It considers that it may be advisable to have the surveys updated prior to any further application being submitted, since survey results are generally only valid for 18 months.

Scottish Water: has been consulted but has not responded to the public consultation.

SEPA: initially responded to object to the proposals on the basis of a lack of information with respect to potential flood risk impacts; and particular areas within the modelling of flood risk impacts were identified as being deficient.

Further to this (and a second additional request for further information), SEPA has, on its third most recent review of the proposals, responded to advise that notwithstanding continued concerns with respect to the quality of the information provided to describe flood risk, it would now remove its objection subject to planning conditions being imposed upon any consent issued, to address its stated concerns.

The first of these proposed conditions is that there should be no built development or land-raising within the existing 1:200 year flood extent as detailed within a version of the Applicant's Flood Risk Assessment (FRA) that itself should first be revised to address SEPA's advice of 8 March 2017. The revised FRA is required to demonstrate that the development would be entirely sited out with the 1 in 200 year flood extent. SEPA anticipates objecting at any detailed planning application stage if this concern is not met within the detailed proposal, and in such a way that would accord with the principles of Scottish Planning Policy.

The second planning condition would require the prior agreement with the Planning Authority and SEPA of a scheme of details outlining proposals for sustainable drainage (SUDS) surface water treatment for the site. Again, detailed requirements as to what these details should address is given within SEPA's consultation response of the 8 March.

It is additionally advised that Scottish Water should be consulted with respect to the potential for Scottish Water's infrastructure to be used to remove the site's foul drainage

Other Consultees

None

DEVELOPMENT PLAN POLICIES:

SESPlan

Policy 5
Policy 6
Policy 7
Policy 8

Scottish Borders Local Development Plan 2016

Policy PMD1 Sustainability
Policy PMD2 Quality Standards
Policy PMD4 Development Outwith Development Boundaries
Policy PMD5 Infill Development
Policy HD1 Affordable Housing and Special Needs Housing
Policy HD3 Protection of Residential Amenity
Policy HD4 Meeting the Housing Land Requirement/Further Housing Land Safeguarding
Policy EP1 International Nature Conservation Sites and Protected Species
Policy EP2 National Nature Conservation Sites and Protected Species
Policy EP3 Local Biodiversity
Policy EP7 Listed Buildings
Policy EP8 Archaeology
Policy EP12 Green Networks
Policy EP13 Trees, Woodlands and Hedgerows
Policy EP15 Development Affecting the Water Environment
Policy IS2 Developer Contributions
Policy IS5 Protection of Access Routes
Policy IS6 Road Adoption Standards
Policy IS7 Parking Provisions and Standards
Policy IS8 Flooding
Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage
Policy IS13 Contaminated Land

OTHER PLANNING CONSIDERATIONS

National Planning Framework 3 (2014)
SPP (2014)

'Designing Streets'

SESPlan Supplementary Guidance on Housing Land (2014)

"Trees and Development" SPG
"Privacy and Sunlight" SPG
"Placemaking and Design" SPG

Draft Housing SG
Proposed Strategic Development Plan 2 (SDP2)

SBC 2015 Housing Land Audit (2016)

KEY PLANNING ISSUES:

- Whether or not the proposal justifies being made the subject of an exceptional approval under the terms allowed for this by Adopted Local Development Plan Policy PMD4: Development Outwith Development Boundaries.

ASSESSMENT OF APPLICATION:

Planning Policy

The site lies outwith the Development Boundary at Greenlaw and is not a site that is allocated for housing within the Adopted Scottish Borders Council Local Development Plan 2016. Accordingly, the proposal does not comply in principle with the proposals of the statutory development plan.

Where a planning application is submitted for a non-allocated site adjoining the development boundary, Adopted Scottish Borders Council Local Development Plan 2016 Policy PMD4 (Development Outwith Development Boundaries) is to be applied.

Policy PMD4 advises that where development boundaries are defined on Proposals Maps, these indicate the extent to which towns and villages should be allowed to expand during the Local Plan period. As such, proposals for new development outwith the development boundary and not on allocated sites, should normally be refused. However, the same policy does allow that approvals might be granted exceptionally, where strong reasons can be given that:

- a) It is a job-generating development in the countryside that has an economic justification under Policy ED7 or HD2, OR
- b) It is an affordable development that can be justified under in terms of Policy HD1, OR
- c) There is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply, OR
- d) It is a development that it is considered would offer significant community benefits that outweigh the need to protect the Development Boundary AND the development of the site meets the general criteria contained within the policy.

The proposal would not be for a job-generating development; is not solely for affordable housing; and would not offer any significant community benefits. From amongst the above noted criteria, and based on the type of development alone, the only criterion that the proposal might be potentially capable of meeting would be criterion 'c'.

Housing Land Shortfall

Adopted Local Development Plan Policy PMD4 criterion (c), allows that exceptional approvals may be granted for housing, provided strong reasons can be given that: "*there is a shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply*".

There is presently a shortfall of housing land sufficient to accommodate an additional 916 units within Scottish Borders Council's Local Authority Area. However, the need and the mechanism to address this shortfall are explicitly identified within Adopted Local Development Plan Policy HD4 (Meeting the Housing Land Requirement/Further Housing Land Safeguarding) of the Adopted Local Development Plan. This policy requires specifically that: *"(a)s the plan does not adequately address the housing land requirement set out in SESplan and its Supplementary Guidance on Housing Land, the Council will prepare and adopt supplementary guidance in order to identify additional sites to provide for a further 916 units during the plan period"*.

It is the Applicant's contention that the site would be appropriate to accommodate a component of the additional 916 housing units that the Council is required under Policy HD4 of the Local Development Plan, to identify new sites to accommodate. However, the requirement for, and regulation of, the delivery of the 916 additional units to meet the housing shortfall identified within the Adopted Local Development Plan, must be progressed in accordance with the stated requirements of Policy HD4. This clearly charges the Council (and not any third party) directly with the responsibility of identifying new housing sites that might be appropriate to accommodate the shortfall.

Policy HD4 is the appropriate vehicle for addressing the identification and assessment of sites that might be proposed to address the 916 units shortfall. It is not a matter that is addressed under criterion (c) of Policy PMD4, as the Applicant maintains. In accordance with the requirements of Policy HD4, the Council's Forward Planning Section has already issued a call for sites, and a draft document, the Draft Supplementary Guidance on Housing document, has already been produced to identify sites that are collectively capable of addressing the 916 units' shortfall in housing land that was identified at the Examination of the Local Development Plan. Accordingly, it is not considered that there is any reason to consider that the Council might not be fulfilling its responsibilities under Policy HD4 appropriately, or that there is any need for any further sites beyond those identified within the Draft Housing SG.

It is understood that the Applicant has made the Forward Planning Section aware of the site as a candidate proposed allocated housing site through the Housing SG process. This process, and not the planning application process, is the most appropriate route for progressing large scale sites such as this. However, the site is not amongst the proposed new housing sites being proposed within the Draft Housing SG document for the reason already noted above in 'Planning History'.

The assessment conducted by Forward Planning within its identification of proposed allocated housing sites for the Draft Housing SG, concluded that Greenlaw is located outwith any Strategic Development Area and that there are already a number of existing allocations (housing and mixed use) within the settlement, with a total capacity in excess of 100 units. There is also a longer-term housing site identified within Greenlaw. The Local Development Plan states that the preferred area for expansion within the village is the longer-term housing site identified within the Local Development Plan (SGREE003). Given the existing allocated housing, mixed use and longer term housing sites identified within the Adopted Local Development Plan, it is not considered that there is capacity for any further housing allocation within the current plan period within Greenlaw.

Therefore the current proposal is not required to meet, or contribute towards meeting, any housing land shortfall identified by Scottish Borders Council through the housing land audit with regard to the provision of an effective 5 year housing land supply.

In conclusion, the proposal does not meet the circumstances for an exceptional approval as might otherwise have been allowed under criterion (c) of Policy PMD4. The proposal is therefore contrary to Policy PMD4. There is no basis of support for the principle of this proposal, even under exceptional circumstances, within the policies or proposals of the Local Development Plan. It therefore remains only to consider whether or not there are any other material considerations that would be sufficiently significant as to outweigh the need to determine this application in strict accordance with the plans and policies of the statutory development plan.

Other Material Considerations

In addition to the principle, Policy PMD4 also requires that any development located outwith the Development Boundary, should additionally address two sets of other specific criteria which seek to ensure that the development would have no unacceptable impacts upon the amenity and environment of the site and surrounding area. The Applicant in its supporting statement seeks to demonstrate that these criteria are additionally met by the proposal. These matters are considered below, but regardless of whether or not it is considered that the proposal might be capable of meeting these additional criteria, this in itself is not sufficient to override any failure of the proposal to comply in principle with Policy PMD4.

Amongst their identified reasons for support, the Applicant advises that the proposal is required as an alternative to other sites that have been allocated in the long-term within the Adopted Local Development Plan. In particular, it advises that only 15 housing units are deliverable in Greenlaw within the next five years based on the Housing Land Audit (April 2016). However, Forward Planning has advised that the test for the effective housing land supply in this instance is based upon a calculation that does not relate solely to Greenlaw, but rather to the wider Berwickshire HMA.

Based perhaps on this misconception, there is also a suggestion within the Planning Statement that the current site would be more readily available for uptake than existing allocated housing sites at Greenlaw. However, the supporting details do not indicate that there is any house-builder behind this proposal. Moreover, the reasons for a lack of progress with the existing allocated sites, is not necessarily attributable to the circumstances of these sites themselves, so much as to the housing market, which has been sluggish across the region in recent years. Accordingly, it is not considered that the Applicant has demonstrated any overriding issues with respect to the delivery of the existing allocated sites or demonstrated that there is any greater ability to progress house-building on this particular site relative to these others.

Notwithstanding national and strategic level encouragement of new development towards brownfield sites, the potential for the existing poultry farm site to be redeveloped, is not in itself a consideration which in policy terms would outweigh the need to determine this application in accordance with the policies and proposals of the statutory development plan.

In summary, there are no material considerations that would justify support for this proposal contrary to the policies and proposals of the Local Development Plan and, as such an approval would conflict with the basic principle that the LDP is the appropriate mechanism for guiding new housing development, particularly in relation to larger sites.

Density and Composition

The Applicants have provided an indicative site layout plan for the site. There is no requirement to assess this layout in detail. However, what is indicated would have a density that is significantly higher than the surrounding area, and would be above any level that the site would reasonably be expected to contain. It would not be consistent with Greenlaw, or Marchmont Road, where properties tend to be either detached or semi-detached properties. There are also no flats within the surrounding area. It is considered that what is shown, even if only illustratively, would not be in keeping with the pattern of development in Marchmont Road or Greenlaw more generally.

Owing to the constraints of the site, including relationship with the flood plain and the need to provide structural landscaping, it is anticipated that significantly less than thirty eight units could be appropriately accommodated on the site. Further details establishing the exact parameters and level of constraints acting upon the site, would be required to inform the detailed layout of any proposed scheme for the site.

Even if the principle of development were to be accepted here, it would be appropriate to set aside the illustrative layout, and then to seek a density that is more in keeping with the surrounding area; secondly, it would be appropriate to ensure that any reference to thirty eight units is omitted from the proposal description, with the Applicant being required to take account of the issues outlined above within a Design and Access Statement to show how these issues have been addressed and negotiated within any detailed proposal.

Flood Risk

The southern and western extremities of the site are known to be at risk of a 1:200 years flood event. Notwithstanding that both the Council's Flood Protection team and SEPA have advised that they do not have any objections in principle to the site's development both have expressed concerns that the land within the flood risk area should be excluded from the developable area of the site, and both have recommended that finished floor levels within the remainder of the site should be raised to reduce the risk of flooding from other sources. SEPA further requires that its flood risk concerns should be met within a revised and updated Flood Risk Assessment, which is needed to provide clarity with respect to the detail of the flood risk impacts liable to affect the detailed proposals for the development of the site and also with respect to all mitigation measures required to protect the same development.

While the Applicant advises that its indicative layout addresses the potential flood risk, SEPA in particular is concerned that the information it has reviewed to date has not properly established the extent of the flood risk to the site, and it requires any future scheme for the site to be informed by a revised and updated Flood Risk Assessment, which it is content could be provided at the time of the detailed application. This appears to suggest that there will be some need for adjustment to the actual area of the site which could be developed.

It is possible for the matter to be addressed along the lines SEPA anticipates (that is, within a layout informed by a revised and updated FRA) but again, in the absence of the extent of these constraints first having first been properly ascertained, it would be inappropriate to pre-judge precisely how the detailed scheme would be impacted, including laid out and composed.

Road Safety, Access and Parking

The Roads Planning Section does not object to the proposals, but has identified particular concerns that it would wish to see incorporated into any detailed design for the site that may be brought forward at the detailed application stage. The Outdoor Access Section for its part, has also advised of its concern to see particular access requirements met within the detailed scheme.

Had the scheme been considered acceptable, these matters could be drawn to the Applicants' attention within an informative.

Drainage and Infrastructure

With respect to drainage, both Flood Prevention Authorities require that the details of surface water management at the site should be taken into consideration at the detailed application stage.

Environmental Health has sought confirmation that the proposal would be capable of being served by Scottish Water's infrastructure. However, Scottish Water has not responded to the consultation.

Scottish Water would normally seek documentary evidence of planning consent from any would-be developer as part of any application made to it to use its infrastructure. It routinely advises that the award of planning permission does not in itself, entitle any development to service from Scottish Water's infrastructure and this remains a matter for the developer to resolve directly.

Residential Amenity

Given the proximity of residential properties to the north (at a lower level) and to the west (at a higher level) there would be a concern to ensure that any new-builds are accommodated sensitively in relation to these existing properties, so as not to give rise to unacceptable levels of overlooking or overshadowing. However, it would be for the detailed scheme to have addressed such matters appropriately.

Cultural Heritage and Archaeology

The Archaeology Officer has indicated that there is low potential for archaeology being encountered on the site during the course of ground works. However, he also maintains a concern that an archaeological investigation secured by the development would be required, if significant archaeology were in fact to be discovered. A planning condition

requiring an archaeological watching brief would have been appropriate to address this issue.

Natural Heritage and Ecology

The concerns noted by both SNH and the Ecology Section with respect to the demolition of the existing buildings are capable of being addressed by planning condition, whereby an Ecological Impact Assessment could be provided in support of the first detailed application. SNH's concerns with respect to ensuring an appropriate level of protection of the designated natural heritage sites within the vicinity is capable, as SNH advises, of being addressed by planning condition in the event of approval.

Other Concerns

There is potential for historic land contamination to have occurred on the site of the poultry farm. However, this matter is capable of being addressed by a planning condition along the lines identified by the Environmental Health Section.

Developer Contributions

The collection of developer contributions towards local education provision, affordable housing and local recreational access, are capable of being addressed under a Section 75 or Section 69 legal agreement.

CONCLUSION

The current planning application does not comply with any of the exceptions criteria contained within Policy PMD4: Development Outwith Development Boundaries and there are no material considerations which outweigh the need to determine this application in accordance with the plans and policies of the Adopted Local Development Plan. Therefore the proposal should not be supported.

The illustrative drawings submitted with the application suggest a scale and density of development that would not be appropriately accommodated on this site, particularly given the strong likelihood that the developable area of the site would ultimately require to be reduced further, to take account of the landscaping, residential amenity, flood risk and access considerations noted above.

The Council's development plan process is effective and provides the most appropriate mechanism for identifying the most appropriate sites to come forward to accommodate larger housing proposals, and that it is not appropriate to seek to make exceptions to planning policy, especially at such an early stage after the adoption of the Local Development Plan.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend that the application is refused for the following reason:

The proposed development is contrary to Policy PMD4 (Development Outwith Development Boundaries) of the Scottish Borders Council Local Development Plan 2016 in that:

- (i) the application site lies outwith the Development Boundary at Greenlaw;
- (ii) the application site is not an existing allocated housing site; and
- (iii) there are no strong reasons substantiating any view that it should be made the subject of any exceptional approval.

The identification and release of additional housing land to respond to any housing land shortfall in the Borders is specifically addressed in Policy HD4 (Meeting the Housing Land Requirement/Further Housing land Safeguarding) and therefore the release of unallocated land for housing development on the scale proposed would undermine the Council’s planned approach to housing development set out in its Local Development Plan and would result in an unjustified and piecemeal development at a Local Planning Authority level.

DRAWING NUMBERS

Location Plan

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

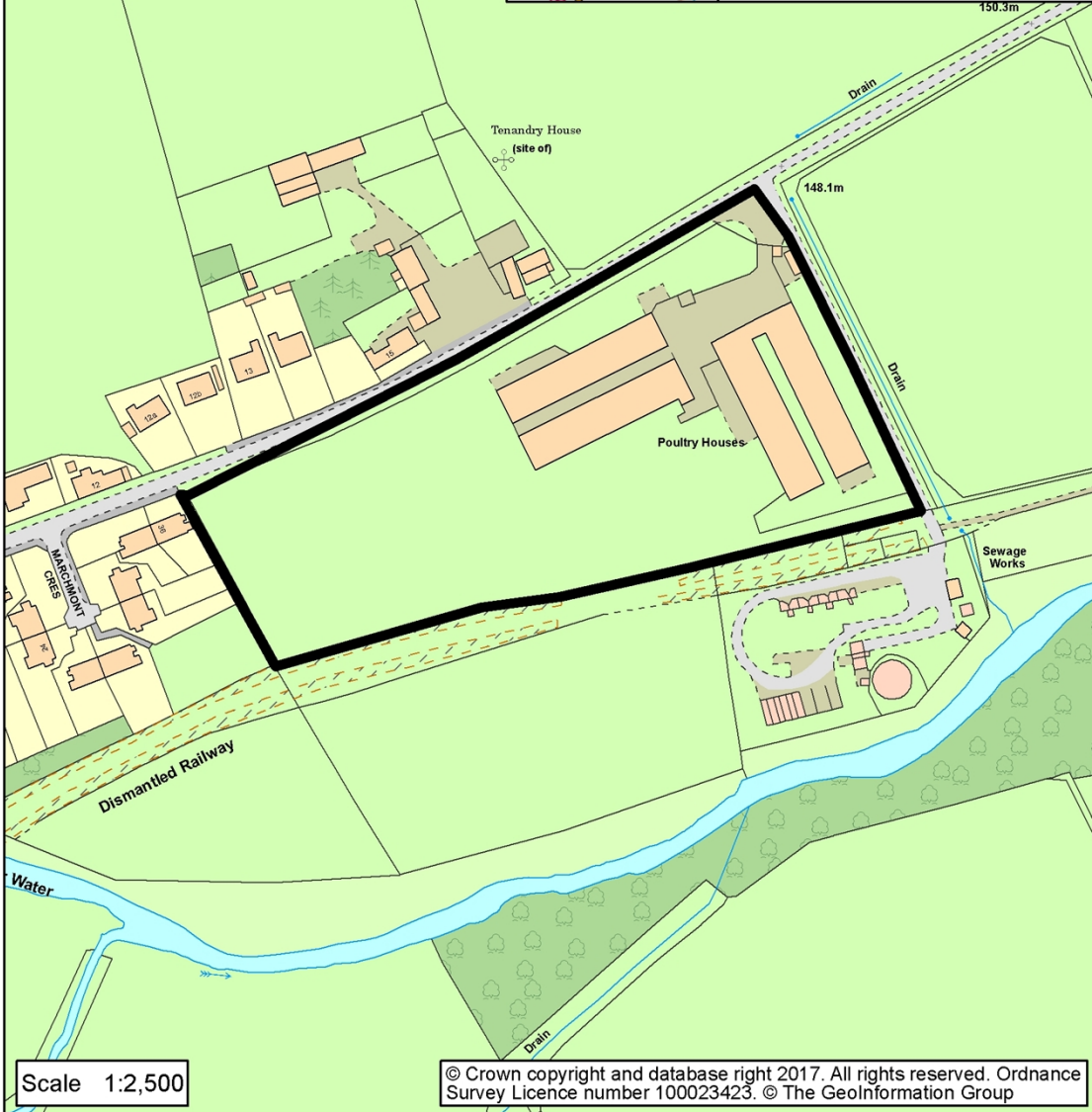
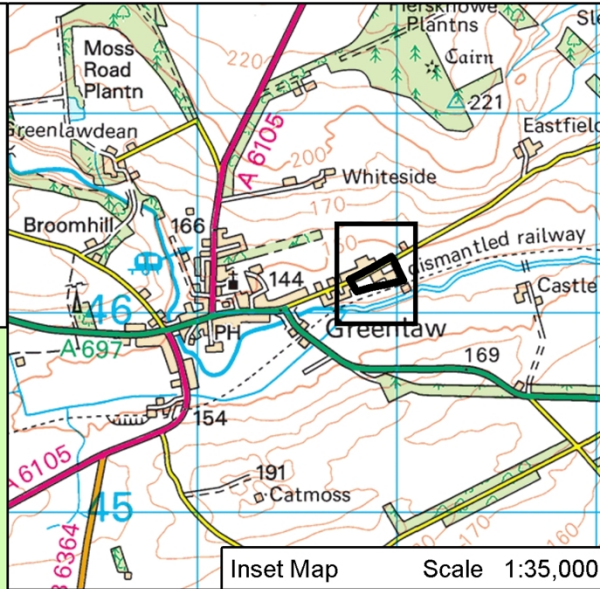
Author(s)

Name	Designation
Stuart Herkes	Planning Officer



16/01360/PPP

Poultry Farm
Marchmont Road
Greenlaw



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

27 MARCH 2017

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 17/00236/MOD75
OFFICER: Mr E Calvert
WARD: Tweeddale West
PROPOSAL: Discharge of planning obligation pursuant to planning permission T199-88
SITE: Land South West And South East Of Bowbank Cottages, Bellfield Road, Eddleston
APPLICANT:
AGENT: Savills Per Angus Dodds

SITE DESCRIPTION:

Eddleston is 5 miles north of Peebles. The village has developed along the Longcote Burn and Bellfield Wood on the eastern side of the A703. The village is some 330 in population and has a Conservation Area containing the historic village centre.

Bowbank Cottage is sited at the end of Calderbank Road. It is now a pair of semi-detached dwellinghouses sited in an elevated position on the fringe of the village. The Cottage occupies the north western corner of a rough grass field which is bounded to the south by woodland and, at the bottom of a slope, the primary school. An adopted footpath leads along the south western boundary of the field to access the school. Beyond the field, to the north east, is grazing and the boundary to the north is set by a farm track leading out to the farmland beyond.

The surrounding countryside is managed as agricultural grassland enclosures which are interspersed by woodland patches bounded predominantly by drystone dykes. The hills are predominantly white (improved) grass although open moorland (black hill) is also visible on the higher ground, being located on the edge of the Moorfoot Hills. The village is set on the side of these rolling hills and long views up the surrounding valleys are on offer from this site.

PROPOSED DEVELOPMENT:

Variation of a section 50 agreement is sought to remove the requirement that no further development takes place on the land owned by the applicant. The agent wishes to demonstrate that this undeveloped field may contribute to future housing land supply for the Local Development Plan.

PLANNING HISTORY:

Planning permission was granted in 1989, T199-88, (erection of a dwellinghouse and granny flat) and a Section 50 agreement (Town and Country Planning (Scotland) Act 1972) prohibited any further dwellinghouse being constructed on the entire 2 acres of land to which the plot related.

95/00396/FUL

Alterations to divide house into two semi-detached residences & erection of extension. Approved.

16/01557/MOD75

A discharge of Obligation was sought by the Agent however, throughout the course of application, it became apparent that two interested parties had been missed from statutory notification and furthermore, these interested parties are current owners of 1 and 2 Bowbank Cottages, to which the application relates. Council legal services informed that, provided Interested Parties were consulted for a statutory 21 day period, the application was competent. However, the Agent withdrew and reapplied with the current application.

Local Plans

Tweeddale (Part) Local Plan

The site was out with the Village Boundary.

Tweeddale Adopted Local Plan 1996

Bowbank Cottage and garden was included within the Settlement Boundary.

The whole field referred to in the S.50 agreement is shown to be within the settlement boundary in:

Local Plan Consultative Draft (Stage One) May 2004

Adopted Local Plan 2008

Consolidated Local Plan 2011 (included the Local Plan Amendment)

Adopted Local Development Plan 2016

CONSULTATION RESPONSES:

Legal Services: Response awaited.

REPRESENTATION SUMMARY

Three objections have been received;

Eddleston Community Council: Objection;

1. Inadequacy of the access track to this site for any additional traffic. Safety is already an issue here and any increase in traffic will make matters worse.
2. There is no current zoning for housing at this site and there are already 2 other areas in the village already zoned as part of the Councils Adopted Plan.
3. The path is a "safe route" to the Primary School which is well used and currently bisects the site.

Two Interested parties note objections citing;

1. Inadequate access.
2. Increased traffic.
3. Land affected.
4. Legal issues - the applicant cannot seek and obtain the discharge of a planning obligation which relates to a third parties land.
5. Road safety.
6. Inadequate existing infrastructure in village. Education, drainage and water capacity.
7. Pedestrian safety.
8. Privacy and daylight of existing properties.

9. Subdivision of previous house is no grounds for precedence.
10. Terms of agreement remain relevant.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016:

PMD4 Development outwith development boundaries
PMD5 Infill Development
Circular 3/2012 Planning Obligations and Good Neighbour Agreements

OTHER PLANNING CONSIDERATIONS

"New Housing in the Borders Countryside" SPG

KEY PLANNING ISSUES:

Whether the s.50 agreement continues to be relevant, necessary and reasonable.

ASSESSMENT OF APPLICATION

The planning policy context of the site has clearly changed between 1989, when the original permission was granted, and 2004, so that the land has been included within the Eddleston Settlement Boundary for over 13 years. In 1989 the settlement boundary did not include land of Bowbank Cottages, Eddleston. Housing development was restricted to within settlement boundaries or on allocated sites.

The decision (at Planning Committee on 17 October 1988) to grant approval to development, T199-88, was based on exceptional circumstances on land beyond the development boundary. This agreement physically prevented further proliferation of housing on this land. The agreement did not bind the house and land to be held as one unit; it did not necessitate any employment occupancy restriction on the dwelling approved; and it did not prohibit disposal of whole or part of the land.

Policy PMD4 (Local Development Plan 2016) identifies the extent to which development would be permitted within a Plan period and, as noted, the whole site now falls within the settlement boundary.

Policy PMD5 (Local Development Plan 2016) identifies criteria which determine whether a non-allocated, infill or windfall site may be appropriate for development. This land is non-allocated and Policy PMD5 would consider protection of neighbouring residential amenity; servicing and access; scale, form, design, materials and density in respect of the surroundings; social and economic infrastructure, character and amenity on the area; and the established land use in the event of any future planning application.

There is no overriding reason for the section 50 agreement to remain with this land. Policy PMD4 and PMD5 can be relied upon to direct appropriate development within a Settlement Boundary. An agreement based on commercial need is no longer relevant as there is no evidence of the former horticultural business operating from Bellvue Holdings.

Such agreements would not be used today, as the correct mechanism for testing the justification for new development would be through a planning application, when it would be assessed against the terms of the prevailing local development plan.

The objections submitted in relation to this proposal are noted, but generally relate to matters of detail which would be unaltered by the removal of the terms of the agreement. None are considered so overriding as to alter the principle in this case.

CONCLUSION

The proposal to vary this Section 50 Legal Agreement complies with policy PMD4 and PMD5 of the Local Development Plan 2016 in that the development boundary has been positioned so as to include this site and any future infill development proposal would be subject to separate consideration. The correct mechanism for testing the justification for new development would be through a planning application, when it would be assessed against the terms of the prevailing local development plan. No deficiencies in infrastructure and services will be created or exacerbated as a result of this variation.

RECOMMENDATION BY CHIEF PLANNING OFFICER:

I recommend variation to the Section 50 Agreement is approved.

DRAWING NUMBERS

Location Plan

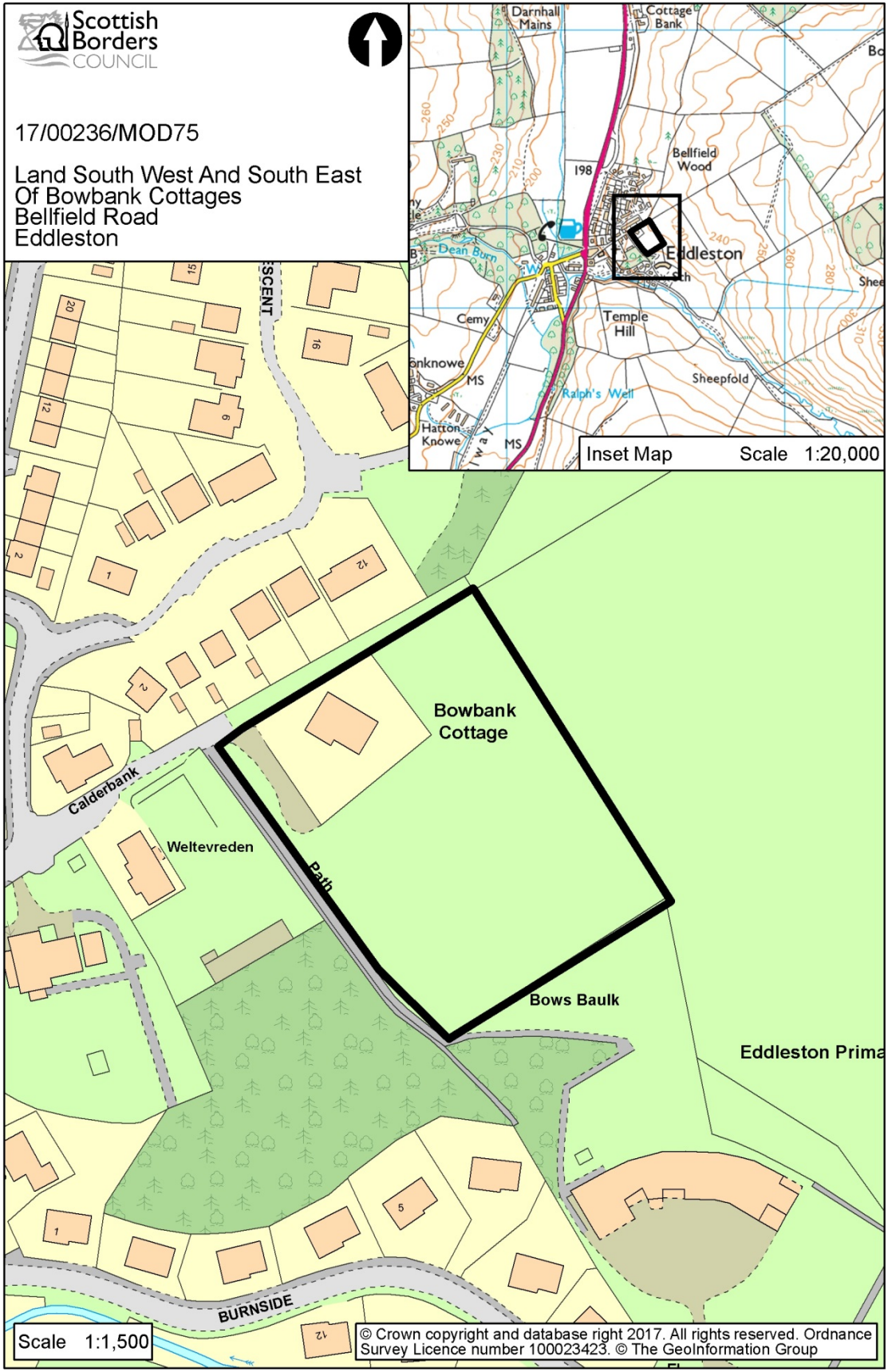
Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning Officer	

The original version of this report has been signed by the Chief Planning Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Euan Calvert	Assistant Planning Officer



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**SUPPLEMENTARY PLANNING GUIDANCE:
LANGTON EDGE, DUNS - PLANNING BRIEF**

Report by Service Director Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

27 March 2017

1 PURPOSE AND SUMMARY

- 1.1 This report seeks the approval of Supplementary Planning Guidance in the form of a planning brief for Langton Edge, Duns.**
- 1.2 The Langton Edge site at Hardens Road in Duns is allocated in the adopted Local Development Plan 2016 for housing (BD200). The site is allocated under policy PMD3 - Land Use Allocations. The Council has prepared this brief in order to lay down how the site could be developed, creating a development vision, identifying opportunities the site offers, addressing potential constraints, identifying required development contributions and encouraging good quality new development. The brief will provide guidance to any developer or any other interested party and will be a material consideration when determining planning applications. The planning brief is set out in **Appendix A**.
- 1.3 This report brings forward the revised planning brief following the public consultation. A summary of the consultation responses is set out in **Appendix B** along with the Council's responses and recommended amendments to the brief where considered appropriate. One key point to note is that a Section 50 Legal Agreement was put in place on the land as part of the granting of planning consent for housing associated with an extension to the Duns Golf Club in 1994. Part of the lengthy delay in referring this planning brief back to the Planning and Building Standards Committee was due to implications the Legal Agreement had on the implementation of this development. This is explained further in part 4 of this report, although fundamentally the Legal Agreement will require to be amended to allow development of this land. The amendment to the Legal Agreement will be subject to a separate formal application to the Council.

2 RECOMMENDATION

- 2.1 I recommend that the Planning and Building Standards Committee approves the planning brief as Supplementary Planning Guidance to be used as a material consideration to any proposal for the development of the site.**

3 BACKGROUND

3.1 In 1994 planning consent was granted for 15 no houses on land at Langton Edge, Duns. This consent was granted in tandem with a proposal to extend the Duns golf course on land to the south west of the site. As part of the approval a Section 50 Legal Agreement was entered into between the land owner and the Council. In essence the main component parts of the Legal Agreement were that :

- a) No further houses were built on the land immediately adjoining the 15 no houses (this relates to land subject to this SPG)
- b) Land on the northern part of the site, which adjoins the main Hardens Road, to be provided for car parking for 3 no users in the immediate vicinity: the Duns Rugby club, the Duns Golf Club and users of a possible new sports facility on land to the south which the Council had an interest in pursuing
- c) footpath provision from the aforesaid parking area to the golf course extension
- d) when the Duns Rugby Club vacate the land their pitch is on (located at the extreme eastern end of the SG site) it should revert back to agricultural use

The 15 no houses, known as Wellrig Park, and the golf course extension have long been completed.

3.2 The land owner then applied to have land on either side of the 15 no houses included within the Local Plan 2008 as a housing allocation. Although this was opposed by the Council, following the Examination of the Plan the Reporter recommended the land should be incorporated. Consequently the land was allocated for housing within into the adopted Local Plan 2008.

3.3 The land subject to this SPG is split into two parts. The Duns Rugby Club have now vacated the rugby pitch and have moved to land within the grounds of the former Duns High School.

3.4 Following the incorporation of the land into the Local Plan, a draft planning brief was prepared to indicate how the site could be developed. The draft brief was agreed by the Planning and Development Committee in January 2009 and was sent out for a 12 week public consultation.

4 OUTCOME FROM PUBLIC CONSULTATION

4.1 Following the public consultation of the planning brief responses were received from a total of 11 no parties. A summary of these submissions and the Council's response can be viewed in **Appendix B**.

4.2 Taking account of these submissions along with any other relevant update requirement the following amendments have been incorporated into the brief:

- It is accepted that there is likely to be an issue in respect of stray golf balls entering the development site from the second hole of the course located along the southern boundary. The brief takes cognisance of this and has extended the indicative buffer area in the vicinity of the mutual boundary with the second hole, stating that no houses should be built within this area. This would be fully addressed and the exact boundaries confirmed via the Development Management procedure when a formal application is submitted which will confirm where houses are proposed to be built. The extent of the buffer area and any boundary fencing, etc. can be considered at that stage.
- Text to be added to re-affirm the need to address any surface water, sewerage and reed bed aromas on the site.
- Where relevant, an update of the text, maps and policy references has been carried out to reflect and changes to relevant national and development plan policies since the draft brief was prepared.
- An update of Council contacts has been made within Appendix A of the brief.
- An update of any other material references or circumstances referred to within the brief, including for example, developer contributions and reference to the Council's Placemaking and Design Guidance 2010.

4.3 Since the public consultation on the draft planning brief the delay in the processing of this brief has largely been due to the requirements of the Section 50 Legal Agreement and any consequent perceived impacts it may have on the planning brief. The Council has had many meetings and exchanged correspondence with the land owner and other interested parties. Ideally it would have been desirable to have all parts of this brief confirmed and agreed prior to the referral back to the Planning and Development Committee. However, due to outstanding matters relating to the Legal Agreement, regrettably this has not been possible to resolve.

4.4 The main issue for the delay with regards to the Legal Agreement was in respect to trying to resolve the requirements of any required parking area on the northern part of the site. The land in question is elongated in shape, it runs alongside the public road and is located between the main access into Wellrig Park and the property known as Rathowen. Within the terms of the Legal Agreement the land was to be made available for the use of parking by the Duns Golf Club, Duns Rugby Club and for the purposes of a recreational facility the Council was considering providing on land to the south of the site. It is accepted by the Council that the Rugby Club have now vacated the area within the eastern part of the site (they have moved to land within the grounds of the former Duns High School) and therefore they no longer operate from Langton Edge, and that the Council no longer wish to pursue nor require the land to the south of the site for any recreational facility. Consequently there is no reason for part of this land to the north to be used for any parking provision for these users

- 4.5 However, the formation of a parking area identified in the Legal Agreement for use by the golf club remains unresolved. This matter has been subject to extensive debate and meetings but an agreement as to its formation or otherwise has not been met. The golf club state that they still have an interest in the land being developed for parking while the land owner feels any embargo on the land as part of the Legal Agreement should be lifted as the golf club have not utilised nor he claims have shown interest in forming the car park since the Agreement was put in place.
- 4.6 The Legal Agreement does specifically prevent the development on any part of this land for housing. It had therefore been suggested that if a parking area is not formed then some alternative agreement, between the golf club and the land owner could be reached. Despite both sides appearing to agree this would be possible, no such agreement has been reached. Consequently this part of the site remains blighted for residential development due to the Legal Agreement. Officers now consider that despite considerable efforts an agreement between the two parties will not be reached and there is no reason for delaying the brief being referred to the Planning and Building Standards Committee.
- 4.7 The Legal Agreement remains in place and in order to allow the development of the land subject to this brief to be implemented it will require to be amended. Although the planning brief takes cognisance of the requirements of the Legal Agreement, the brief does not replace it. Any consequent amendments to the Legal Agreement will require the submission of a separate application to the Council for consideration.
- 4.8 It is therefore concluded that the most appropriate means of resolving this outstanding issue is that, within the planning brief, it should be stated that the land identified for parking for the golf club may or may not be released for housing development and that this would be fully addressed when and if a separate application is submitted to amend the Section 50 Legal Agreement. Once this is confirmed via the application, the planning brief can be amended accordingly. It is considered that any other necessary amendments to the Legal Agreement to allow the development of this allocated site should be straightforward to resolve.

5 IMPLICATIONS

5.1 Financial

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

5.2 Risk and Mitigations

Risk of not producing guidance

- a) The lack of guidance would cause uncertainty to developers and the public and be a barrier to effective decision making by the Council. This could result in ad hoc and inconsistent decision making with the policies in the Local Development Plan not being taken fully into account.
- b) Failure to produce the Supplementary Planning Guidance would reflect badly on the Council's commitment to improve the design of new developments.

- c) It is considered that the failure to approve the planning brief for Langton Edge, Duns would have resource impacts in the Development Management Section, potentially resulting in delays processing planning applications. In addition, it may ultimately impact on the quality of development and the thorough assessment of the environmental impact of development.

Risk of producing guidance

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

5.3 Equalities

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

5.4 Acting Sustainably

(a) **Economic Growth**

The proposed development will assist in promoting building a strong, stable and sustainable economy which provides prosperity and opportunities for all.

(b) **Social Cohesion**

The proposed development will help to meet the diverse needs of people in the local communities.

(c) **Protection of the environment**

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

5.5 Carbon Management

The brief promotes measures to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques.

5.6 Rural Proofing

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

5.7 Changes to Scheme of Administration or Scheme of Delegation

There are no changes to be made.

6 CONSULTATION

- 6.1 The Chief Financial Officer, the Monitoring Officer, the Chief Legal Officer, the Chief Officer Audit and Risk, the Chief Officer Human Resources and the Clerk to the Council have been consulted and any comments received have been incorporated into the final report.

Approved by

Brian Frater
Service Director, Regulatory Services

Signature

Author

Name	Designation and Contact Number
Charles Johnston	Lead Planning Officer (Planning Policy and Access)

Background Papers: Report to Planning and Building Standards Committee 12 January 2009

Previous Minute Reference: Meeting of P & BS Committee Jan 2009

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

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

SCOTTISH BORDERS COUNCIL

SUPPLEMENTARY PLANNING GUIDANCE

Langton Edge, Duns

Planning Brief



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SITE CONTEXT & DESCRIPTION

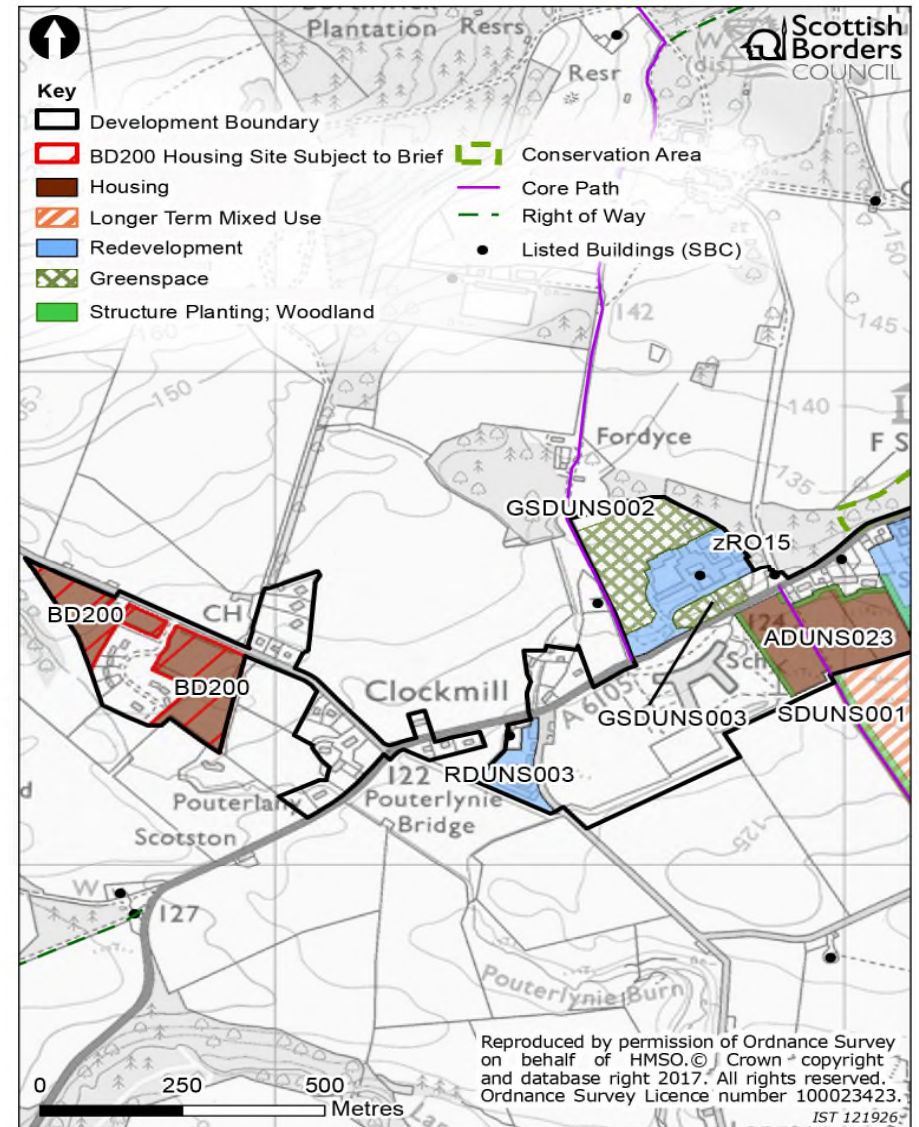
INTRODUCTION: This Supplementary Planning Guidance (SPG) sets out the main opportunities and constraints relating to the proposed housing land allocation at Langton Edge, Hardens Road, Duns. It provides a framework vision for the future development of the site which is allocated within the adopted Local Development Plan (LDP) 2016 (site ref BD200). The planning brief should be read in conjunction with the developer guidance in Appendix A.

SITE LOCATION: The site at Langton Edge is located to the west of Duns within the settlement boundary. Duns is located in central Berwickshire, 16 miles west of Berwick Upon Tweed on the A6105 and has a population of 2,753. There are a considerable number of housing and business allocations around the town.

SITE DESCRIPTION: The site is a greenfield site with an area of 4.0ha, split into two parts of similar size, and has an indicative site capacity of 20 units. The site is predominantly flat and is bounded by Hardens Road to the north, part of Duns golf course to the west and open fields to the south-west and east. A detached property known as Scotston Park is located at the extreme southern tip. Between the two sites is an area of land now developed for detached houses and their respective garden grounds known as Wellrig Park. On the northern roadside outwith the site boundary is a detached property known as Rathowen.

The site boundaries include a mix of post and wire fences, a hedgerow along the public road, a stone wall along the eastern boundary and a hedge along the north western boundary. The main vehicular access point into the site is at Wellrig Park. The nearest bus stop is 300 metres away on the A6105 with a pedestrian link.

Figure 1—Site Context and Description



RELEVANT PLANNING POLICY & GUIDANCE

- [Scottish Planning Policy](#) encourages the provision of a range of attractive, well-designed, energy efficient, good quality housing, contributing to the creation of successful and sustainable places. The Scottish Government also has a number of Planning Advice Notes (PANs) that could be useful to this development including PAN2/2010—Affordable Housing, PAN2/2011 Planning & Archaeology, PAN 44 Fitting New Housing Development into the Landscape, PAN 61 Planning & Sustainable Urban Drainage Systems, PAN 65 Planning & Open Space, PAN 67 Housing Quality, PAN 74 Affordable Housing, PAN 76 New Residential Streets, PAN 77 Designing Safer Places, PAN 78 Inclusive Design and PAN 83 Master planning.
- SESplan is the strategic planning authority for south east Scotland who produced the adopted [Strategic Development Plan 2013](#). It provides the strategic direction for regional land use policy for the period to 2032. The SESplan identifies a number of Strategic Development Areas (SDA), one of which is the Eastern Borders SDA, which includes Duns.

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The [Local Development Plan](#) includes various land allocations in Duns including housing sites, redevelopment opportunities and key greenspaces. The LDP also identifies strategic business and industrial opportunities within the town.

A number of policies included in the Local Development Plan will be applicable to the general development of this site including, but not limited to: Policy PMD1 Sustainability, Policy PMD2 Quality Standards, Policy PMD3 Land Use Allocations, Policy HD1 Affordable and Special Needs Housing, Policy IS2 Developer Contributions, and Policy IS9 Waste Water Treatment Standards and Sustainable Urban Drainage.

- [Designing Streets](#), produced by the Scottish Government, changes the emphasis of guidance on street design towards placemaking and away from a focus on the dominance of motor vehicles. The policy states that street design must consider place before movement and puts an emphasis on the creation of successful places through the creation of good street design.
- The aim of this SPG is to ensure that the Scottish Borders will be a quality place in which to live, providing attractive, sustainable towns and villages that are distinct and diverse. This SPG provides guidance in relation to successful placemaking and design principles and the impact this can have on the social and economic wellbeing of communities and the environment at large. These principles are taken from the Council's [Placemaking and Design Guide 2010](#).



EXISTING SITE FEATURES AND KEY CONSIDERATIONS

- A Section 50 Legal Agreement, which was recorded in 1994, applies to the land subject to this planning brief. The Agreement was put in place alongside a planning approval for the Wellrig Park development and the golf course extension to the south of the site. The Agreement in essence sought to control other land uses in the vicinity of the site in control of the land owner and currently prevents the site being developed for housing. However, since the Agreement was put in place the land subject of this planning brief has subsequently been allocated for housing following Examination of the Local Development Plan by a Reporter (site ref BD200). Consequently the Agreement requires to be amended in order for the housing development to take place. The Amendment to the brief will be subject to a separate application. One of the issues to be addressed and resolved as part of the application to amend the Agreement is with regards to an area of land to the immediate west of the access point (as identified in fig 3). At present that land is required to be safeguarded for use as parking for the nearby Duns Golf Club. Although there has been considerable discussion between the Council, the land owner and the golf club to address this matter and agree an acceptable use of this land for all parties, this matter remains unresolved. Consequently it is proposed that when this matter is concluded as part of the application to amend the Agreement, this planning brief will be amended accordingly to coincide with the Agreement
- The local archaeological site of a farm stading in the western site should be evaluated and mitigated (see green highlight in fig 2)
- A key public view onto the allocation is from the golf course. Create an open space along the golf course edge of the western site to safeguard the countryside setting of the golf course
- Development to maximise benefit of south facing aspect
- Vehicular access to be taken from Hardens Road to the north of the site via the existing access serving Wellrig Park. Further access points could be provided onto Hardens Road to provide connectivity within the site

Figure 2—Site Features and Key Considerations



DEVELOPMENT VISION

The allocated land is within a remote part of the Duns development boundary. Given its peripheral and rural location it would not be appropriate to allow a high density scheme. The indicative figure of 20 houses in the Local Development Plan suggests a low density development which will help integrate the existing housing at Wellrig Park into the surrounding landscape. This would help the overall development merge more appropriately into the rural landscape, particularly when viewed from Hardens Road and the golf course.

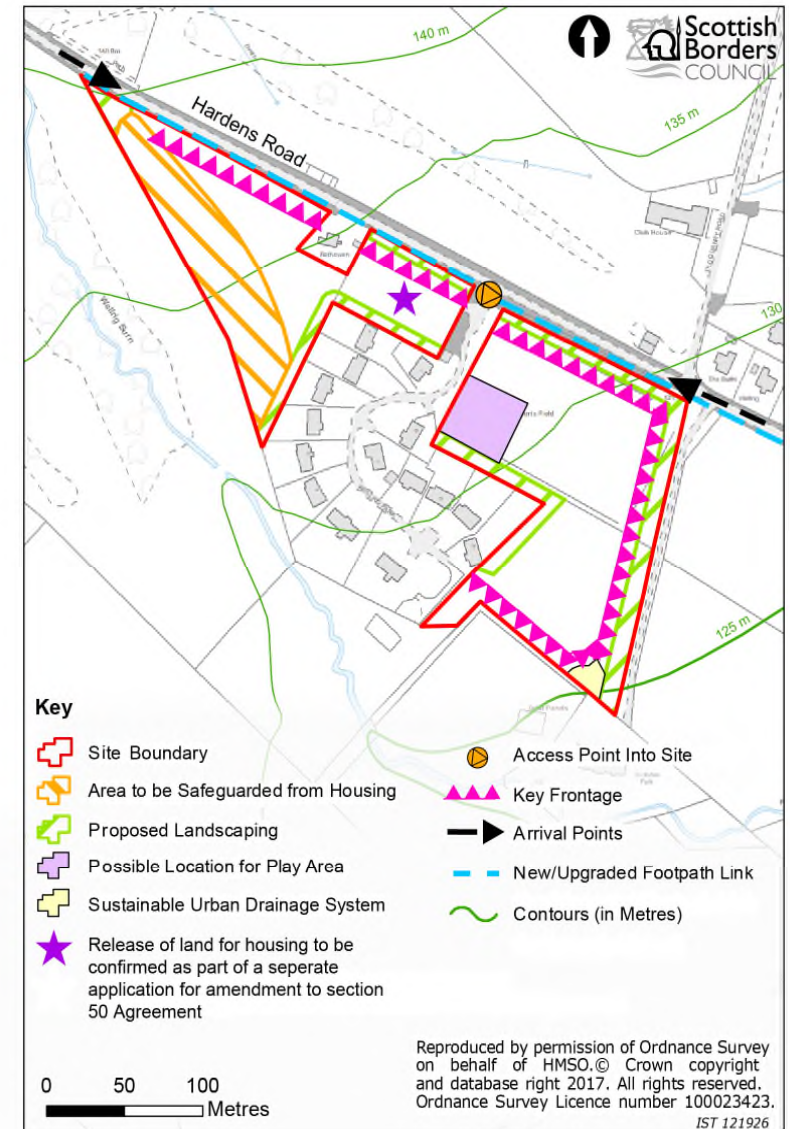
The key requirements of this development are as follows:

- Development should be in accordance with best practice as advocated in the Council’s Supplementary Guidance “Placemaking and Design”. Good design is at the heart of sustainable communities, and well designed places acknowledge the social function of the built environment, the need to be adaptable within the environment, and the most efficient way to use our resources.

The access into the site can be taken from the existing junction to Wellrig Park. Further access could be provided onto the Hardens Road to the east of the existing junction to allow traffic circulation. There is the potential for development fronting onto Hardens Road to take access directly from it.

- Improve pedestrian and cycle links to the High School, which provides a local bus route and links to local facilities.
- Perimeter planting to be carried out including along boundary of Wellrig Park
- The orientation of houses should maximise energy efficiency.
- The layout of development should create a frontage along Hardens Road and the main entrance onto the site and Wellrig Park. This entrance could be enhanced and a strong arrival point created by appropriate linked frontage development
- The design of development should enhance the key frontages along the eastern and south eastern part of the site. These are important in views from the A6105 and Hardens Road.
- Parking should be provided to the rear of properties where appropriate, particularly along the key frontages.
- The scale and height of development should minimise the visual impact on the surrounding countryside and relate to existing development. A mix of two, one and a half and single storey buildings would be appropriate. Higher density development may be appropriate at the entrance to the site and along the key frontages.

Figure 3—Development Vision



DEVELOPMENT VISION FOR LANGTON EDGE (continued)

- In terms of layout, orientation, construction and energy supply, appropriate measures must be taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources and the incorporation of sustainable construction techniques, and comply with all relevant Council policy relating to these matters. Further guidance can be viewed within Appendix A.
- Finishing materials and design should reflect the character and architecture of existing good quality buildings in Duns. Building colour themes should respect the local context and include light rendered finishes, grey roofs and local materials where appropriate.

IMAGES FROM AROUND THE SITE



View of the site from the east.



View of the western side of the site.



Dyke alongside eastern edge of the site.

ENVIRONMENTAL IMPACTS AND HOUSING DENSITY

ENVIRONMENTAL IMPACTS

- Archaeology - There are the archaeological remains of a farm steading in the north of the western part of the site, recorded as a Sites and Monuments Record (see figure 2). LDP policy EP8—Archaeology will consequently have to be adhered to in any development. An Archaeological evaluation may be required prior to detailed planning consent being granted. This evaluation would require a Written Scheme of Investigation to include a desk-based assessment of the site and a recommended programme of geophysical survey combined with targeted test trenching. This work must be conducted by a registered archaeologist. Provision should be made for the proper recording, analysis, curation and publication of any archaeology recovered. Additionally, it would be helpful to indicate the location of the archaeology with some form of appropriate marker. The Council’s Archaeology Officer will be able to provide more detailed advice. If development is approved, the council will require that any development is carried out with an approved strategy designed to minimise the impact of the impact upon the asset.
- Water, Sewerage and Sustainable Urban Drainage Systems - Early discussions with Scottish Water and SEPA on water and sewerage provision are advised. The existing sewerage works at Wellrig Park should be upgraded to serve this site. Provision for Sustainable Urban Drainage will be required. This effectively manages the flow of rain water run off by treating it within the site in accordance with SEPA best practice design principles. It is understood there are surface water drainage issues at the site and issues with sewerage and reed bed smells at the site which need to be investigated and resolved.

HOUSING DENSITY

- Given the density and site layout of the existing residential development at Wellrig and the rural setting of the location, a low housing density of 20 houses is appropriate for this allocated housing site. It should be noted that this figure is indicative only and the final number will be determined at the detailed planning application stage.
- The calculations for density within the site are approximate and are based on the Net Developable Area. This area excludes landscape buffer zones. Where appropriate, buffer zones may be included as part of the garden areas. The figures shown in the table demonstrate the density calculations for this development.

Total Site Area	Developable Area	Area for low density Main-stream Housing	Number of Units for Mainstream Housing	Area for Affordable Housing	Number of Units for Affordable Housing	Total Units
4ha	2.6ha	2.1ha	16	0.5ha	4	20

DEVELOPER CONTRIBUTIONS AND OTHER REQUIREMENTS

DEVELOPER CONTRIBUTIONS

In accordance with LDP policy IS2 the following Developer Contributions would be associated with the development :

- Affordable Housing - there will be a requirement for 25% on site provision of affordable housing in compliance with the Local Development Plan Policy HD1 Affordable Housing and Special Needs Housing
- Education and Lifelong Learning - a contribution will be required for Duns Primary School and Berwickshire High School
- Play Area - on-site provision of an equipped play area may be required subject to a factoring agreement or alternatively a contribution towards an off-site play facility may be required
- Transport Upgrades - Contribution towards footpath linkage to Duns High School. Any network upgrading work identified through the Transport Assessment process
- Please note this list is not exhaustive and additional contributions may be required. More information is available from the LDP Policy IS2 Developer Contributions and the Council's Development management team (see page 15). Early discussion is advised.

OTHER REQUIREMENTS

- As stated on page 5, a Section 50 Legal Agreement requires to be amended as part of a separate application in order to release the land subject to the SPG for development. Once the Agreement is formally approved any relevant changes to this planning brief will be made.
- There are several options for vehicular access to the site. The main access can be taken from the existing road into Wellrig Park (Figure 3) or from a new access into the eastern site connecting into Wellrig Park
- The road and street layout of the proposed development must embrace the principles of the current 'Designing Streets' policy and the Councils' Placemaking and Design Supplementary Planning Guidance. These promote an informal system of well connected streets with natural traffic calming (building lines, squares, shared road surfaces etc) built in and equal consideration given to sustainable transport modes such as walking, cycling and public transport.

OTHER REQUIREMENTS (CONTINUED) AND SUBMISSION REQUIREMENTS

OTHER CONSIDERATIONS (CONTINUED)

- A Transport Statement will be requested as part of any planning application for this site. The developer will be expected to implement any identified off-site transport work required as a result of the development and/or the cumulative effect of development on a wider scale
- Where car parking spaces are allocated to individual properties the provisional requirement will be two car parking spaces per dwelling unit (discounting garages). There will be a 25% requirement for visitor parking to be provided in groups of two spaces or more. For communal car parking the provisional requirements, which include visitor parking, is 1.5-1.75 spaces per dwelling unit
- Waste management facilities for recycling and collection should form an integral part of the development, in terms of storage provision within the site and off site collection.

SUBMISSION REQUIREMENTS

The following documents should be submitted alongside any detailed planning application:

- Context study demonstrating an understanding of the local context
- Site photos: highlighting key views and how the design will respond to these
- Processing Agreement
- Design statement
- Energy Statement
- Landscape Plan including landscape management scheme
- Drainage Impact Assessment - looking at impact on the catchment area and waste and surface water drainage solutions
- SUDS scheme for treatment of surface water run-off
- Transport assessment
- Ecology Impact Assessment
- Archaeological evaluation and appropriate mitigation measures where necessary.
- Details of play area provision including reference to any factoring proposals for maintenance

APPENDIX A—DEVELOPMENT GUIDANCE AND REQUIREMENTS

INTRODUCTION

One of the main aims and principles of the Scottish Borders Local Development Plan (LDP) is to support and encourage sustainable and high quality development. The Council produce planning briefs that set out the development vision and the main strengths, weaknesses, opportunities and constraints on sites allocated in the LDP to achieve this.

The aim of this supporting appendix to this planning brief is to set out guidance to developers that apply to this site in order to achieve a sustainable place through the use of energy efficient design, creation of sustainable buildings, landscape enhancements and creation of streets and spaces. Consideration should be given to [‘Designing out Crime’](#), [‘Trees and Development’](#) and [‘Landscape and Development’](#).

ENERGY EFFICIENT DESIGN

Sustainable design

The Council is committed to improving the sustainability of the built environment of the Borders. The Building Research Establishment’s Environmental Assessment Method (BREEAM) is a sustainability rating scheme for the built environment. It evaluates the procurement, design, construction and operation of development against targets and benchmarks. Assessments are carried out by independent, licensed assessors and developments rated and certified on a scale of Pass, Good, Very Good, Excellent and Outstanding.

The categories covered are:

- Management
- Health and wellbeing
- Transport
- Energy
- Water
- Materials
- Waste
- Land use
- Pollution
- Innovation

APPENDIX A—DEVELOPMENT GUIDANCE AND REQUIREMENTS (CONTINUED)

Developments will be expected to achieve the rating of “Excellent”. The Excellent standard can be achieved through creative design such as making best use of natural daylight and choosing construction materials that are appropriate to the climate conditions of the development site. This means that even starter homes which are very price sensitive can be built to these standards (where the incorporation of technologies such as solar panels and wind turbines may not be financially viable).

The standard includes making full use of energy conservation techniques, including:

- Reduction of primary energy use and reduction of CO² emissions through, for example, the siting, form, orientation and layout of buildings which maximise the benefits of heat recycling, solar energy, passive solar gain and the efficient use of natural light; and the use of planting to optimise the balance between summer shading and winter heat daylight gain
- Reduction of water consumption through for example use of water butts for garden use, low water consumption white goods, showers and WC’s, grey water recycling for internal use
- Green specification of materials including those for basic building elements and finishing elements
- Reduction of construction waste through for example sorting and recycling construction waste on-site
- Designing for life-cycle adaptability

Advice should be sought from a licensed assessor at an early stage in the project to ensure that the estimated rating will be obtained. A full list of licensed assessors can be found by contacting the [BREEAM office](#).

SUSTAINABILITY

The Scottish Borders Council SPG on Placemaking & Design sets out guidance on ‘designing out’ energy needs and creating sustainable new development. The SPG requires that new development is as efficient as practically possible in the use of natural and man-made resources. The principles apply to the building design, construction and operational requirements. This includes considering the site layout (microclimate, building orientation, water handling and use of sustainable resources) and the individual buildings design. Any new development on the site will have to demonstrate comprehensive integration of these principles to both the site layout and the individual building design.

There is a Scottish Government commitment to increasing the amount of renewable energy generated through appropriately designed buildings . Micro-renewable technologies can now be applied within the design of new housing development with confidence and should be incorporated where appropriate into development proposals.

APPENDIX A—DEVELOPMENT GUIDANCE AND REQUIREMENTS (CONTINUED)

Strategic Development Plan 2013 states that Local Development Plans must:

“ Set a framework for the encouragement of renewable energy proposals that aims to contribute towards achieving national targets for electricity and heat, taking into account relevant economic, social, environmental and transport considerations, to facilitate more decentralised patterns of energy generation and supply and to take account of the potential for developing heat networks”.

The LDP 2016 states under 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... e) the efficient use of energy and resources, particularly non-renewable sources”.

The LDP also states under Policy PMD2 Quality Standards:

The standards which will apply to all development are that 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 and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance”.

The Building Control process covers some of the energy issues new buildings must address relevant to this brief and relevant guidance can within a technical handbook can be viewed on the following link: <http://www.gov.scot/Topics/Built-Environment/Building/Buildingstandards/techbooks/techhandbooks/th2016domenergy>

The Climate Change (Scotland) Act 2009 <http://www.gov.scot/Topics/Environment/climatechange/scotlands-action/climatechangeact> creates a statutory framework for delivery of greenhouse gas emissions reductions in Scotland. The Act sets an interim target of a 42% reduction in emissions (compared to 1990) by 2020, and an 80% reduction target for 2050, with annual targets set in secondary legislation. The high level measures required in each sector to meet Scotland’s statutory climate change targets, for 2022 and in the long term, were set out in the Scottish Government’s Climate Change Delivery Plan. This includes recommendations for the delivery of low carbon new buildings. The construction sector has a major role to play in this respect. Emissions from the burning of fossil fuels are contributing to climate change, with energy use in buildings a significant source of such emissions. Increased energy efficiency and promotion of renewable energy are therefore an important element of Scotland’s strategy to tackle climate change. To deliver buildings that are more energy efficient and have fewer carbon dioxide emissions, a greater emphasis is needed on the overall effect that design and specification choices, construction and commissioning of new work can have on building performance.

APPENDIX A—DEVELOPMENT GUIDANCE AND REQUIREMENTS (CONTINUED)

The standards and guidance given are intended to achieve an improvement, for new homes reducing emissions by approximately 21% compared to the previous 2010 standards (45% compared to the 2007 standards). However, nothing here prevents a domestic building from being designed and constructed to be even more energy efficient or make greater use of low carbon equipment.

In terms of energy performance certificates part 6.9 of the technical handbook (see previous link) confirms the mandatory standard (with regards to buildings over 250 sq m in area) for obtaining energy performance certificates.

Energy Performance of Buildings requires that, when buildings or building units are constructed, sold or rented out, an energy performance certificate (EPC) or a copy thereof is shown to the prospective new tenant or buyer and handed over to the buyer or new tenant. Standard 6.9 ensures the continued presence of such information for buyers and tenants by also making EPCs fixtures within buildings. EPCs must be produced in an independent manner and be carried out by qualified/ accredited experts.

Developers must submit a statement for the Council's approval detailing how energy efficiency measures and low and zero carbon technologies will be incorporated into a development proposal and the level of carbon dioxide reduction that will be achieved.

Broad guidance on the carbon dioxide reductions achievable from a range of sustainable energy technologies is provided in the table below (indicative only— ongoing up to date information can be obtained from the energy saving trust and specialist suppliers and contractors):

Scale of technology	Name of technology	Potential CO2 emissions reduction
Site-wide / communal	Biomass district heating	Up to 70%
	Gas combined heat and power (CHP)	Up to 50%
	Biomass combined heat and power (CHP)	Up to 50%
	Wind turbine(s)	Up to 50%
Individual dwelling	Biomass boiler	Up to 65%
	Solar photovoltaic cells / panels	Up to 35%
	Ground source heat pump	Up to 35%
	Advanced improvements to the building fabric	Up to 30%
	Solar thermal hot water	Up to 25%
	Air source heat pump	Up to 20%
	Intermediate improvements to the building fabric	Up to 20%
	Micro wind turbine	Up to 5%
	Micro combined heat and power	Up to 5%

KEY CONTACTS WITHIN SCOTTISH BORDERS COUNCIL

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**Appendix B: Supplementary Planning Guidance, Planning Brief – Langton Edge, Hardens Road, Duns
Consultation Comments and Responses**

Issue no.	Consultee	Comment Summary	Council Response	Recommendation / Action
1.	Duns Golf Club	<p>There is no mention of a Section 50 Legal Agreement which affects parts of the site and there are outstanding points which should be addressed.</p> <p>Support the proposal for a safeguarded area affected by stray golf balls. Question whether the proposed area is large enough.</p> <p>Drainage and surface water arrangements must be acceptable.</p>	<p>Reference has now been made within the brief to the existing Section 50 Legal Agreement. Modifications need to be made to the Agreement to allow development of the land. One issue to be addressed is the requirement of the Agreement to provide car parking land for the golf club on part of the planning brief site. This will be addressed and resolved as part of a separate application to amend the Agreement. Any changes to the Agreement will be updated within the planning brief as required.</p> <p>Support noted. There are issues regarding the safety of properties in respect of stray golf balls and the safeguarded buffer area on the mutual boundary with the golf course has been extended to address this issue.</p> <p>These would be considered during the planning application and building warrant processes.</p>	<p>Accept. Reference made within planning brief to update the brief following any relevant amendments to the Agreement.</p> <p>No further action</p> <p>No further action</p>
2.	JM Fisher	<p>Residential properties should not be built adjacent to the golf course.</p>	<p>The site is allocated within the Scottish Borders Local Plan 2016 for residential development. The principle of residential development on this site has therefore been accepted and cannot now be revoked. The safeguarded area on the mutual boundary with the golf course has</p>	<p>No further action</p>

			been extended to address the threat of golf balls hitting new houses. The exact extent of the buffer area will be confirmed at the planning application stage.	
3.	RJ Forrest	<p>Concern relating to the location of the Sustainable Urban Drainage System and any surplus water affecting property.</p> <p>An existing dwellinghouse to the North of the site is known as 'Langton Edge'. The naming of the site as Langton Edge may lead to confusion.</p>	<p>The design and location of the SUDS system would be given due consideration during the planning application and building warrant application stages. The location of the SUDS scheme is indicative at this stage.</p> <p>The site is identified within the Scottish Borders Local Development Plan 2016 as Langton Edge and has been the Council's reference throughout the LDP process which the paper trail consistently refers to. This name cannot now be altered at this stage as it would lead to confusion.</p>	<p>No further action. The exact location and design of the SUDS scheme to be incorporated at the planning application and building warrant stage.</p> <p>Reject.</p>
4.	P Marshall	<p>Major concerns relating to several points contained within the brief, namely:</p> <ul style="list-style-type: none"> • The existing sewerage system is not capable of accommodating twenty dwellinghouses; • • Road safety concerns raised by the Roads Officer during the Local Plan Inquiry have not been overcome; 	<p>This brief acknowledges that the existing sewerage works need to be upgraded to service this site.</p> <p>The site is allocated within the Scottish Borders Local Plan 2016 for residential development. The site was put in a previous Local Plan by a Reporter following Examination of the Plan. The principle of residential development on this site has therefore been accepted and cannot now be revoked. The Brief states that there are several options for vehicular access to the site as agreed by the Director of Technical Services.</p>	<p>No further action. This brief acknowledges that the existing sewerage works need to be upgraded to service this site.</p> <p>No further action</p>

		<ul style="list-style-type: none"> Existing properties within the vicinity of the site experience problems with surface water. Additional properties could lead to increased garden flooding at Wellrig; and The site is detached from the local services in Duns. Residents would depend upon the car to access these services, resulting in congestion. 	<p>These matters would be considered during the planning application stage.</p> <p>This brief requires that secure and convenient walking and cycling connections be provided to local facilities and public transport access points.</p> <p>Any existing surface water problems cannot be the responsibility of any new site developer for the site in question. Obviously steps would need to be taken at the planning application stage to ensure development of the brief site had no increased adverse flood impacts</p> <p>The site is allocated for residential development in the LDP following Examination by a Reporter. The suitability of the site and any consequent roads safety issues have previously been considered.</p>	<p>Appropriate steps would need to be taken at the planning application stage to ensure development of the brief site had no increased adverse flood impacts</p> <p>Reject</p>
5.	SEPA	<p>Request that detailed advice in respect of the following is included within the Brief:</p> <p>Construction and Landscaping; Renewables, Energy Efficiency and Sustainability; Air Quality; Waste Management; Biodiversity; Surface Water; Sewage; and</p>	<p>The brief refers to some of these points where relevant and has further stated that any developer would be encouraged to liaise with SEPA to discuss these matters in more detail prior to and during the processing of the planning application.</p>	<p>No further action</p>

		Contamination.		
6.	The Garden History Society	The site lies between two designed landscapes of Duns Castle and Langton House. Sensitively landscaped, low density development, flanking existing housing, would not have a significant detrimental impact on either designed landscape.	Comments noted.	Comments noted – no action
7.	SNH	Support the need for an Ecological Impact Assessment.	Support noted.	No further action
8.	Historic Scotland	No comments.	Noted.	No action
9.	Berwickshire Civic Society	<p>The proposals would constitute ribbon development. The dwellings must be of the highest quality, appropriate in scale and materials.</p> <p>The properties should not be served by individual accesses off Hardens Road. The pedestrian access from Wellrig Park to the town must be improved, regardless of any future development.</p>	<p>The site is allocated within the adopted LDP 2016 and it is not considered to be ribbon development. The final layout of the development would be determined during the planning application stage. This brief requires good quality design and finishing materials.</p> <p>The location of the accesses would be determined during the planning application stage although the Roads Planning section have suggested accesses from some roadside houses directly onto Hardens Road could be accepted. The brief requires upgrades of pedestrian links.</p>	<p>Reject</p> <p>No further action</p>
10.	Duns Community Council	The site is at Wellrig Park, not Langton Edge.	The site is identified within the Scottish Borders Local Development Plan 2016 as Langton Edge and has been the Council's reference throughout the LDP process which the paper trail consistently refers to. This name cannot now be altered at this stage as it would lead to confusion.	Reject.

	<p>There are surface water drainage problems at the site and these should be included within the brief. There are problems with sewerage and reed bed smells at the site.</p> <p>A farm steading type development along Hardens Road would not be in keeping with the area.</p> <p>Support one further exit from the site onto Hardens Road.</p> <p>Question the shown end point of the footpath to the north west along Hardens Road.</p> <p>The brief should highlight that there are no footpaths within Wellrig Park and that the footpath to Berwickshire High School is inadequate.</p> <p>The occupants of the site should not have a lesser waste collection than existing residents in Duns and discourage a mini waste</p>	<p>Any existing surface water problems cannot be the responsibility of any new site developer for the site in question. Obviously steps would need to be taken at the planning application stage to ensure development of the site had no increased adverse impacts</p> <p>It is considered a strong arrival point at the main entrance to the site should be formed and the brief requires an appropriately designed linked frontage development.</p> <p>Support noted, although the Roads Planning team suggest more than one access could be formed</p> <p>This brief requires that secure and convenient walking and cycling connections be provided to local facilities and public transport access points. The footpath tapers naturally at the end of the site on the north west part.</p> <p>The Brief has identified requirement for upgrading of footpaths from the site. There is not considered to be any need to make reference to the lack of a footpath within Wellrig Park.</p> <p>The brief merely states that waste management facilities for recycling and collection should form an integral part of the development in terms of storage provision within the site and off-site</p>	<p>No action</p> <p>The brief to refer an appropriately designed linked frontage development at the main entrance to the site</p> <p>No action</p> <p>Reject.</p> <p>No action</p> <p>No action</p>
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		<p>transfer station within the site.</p> <p>An existing legal agreement would preclude any development of the rugby pitch.</p> <p>Concerns relating to the location of the SUDS scheme and any resulting flooding upon the existing neighbouring property.</p> <p>Agree a maximum number of 20 units.</p> <p>Concerns relating to the maintenance of the landscaping and play area.</p>	<p>provision.</p> <p>In order for the former rugby field to be developed an amendment to the Sect 50 Legal Agreement must be carried out. This will be resolved via the submission of an application to amend the Agreement.</p> <p>The design and location of the SUDS system would be given due consideration during the planning application and building warrant application stages.</p> <p>Noted.</p> <p>The maintenance would be considered and confirmed at the planning application stage likely to involve a factoring agreement</p>	<p>No further action regarding the planning brief</p> <p>No further action</p> <p>Support noted</p> <p>No further action</p>
11.	R Bell	<p>Believes a density of 30-40 units would be more appropriate.</p> <p>The area to be safeguarded from housing as a result of the threat of stray golf balls should be removed as the potential threat is already well highlighted in the brief which should be</p>	<p>The indicative figure of 20 houses is stated in the Adopted Local Plan and the Brief cannot deviate from that figure. Given the density and site layout of the existing residential development at Wellrig, it is considered 20 houses is an appropriate figure, although a planning application would ultimately determine the final on-site number of units.</p> <p>The Development Vision is indicative only and the exact area to be safeguarded from housing would be determined at the planning application stage. The threat of golf balls hitting properties is a major consideration when housing is proposed</p>	<p>Reject.</p> <p>Reject.</p>

		<p>sufficient to highlight the need to any potential designer.</p> <p>The Council has always been of the view that the fewer access points onto Hardens Road the better. It would be safer and reasonably easy to make the existing junction serve all sites.</p>	<p>on land adjoining a golf course and it is considered this issue should be identified in the Development Vision.</p> <p>The location of the accesses would be determined during the planning application stage. The Roads Planning Section has supported the possibility of more than one access being formed onto Hardens Road</p>	<p>Reject</p>
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PLANNING APPEALS & REVIEWS

Briefing Note by Chief Planning Officer

PLANNING AND BUILDING STANDARDS COMMITTEE

27th March 2017

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

2.1 Planning Applications

Nil

2.2 Enforcements

- 2.2.1 Reference: 16/00126/UNDEV
Proposal: Erection of fence
Site: 12 Merse View, Paxton
Appellant: Steven McClymont

Reason for Notice: Unauthorised Development

Grounds of Appeal: The area highlighted on the enforcement notice covers an area of boundary fence. The majority of the fence has been standing for well in excess of 4 years which is the specified time for any enforcement to be made.

Method of Appeal: Written Representations

- 2.2.2 Reference: 16/00146/UNDEV
Proposal: Boundary fence and summerhouse erected in front garden
Site: 1 Borthwick View, Roberton, Hawick
Appellant: Mr and Mrs Ramsay

Reason for Notice: Unauthorised Development

Grounds of Appeal: 1. The line of the fence is incorrectly sighted. 2. The lack of privacy due to No. 2 occupants, due to height of fence. 3. The fence is of variable height, sometimes as low as 1.5m. 4. No. 2 neighbour has constructed onto the fence she complains of. 5. No. 2 is responsible

for sighting of fence within one metre of walled boundary to road, (so as to clock exit/entrance sight line to our house). 6. The summerhouse is a moveable item, like a vehicle, and is not situated in any one spot permanently.

Method of Appeal: Written Representations

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained 4 appeals previously reported on which decisions were still awaited when this report was prepared on 17th March 2017. This relates to sites at:

• Land North West of Whitmuir Hall, Selkirk	• Broadmeadows Farm, Hutton
• Office, 80 High Street, Innerleithen	• 1 Borthwick View, Robertson, Hawick (Murphy-McHugh)

5 REVIEW REQUESTS RECEIVED

5.1 Reference: 16/01464/FUL
Proposal: Erection of agricultural storage building with welfare accommodation
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley 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 with adverse visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. 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.

5.2 Reference: 16/01506/FUL
Proposal: Erection of straw storage building
Site: Field No 0328 Kirkburn, Cardrona

Appellant: Cleek Poultry Ltd

Reasons 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.

5.3 Reference: 16/01507/FUL
Proposal: Erection of machinery storage building
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, ED7 and EP5 of 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, will be poorly visually related to the existing buildings adjoining 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 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 and use are not of a scale or purpose that appear related to the nature or size of the holding on which the building would be situated, which further undermines the case for justification in this location.

5.4 Reference: 16/01513/FUL
Proposal: Erection of machinery storage building
Site: Field No 0328 Kirkburn, Cardrona
Appellant: Cleek Poultry Ltd

Reasons 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.

5.5 Reference: 16/01536/PPP
 Proposal: Erection of dwellinghouse
 Site: Land East of Highland Brae, Lilliesleaf
 Appellant: Miss Kerrie Johnston

Reason for Refusal: The proposed development would be contrary to policy HD2 of the Scottish Borders Local Development Plan (2016), and contrary to the guidance within the adopted New Housing in the Borders Countryside Guidance Note (2008), in that the proposed development would not relate sympathetically to an existing building group and the supporting letter accompanying the application is not considered sufficient justification for what would be a development in open countryside.

6 REVIEWS DETERMINED

Nil

7 REVIEWS OUTSTANDING

7.1 There remained 2 reviews previously reported on which decisions were still awaited when this report was prepared on 17th March 2017. This relates to sites at:

- | | |
|-------------------------------|------------------------------------|
| • Land East of Keleden, Ednam | • Field No 0328 Kirkburn, Cardrona |
|-------------------------------|------------------------------------|

8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 3 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 17th March 2017. This relates to sites at:

- | | |
|---|-------------------------------|
| • (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir | • Fallago Rig 1, Longformacus |
| • Fallago Rig 2, Longformacus | • |

Approved by

**Ian Aikman
Chief Planning Officer**

Signature

Author(s)

Name	Designation and Contact Number
Laura Wemyss	Administrative Assistant (Regulatory) 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

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

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