

# Public Document Pack



## PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 1ST FEBRUARY, 2021

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held on MONDAY, 1 FEBRUARY 2021 at 10.00 a.m. via Microsoft Teams. The meeting will be live streamed to the public and a link will be on the Council Website.

J. J. WILKINSON,  
Clerk to the Council,

25 January 2021

<b>BUSINESS</b>	
1.	<b>Apologies for Absence.</b>
2.	<b>Order of Business.</b>
3.	<b>Declarations of Interest.</b>
4.	<b>Minute.</b> (Pages 3 - 8)  Minute of Meeting held on 11 January 2021 to be approved and signed by the Chairman. (Copy attached.)
5.	<b>Applications.</b>  Consider the following applications for planning permission:-
	(a) <b>Whitelaw Brae Wind Farm, Fruid, Tweedsmuir - 20/00789/S36</b> (Pages 9 - 28) Variation to operating life from 25-30 years and clarification on drawing listed as Annex E on consent. (Copy attached.)
	(b) <b>Land South East of 12 The Orchard, Reston, Scottish Borders - 20/01133/FUL</b> (Pages 29 - 54) Erection of rail station platforms, waiting shelters, footbridge and lifts with associated access, car parking, servicing and landscaping (Copy attached.)
6.	<b>Updated Supplementary Planning Guidance: Planning Brief - Former Borders College, Galashiels</b> (Pages 55 - 76)  Consider report by Chief Planning & Housing Officer (Copy attached.)
7.	<b>Appeals and Reviews.</b> (Pages 77 - 82)  Consider report by Service Director Regulatory Services. (Copy attached.)

8.	<b>Any Other Items Previously Circulated.</b>
9.	<b>Any Other Items which the Chairman Decides are Urgent.</b>

**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 S. Mountford (Chair), N. Richards, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage and E. Small

---

Please direct any enquiries to Fiona Henderson 01835 826502  
fhenderson@scotborders.gov.uk

---

**SCOTTISH BORDERS COUNCIL  
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held by Microsoft Teams on Monday, 11 January 2021 at 10.00 a.m.

-----

Present:- Councillors S Mountford (Chairman), A. Anderson, J. Fullarton, S. Hamilton, H. Laing, D. Moffat, C. Ramage, N. Richards, E. Small.  
In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer, Solicitor (Fraser Rankine), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE**

There had been circulated copies of the Minute of the Meeting held on 7 December 2020.

**DECISION**

**APPROVED for signature by the Chairman.**

2. **APPLICATION**

There had been circulated copies of reports by the Chief Planning and Housing Officer on an application for planning permission requiring consideration by the Committee.

**DECISION**

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

3. **PLANNING PERFORMANCE FRAMEWORK FEEDBACK 2019/20**

3.1 The Planning and Development Standards Manager gave a verbal summary on the feedback received from Scottish Government to the Annual Planning Framework which had been previously circulated to Members of the Committee. This was the ninth Planning Performance Framework (PPF) prepared by Scottish Borders Council for its Planning Service and covered the period 1 April 2019 to 31 March 2020. The PPF system was established in 2012 and was intended to provide a rounded approach to assessing the progress and improvement of planning service delivery across Scotland. It focussed on addressing some of the Scottish Government's key performance markers and made reference to key statistics, using examples to illustrate good practice being used locally. The format and headings of the report followed a template agreed by Scottish Government and highlighted both performance and good practice to demonstrate service direction, targets and outcomes in the context of both national indicators and local corporate initiatives. It was highlighted that it was not simply about measuring speed of decision-making, although that was undoubtedly a factor, it was also a reflection and review of service improvements and driving up the quality of development generally.

3.2 The report submitted to Scottish Government set out the work and activities of the wider Planning, Housing & Related Services division in delivering the Council's corporate priorities. It also highlighted continuing improvement in performance in the challenging budgetary environment and adapting the service to meet the needs of the Borders. The period of the review was just coming to an end as the pandemic began, so while there was a slight overlap, the full effect of the pandemic upon service delivery would be more fully reported in the next PPF. The Performance Markers RAG (Red/Amber/Green) report issued by Scottish Government in respect of the previous year's PPF awarded 13 Green, 1 Amber and 1 Red

RAG ratings, an increase of one Green marker rating from the previous year, and it was reported that there had been further improvement since that last review. The elimination of that last red reflected the continuation of the positive improvement journey the Planning Service had been on in recent years. The one Red marker received in 2019 related to the time taken to process applications that had an accompanying legal agreement, which was slower than the previous year and the Scottish average. The service, in partnership with legal service, had made a concerted effort to reduce the timescales and had managed the processing of these critical contributions to essential infrastructure using planning processing agreements. As a result, that marker had now moved from red to green.

- 3.3 The table at the end of the letter circulated indicated the position for each of the review periods since the system began in 2013 and despite some challenging circumstances, had resulted in the best outcome since the system was introduced, with greens virtually across the board. Mr Hayward acknowledged the continued hard work and commitment of staff to the delivery of not just a high quality service but also of high quality outcomes.

**DECISION NOTED**

**4. APPEALS AND REVIEWS**

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION NOTED that:-**

- (a) **there remained outstanding four appeals previously reported on which decisions were still awaited when the report was prepared on 22 December 2020**

<ul style="list-style-type: none"> <li>• Land North West of Willowdean House, Foulden</li> </ul>	<ul style="list-style-type: none"> <li>• Hutton Hall Barns, Hutton (Shed 5)</li> </ul>
<ul style="list-style-type: none"> <li>• Land North East of Burnside, Lower Green, West Linton</li> </ul>	<ul style="list-style-type: none"> <li>• Hutton Hall Barns, Hutton (Shed 6)</li> </ul>

- (b) **the decision of the Appointed Officer had been upheld in respect of the formation of a dormer at 19 Myrescroft, Ancrum, Jedburgh.**

- (c) **the decision of the Appointed Officer had been overturned (Subject to conditions and informatives) in respect of the Erection of a dwellinghouse together with access, landscaping and associated works Land North East of East Neuk, Morebattle.**

- (d) **there remained one review previously reported on which a decision was still awaited when the report was prepared on 22 December 2020**

<ul style="list-style-type: none"> <li>• Garden Ground of Clifton Cottage, High Street, Kirk Yetholm</li> </ul>
---

- (e) **there remained 3 S36 PLI's previously reported on which decisions were still awaited when the report was prepared on 24<sup>th</sup> September 2020 and related to sites at:**

<ul style="list-style-type: none"> <li>• Fallago Rig 1, Longformacus</li> </ul>	<ul style="list-style-type: none"> <li>• Fallago Rig 2, Longformacus</li> </ul>
<ul style="list-style-type: none"> <li>• Crystal Rigg Wind Farm, Cranshaws, Duns</li> </ul>	<ul style="list-style-type: none"> <li>•</li> </ul>

*The meeting concluded at 11:05 a.m.*

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
20/01382/PPP	Residential development comprising five Dwellinghouses and associated access	Redundant Station Yard and associated grounds - Dolphinton

Decision: Approved subject to a legal agreement addressing contributions towards Education and Lifelong and affordable housing, and the following conditions and informatives:

1. No development shall commence until the details of: the layout, siting, design and external appearance of the buildings; the means of access thereto; appropriate parking provision within the site; refuse and recycling bin storage and; the landscaping and boundary treatments of the site, have been submitted to and approved in writing by the planning authority.  
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the planning authority. Thereafter the development shall only take place except in strict accordance with the details so approved.  
Reason: To achieve a satisfactory form of development and to comply with the requirements of section 59 of the Town and Country Planning (Scotland) Act 1997, as amended.
3. The number of houses forming part of the development hereby approved shall be limited to a maximum of five.  
Reason: To ensure a satisfactory form of development which contributes satisfactorily to the setting.
4. No development shall commence, unless otherwise agreed in writing with the planning authority, until a scheme to identify and assess potential contamination on site has been submitted to the planning authority for prior written approval. No construction work shall commence until the scheme has been submitted to and approved by the planning authority. Once approved, it shall be thereafter implemented in accordance with the approved scheme.

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

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

thereafter,

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

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

d) submission to the planning authority of a validation report (should remedial action be required) which will validate and verify the completion of works;

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

Written confirmation from the planning authority, that the scheme has been completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required prior to the commencement of development. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the planning authority.

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

5. No development shall commence until precise details of water supply and of both surface water and foul water drainage have been submitted to and approved in writing by the planning authority and thereafter no development shall take place except in strict accordance with the approved scheme. The surface water drainage arrangements shall be based on sustainable drainage techniques. And surface water run-off rates shall not exceed existing levels

Reason: To ensure an adequate water supply is available and that satisfactory arrangements are made for the disposal of surface and foul water.

## Informatives

### 1. Landscaping

With regards to Condition 1 above, the landscaping scheme to be submitted at the detailed planning stage shall include details of the following, if proposed:

- i. existing and finished ground levels in relation to a fixed datum, preferably ordnance;
- ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored;
- iii. location and design, including materials, of walls, fences and gates;
- iv. soft and hard landscaping works;
- v. existing and proposed services such as cables, pipelines, sub-stations;
- vi. other artefacts and structures such as street furniture, play equipment;
- vii. a pedestrian link to the existing bus stop and pedestrian/cyclist link to the wider countryside;
- viii. a programme for completion and subsequent maintenance.

### 2. Layout

With regards to Condition 1 above, the maximum number of new builds served by a private road is four. Depending on the layout for the proposed development, that may result in the need for the road to be constructed to an adoptable standard. However, if the layout was designed in a manner that the first plot was served via the existing public road, even if it was just a pedestrian link depending on the close proximity of the plot to the public road, then the road serving the remaining four plots could remain private.

Parking provision would be either 225% for curtilage parking or 175% for communal parking. Pedestrian provision shall be incorporated into the design.

NOTE

1. Mr Deryck Hogge, Resident spoke against the application
2. Mr Ruairaidh Thompson, Agent spoke in support of the application.

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**1 FEBRUARY 2021**

**THE ELECTRICITY ACT 1989 (SECTION 36C)**  
**THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION**  
**OF CONSENT) (SCOTLAND) REGULATIONS 2013**

**ITEM:** **REFERENCE NUMBER:** 20/00789/S36

**OFFICER:** Mr Craig Miller  
**WARD:** Tweeddale West  
**PROPOSAL:** Variation to operating life from 25-30 years and clarification on drawing listed as Annex E on consent  
**SITE:** Whitelaw Brae Wind Farm, Fruid, Tweedsmuir  
**APPLICANT:** Whitelaw Brae Wind Farm Limited

**PLANNING PROCESSING AGREEMENT:**

The timescale for response to the Energy Consent Unit (ECU) is by 11 February 2021.

**PURPOSE OF REPORT**

To advise the Scottish Government of the response from Scottish Borders Council (SBC) on an application submitted under section 36C of the Electricity Act 1989 to vary the existing section 36 consent and section 57 of the Town and Country Planning (Scotland) Act 1997 to vary the deemed planning permission at Whitelaw Brae Wind Farm, Fruid, Tweedsmuir.

**PROCEDURE**

Members will be aware from previous Section 36 applications coming before this Committee that Scottish Borders Council (SBC) is a consultee as a 'relevant planning authority' for the purposes of this application process. The views of SBC will be passed to the Energy Consents Unit (ECU) at Scottish Government, the body responsible for processing and determining onshore Section 36 planning applications. The ECU advertises the application and carries out consultation with other interested bodies. There is, therefore, no need for SBC to undertake a tandem process although consultation has taken place with relevant specialists within the Council.

It should be noted that if permission is granted, the local authority (rather than the ECU) would become the relevant enforcement authority responsible for monitoring compliance with the terms of an approval and any conditions imposed thereon.

**SCHEDULE 9 OF THE ELECTRICITY ACT 1989**

Schedule 9 of the Electricity Act 1989 imposes specific obligations on electricity companies in respect of the environment. They:

- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of

protecting sites, buildings and objects of architectural, historic or archaeological interest; and

- (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

In determining the variation against the provisions of the Development Plan, there must also be consideration of the requirements of Schedule 9 of the Electricity Act. This is particularly so for the ECU as the decision-making body on the variation request.

## **SITE DESCRIPTION**

The application site covers the same area as that of the consented Whitelaw Brae wind farm which is located 3km south of Tweedsmuir and directly west of the Fruid Reservoir. Development works have not yet commenced on site.

## **PLANNING HISTORY**

Whitelaw Brae Wind Farm was granted consent on 7 December 2017 by the Scottish Ministers following a Public Local Inquiry after SBC objected to the proposals.

The consented development comprises of 14 turbines with a tip height of 133.5m and hub height of 80m, along with ancillary works and buildings including tracks, foundations, substation, battery storage, borrow pits and compounds.

Development works have not yet commenced but the applicants have begun to purify a number of suspensive pre-commencement planning conditions with the Council. A five year timescale to commence the development was imposed, therefore, the consent remains implementable once all suspensive conditions are purified.

At the October meeting of the Planning and Building Standards Committee, Members considered the application submitted under Section 36C of the Electricity Act 1989 to make the following variations:

1. Extension of the 25 year operating life of the development to 30 years (Conditions 1 and 24 of the S36 consent)
2. Increase in tip height of all turbines from 133.5 to 136.5m (Condition 6 of the deemed planning permission)
3. Condition 5 of the deemed planning permission referred to Annex E listing the approved drawings but no Annex E was attached. Variation suggests cross-referring Annex E to Figure FEI 3.1 of the original scheme showing the site layout

Members raised no objections to the S36C application and this was relayed to the ECU, along with the recommendation to adjust Condition 15 to specifically mention Schedule 1A species.

The Section 36C application has not yet been granted by the ECU and the applicant has now written to the ECU to withdraw item 2 above, the tip height increase. The application now constitutes variation for only items 1 and 3 above. Even with the tip height request now omitted, the applicant states that *“The five year extension to the life of the windfarm would contribute to an increase in the energy yield over the life of the windfarm”*. The original Committee Report is attached to this report as Appendix

1 and Members are asked to pay full regard to it, with the exception of any sections and assessment relating to tip height increase.

The variation makes it clear that no other elements of the scheme are changing. The turbines are in exactly the same positions and all ancillary elements remain as originally proposed.

The application for variation continues to be supported by:

- A supporting letter with annexes
- Planning Statement
- EIA Screening Report

A screening exercise undertaken by the ECU, after consultation with the Council, concluded that the proposed development variation would not require an EIA.

### **Ecology and ornithology**

In the previous Committee Report, it was noted that that further information was now available in relation to Schedule 1A species at the site and that further Schedule 1A surveys were now necessary. In the circumstances, it was suggested that there was justification to recommend to the ECU that they amend Condition 15 appropriately, should the variation request be granted. This is still justified given the change in the baseline position and new information on Schedule 1 species, despite the removal of the tip height increase request from the application by the applicant. Subject to this, there continues to be no ecological or ornithological reasons to oppose the variation request and, thus, the scheme is still compliant with Policy ED9 and Schedule 9 of the Electricity Act.

### **CONCLUSION**

Provided all the previously imposed conditions are still applied to the variation, including an adjustment to Condition 15 to include Schedule 1A species, it is considered that the impacts arising from a five year extension to the wind farm operating life would not be significant. The proposed development is, therefore, consistent with the Development Plan and does not raise any other material considerations that would justify departure from the Development Plan. It would also be in accordance with Schedule 9 of the Electricity Act through the identification of impacts on the natural environment and proposed mitigation.

### **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

That the Council indicate to the Scottish Government that it does not object to the application to extend their operating life of the wind farm to 30 years and refer to the original FEI Site Layout as Annex E of the S36 consent, subject to the imposition of the relevant conditions and informative notes of the original consent which remain necessary to adequately control this development, including an adjustment to Condition 15 to include Schedule 1A species.

## DRAWING NUMBERS

<b>Drawing Number</b>	<b>Date Received</b>	<b>Description</b>
Figure 1.1	17.07.2020	Site Location Plan
Figure 1.2	17.07.2020	Application Site Boundary
Figure 3.1	17.07.2020	Proposed Site Layout

## **Approved by**

<b>Name</b>	<b>Designation</b>	<b>Signature</b>
Ian Aikman	Chief Planning and Housing Officer	

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

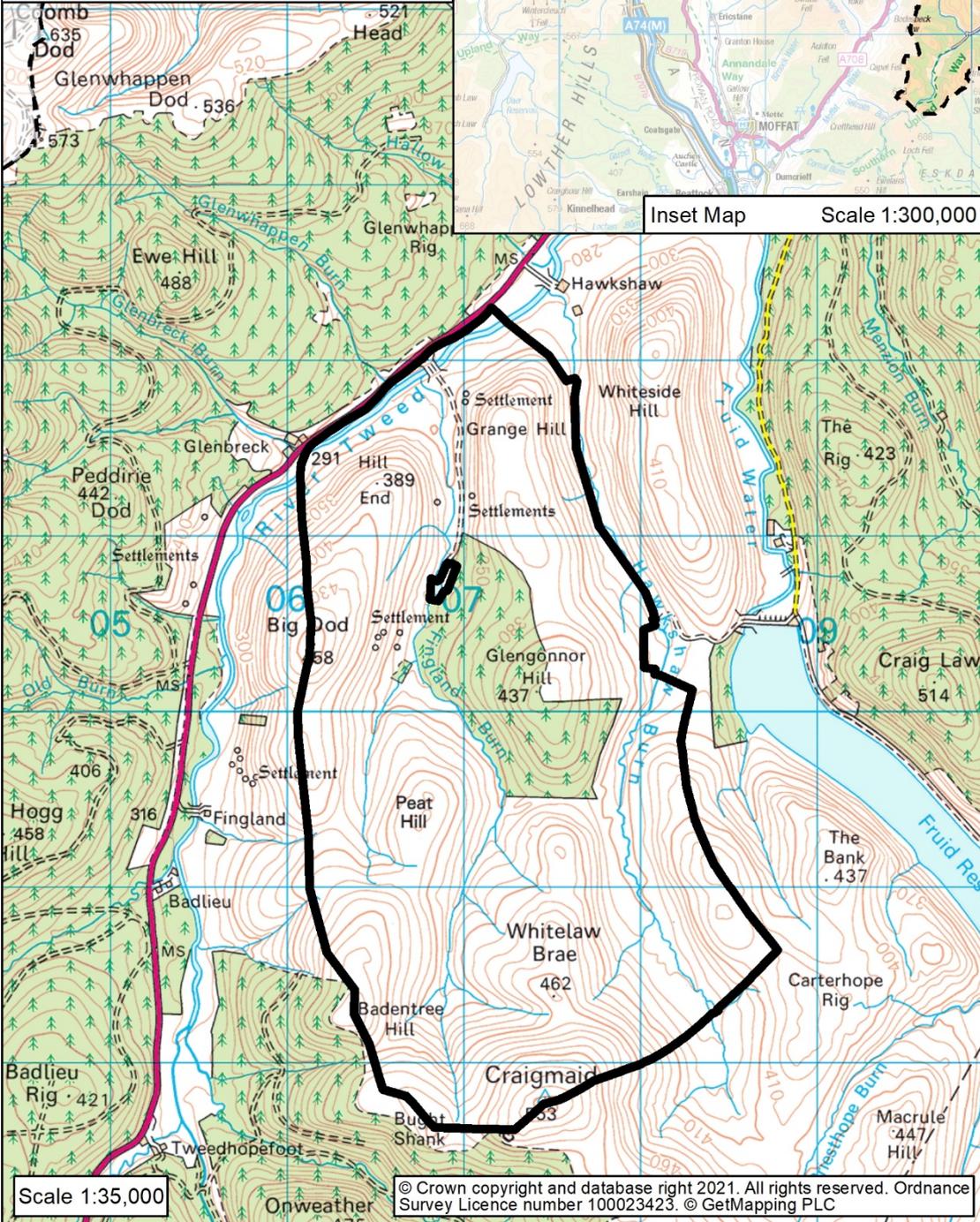
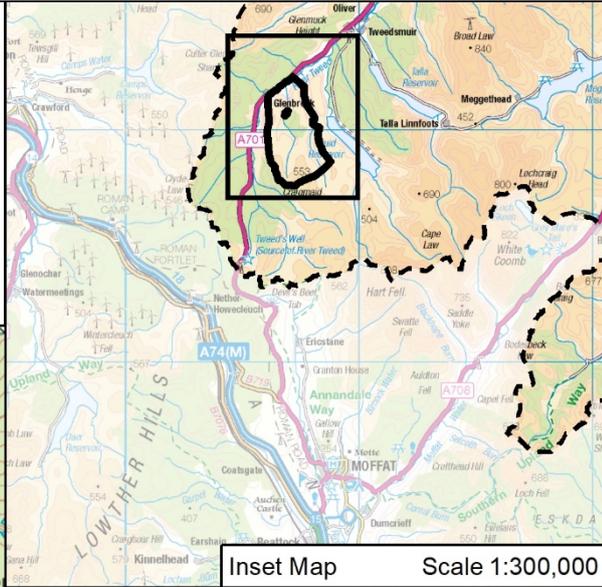
## **Author(s)**

<b>Name</b>	<b>Designation</b>
Craig Miller	Principal Planning Officer



20/00789/S36

(Whitelaw Brae Wind Farm)  
Land South East Of Glenbreck House  
Tweedsmuir



© Crown copyright and database right 2021. All rights reserved. Ordnance Survey Licence number 100023423. © GetMapping PLC

This page is intentionally left blank

## APPENDIX 1

### SCOTTISH BORDERS COUNCIL

### PLANNING AND BUILDING STANDARDS COMMITTEE

5 OCTOBER 2020

THE ELECTRICITY ACT 1989 (SECTION 36C)  
THE ELECTRICITY GENERATING STATIONS (APPLICATIONS FOR VARIATION  
OF CONSENT) (SCOTLAND) REGULATIONS 2013

<b>ITEM:</b>	<b>REFERENCE NUMBER:</b> 20/00789/S36
<b>OFFICER:</b>	Mr Craig Miller
<b>WARD:</b>	Tweeddale West
<b>PROPOSAL:</b>	Variation to operating life from 25-30 years, increasing tip height from 133.5m to 136.5m and clarification on drawing listed as Annex E on consent
<b>SITE:</b>	Whitelaw Brae Wind Farm, Fruid, Tweedsmuir
<b>APPLICANT:</b>	Whitelaw Brae Wind Farm Limited

#### **PLANNING PROCESSING AGREEMENT:**

A timescale for response has been agreed with the Energy Consent Unit (ECU) and the applicants for this variation to be considered at the October meeting of the PBS Committee.

#### **PURPOSE OF REPORT**

To advise the Scottish Government of the response from Scottish Borders Council (SBC) on an application submitted under section 36C of the Electricity Act 1989 to vary the existing section 36 consent and section 57 of the Town and Country Planning (Scotland) Act 1997 to vary the deemed planning permission at Whitelaw Brae Wind Farm, Fruid, Tweedsmuir.

#### **PROCEDURE**

Members will be aware from previous Section 36 applications coming before this Committee that Scottish Borders Council (SBC) is a consultee as a 'relevant planning authority' for the purposes of this application process. The views of SBC will be passed to the Energy Consents Unit (ECU) at Scottish Government, the body responsible for processing and determining onshore Section 36 planning applications. The ECU advertises the application and carries out consultation with other interested bodies. There is, therefore, no need for SBC to undertake a tandem process although consultation has taken place with relevant specialists within the Council.

It should be noted that if permission is granted, the local authority (rather than the ECU) would become the relevant enforcement authority responsible for monitoring compliance with the terms of an approval and any conditions imposed thereon.

#### **SCHEDULE 9 OF THE ELECTRICITY ACT 1989**

Schedule 9 of the Electricity Act 1989 imposes specific obligations on electricity companies in respect of the environment. They:

- (a) shall have regard to the desirability of preserving natural beauty, of conserving flora, fauna and geological or physiographical features of special interest and of protecting sites, buildings and objects of architectural, historic or archaeological interest; and
- (b) shall do what he reasonably can to mitigate any effect which the proposals would have on the natural beauty of the countryside or on any such flora, fauna, features, sites, buildings or objects.

In determining the variation against the provisions of the Development Plan, there must also be consideration of the requirements of Schedule 9 of the Electricity Act. This is particularly so for the ECU as the decision-making body on the variation request.

## **SITE DESCRIPTION**

The application site covers the same area as that of the consented Whitelaw Brae wind farm which is located 3km south of Tweedsmuir and directly west of the Fruid Reservoir. Development works have not yet commenced on site.

## **PLANNING HISTORY**

Whitelaw Brae Wind Farm was granted consent on 7 December 2017 by the Scottish Ministers following a Public Local Inquiry after SBC objected to the proposals.

The consented development comprises of 14 turbines with a tip height of 133.5m and hub height of 80m, along with ancillary works and buildings including tracks, foundations, substation, battery storage, borrow pits and compounds.

Development works have not yet commenced but the applicants have begun to purify a number of suspensive pre-commencement planning conditions with the Council. A five year timescale to commence the development was imposed, therefore, the consent remains implementable once all suspensive conditions are purified.

## **PROPOSED DEVELOPMENT**

The variation request seeks three amendments to the consent:

1. Extension of the 25 year operating life of the development to 30 years (Conditions 1 and 24 of the S36 consent)
2. Increase in tip height of all turbines from 133.5 to 136.5m (Condition 6 of the deemed planning permission)
3. Condition 5 of the deemed planning permission referred to Annex E listing the approved drawings but no Annex E was attached. Variation suggests cross-referring Annex E to Figure FE1 3.1 of the original scheme showing the site layout

The variation makes it clear that no other elements of the scheme are changing. The turbines are in exactly the same positions and all ancillary elements remain as originally proposed. Whilst the nearest “best fit” turbines to those candidate turbines in the original Environmental Assessment result in greater rotor diameters (from 107m to 117m), this still does not mean any further tip height increase than the 3m sought and

also would mean a consequent reduction in the hub height of two metres. The applicant points out that no variation has been sought for the rotor diameter change as only the tip height is controlled in the consent.

The application for variation has been supported by:

- A supporting letter with annexes
- Planning Statement
- EIA Screening Report

A screening exercise undertaken by the ECU, after consultation with the Council, concluded that the proposed development variation would not require an EIA.

## **REPRESENTATION SUMMARY**

Third party representations are submitted to the ECU for their consideration in dealing with the S36C variation request. One representation was received by the Council but this is for the ECU to consider, relating principally to the delay in implementation and the Eskdalemuir Noise Budget (ENB). It is the responsibility of the ECU to carry out any other consultations on a variation request as they see fit, including the MOD. It is noted that the MOD have objected to the ECU on the basis the scheme now exceeds the ENB allowance for the site.

## **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:**

PMD1: Sustainability  
PMD2: Quality Standards  
ED9: Renewable Energy Development  
HD3: Protection of Residential Amenity  
EP1: International Nature Conservation Sites and Protected Species  
EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP5: Special Landscape Areas  
EP7: Listed Buildings  
EP8: Archaeology  
EP9: Conservation Areas  
EP10: Gardens and Designed Landscapes  
EP13: Trees, Woodlands and Hedgerows  
EP15: Development Affecting the Water Environment  
IS2: Developer Contributions  
IS5: Protection of Access Routes  
IS8: Flooding  
IS9: Waste Water Treatment Standards and Sustainable Urban Drainage

## **OTHER PLANNING CONSIDERATIONS:**

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

- Renewable Energy 2018
- Biodiversity 2005
- Local Landscape Designations 2012
- Developer Contributions 2011
- Visibility Mapping for Windfarm Development 2003
- Ironside Farrar Study on Wind Energy Consultancy Landscape Capacity and Cumulative Impact 2016
- Borders Landscape Assessment 1998 Ash Consulting Group- updated SNH 2019

#### **Scottish Government Policy and Guidance:**

- The Climate Change (Scotland) Act 2009
- The Scottish Renewable Action Plan 2009
- 2020 Routemap for Renewable Energy in Scotland – Update 2015
- National Planning Framework for Scotland (3) June 2014
- Scottish Planning Policy (SPP) June 2014
- Scottish Planning Policy and Electricity Generation Policy Statement 2013
- Onshore Wind Turbines – Planning Advice 2014
- Climate Change Plan 2018
- Onshore Wind Policy Statement 2017
- Scottish Energy Strategy 2017
- Climate Change (Emissions Reductions Targets) (Scotland) Bill 2019
- Climate Change Committee Progress Report 2019
- Climate Change Committee Annual Report 2020
- Advisory Group Report on Economic Recovery 2020

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

- Circular 3/2011 Environmental Impact Assessment (Scotland) Regulations
- PAN 69 Flood Risk 2015
- PAN 60 Planning for Natural Heritage 2008
- PAN 51 Planning, Environmental Protection and Regulation
- PAN 75 Planning for Transport
- PAN 81 Community Engagement Planning with People
- PAN 1/2011 Planning and Noise
- PAN 2/2011 Planning and Archaeology
- PAN 1/2013 Environmental Impact Assessment
- Scottish Government Good Practice Principles for Shared Ownership of Onshore Renewable Energy Development 2016

#### **Historic Environment Scotland Publications:**

- Historic Environment Scotland Policy Statement June 2016

#### **SNH Publications:**

- Siting and Designing Windfarms in the Landscape Version 3 February 2017
- Visual Representation of Wind Farms Version 2.2 February 2017
- Assessing the Cumulative Impact of Onshore Wind Energy Developments 2012
- Spatial Planning for Onshore Wind Turbines – Natural Heritage Considerations 2015

## **Other Publications:**

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

## **CONSULTATION RESPONSES:**

### **Scottish Borders Council Consultees**

**Access Officer:** Response awaited

**Archaeology Officer:** The existing consent is subject to conditions including a written scheme of investigation and interpretation of fieldwork by the Biggar Archaeological Group. Whilst there may be further archaeological implications as a result of the variation request, these can be addressed in the existing conditions.

**Ecology Officer:** Noted that the variation was supported by an update to the collision risk modelling which indicated a slight increase in collision risk for certain bird species such as pink-footed goose, merlin, curlew etc. This could be addressed in a revised Habitat Management and Enhancement Plan. However, further information is now available in relation to Schedule 1A species at the site and notes that SNH consider the original baseline of bird species using the site is out of date and a further year of Schedule 1A survey is necessary. Whilst the original conditions should be amended to account for the operational life of the wind farm, further information on Schedule 1A species impacts is still needed. If consent is granted, then conditions should be revised to account for impacts on Schedule 1A species.

**Environmental Health:** Requires an updated noise impact assessment before any increase in tip height and rotor diameter can be supported

**Landscape Architect:** Acknowledges that rotor diameter will be increased but the effect of that is very difficult to convey and has not been attempted. Assessed the comparative wirelines and agree that the change in rotor dimensions, reduction in tower height and slight increase in tip height would be only barely perceptible and have very limited visual impacts so are unlikely to increase the significance of effects to such an extent that she would have further serious concerns.

**Roads Planning Service:** Response awaited

### **Statutory Consultees**

Statutory consultees are reported to the ECU and are available on the Government's planning portal. At the time of writing this Report, it is known that the MOD have objected due to the scheme now exceeding its allocated allowance under the Eskdalemuir Noise Budget. It is also known that SNH are seeking a further year of Schedule 1A bird surveys.

## **KEY PLANNING ISSUES:**

Whether a 3m increase to the tip height of all turbines, and an increase in operating life to 30 years, will cause unacceptable adverse landscape, visual or any other material planning impacts over and above the perceived impacts of the turbines already consented. Assessed against the provisions of the Development Plan and Schedule 9 of the Electricity Act.

## **ASSESSMENT OF APPLICATION:**

### **Planning Policy Principle**

The determination of the Scottish Ministers to grant consent for the development of Whitelaw Brae Wind Farm at this site (which included the erection of 14 turbines 133.5m to tip height) is a significant material consideration in the determination of this variation application. The original S36 consent remains implementable regardless of any decision on this variation application. Although the Council objected to the scheme on grounds of impacts on landscape character, wild land, visual effects, cultural heritage and residential amenity effects. Ministers approved the scheme and only the variations and associated impacts must be assessed against current national and local Policies and Guidance. The principle of the development cannot be questioned afresh. A wind farm of the scale and siting consented is acceptable at this location and in line with Policies and Guidance.

The developer has concluded, after researching turbines within the candidate range of the original S36 consent, that a 3m tip height increase will lift the output from the turbines by an appreciable amount, ranging from 2.93 GW to 6.21 GW. Their argument is that this increase in yield, added to the additional five year operating life sought, both improves viability of the scheme but also complies with the various changes in UK and Scottish Government emphasis resulting from climate change and Covid-19 crises. They also claim an increase in CO2 savings.

Taking into account the variations sought to the consent and in considering the requirements of the Development Plan (Policy ED9 and the Renewable Energy SPG), the main impacts likely to result from the tip height and increased operating life involve landscape and visual effects, residential amenity, noise and ornithology. This report considers these matters below.

### **Landscape and Visual Impact**

The Council had objected to the original scheme due to the perceived unacceptable and significantly adverse effects on the Talla Hart Fell Wild Land designation, the Tweedsmuir Uplands SLA, public receptors including roads and dwellinghouses and cumulative impacts resulting from the Clyde and Glenkerie wind farms. All these issues of landscape and visual impact were fully considered by the Reporters who presided over the Public Local Inquiry, in their recommendations to the Scottish Ministers, and in the Decision Notice from the Ministers.

The Reporters concluded as follows, in consenting the scheme:

*“We conclude that the negative effects of the proposal would be localised and would generally be limited in scale. Our principal concern is with effects on the visual amenity of the Fruid valley, where the proposed turbines would be prominent and harmful additions to a landscape that is unexceptional and already strongly influenced by human development but nevertheless a quiet and attractive place. The sensitivity of this valley is increased by the presence of a number of residential properties, the residents of which would see many of the proposed turbines not only from their homes and gardens but from the approaches to their properties, which we acknowledge to be important to their residential amenity.*

*In assessing the weight to be given to this issue, we have had regard to the fact that, although clearly visible, none of the proposed turbines would be so close to, or would have such a visually dominant effect upon, the valley and its residents that it could*

*reasonably be said to have an overbearing presence. There can be no doubt that the turbines would significantly change the experience of valley residents and of those who visit it for recreation or other purposes, as the proposed turbines would become the main visual focal point on the western horizon. However, the visual context within which they would be seen is one that already features a visually unexceptional valley side, a reservoir, dam and other man-made features.”*

The Reporters also took into account the renewable energy and greenhouse gas reduction benefits of the scheme and felt that any adverse effects were outweighed by the contribution to the “...very clear Scottish Government aspirations” in those regards.

Taking into account the assessment by the Reporters that the negative effects of the original scheme would be localised and limited in scale, there must firstly be consideration of whether a 3m tip height increase on turbines, that were already consented at 133.5m, would introduce a scale and degree of adverse landscape and visual impact to the extent that the scheme would no longer be compliant with national and local Policies and guidance. The potential effects should also be balanced against the benefits of increased yield of output described by the applicants in their variation request.

As part of their variation application, the applicants have stated that the candidate turbines being investigated would also have a wider rotor diameter than those detailed in the original Environmental Statement, increasing from 107m to 117m. They consider that the consent does not specify a rotor diameter or hub height and have, therefore, not requested a variation from the ECU for this amendment. Nevertheless, as Condition 6 of the deemed consent states that the proposed turbines should be “consistent with the candidate turbine or range assessment in the environmental statement”, they have informed the ECU of the likely rotor increase. However, had there been no intention to increase the tip height, it is doubtful that the rotor increase, in itself, would have needed a formal variation and it could have been considered that the turbines were still consistent with the range identified in the environmental statement.

In effect, it is likely that the rotor diameter increase would be more noticeable from distance than the 3m tip height increase. Whilst there would be a wider sweep of blades and a reduction in separation between the blades of each turbine, the visual impact would also be slightly offset by the reduced hub height and vertical extent of the towers. Although the Landscape Architect has considered the rotor diameter increase (together with the hub height increase), and whilst she recognises the difficulty of attempting to demonstrate the change in effects as a result, she still considers that the resulting impact would be very limited and the change in effects barely perceptible.

The impacts of the tip height increase are considered by the applicant in their request for a Screening Opinion to the ECU, the landscape and visual effects of the increase being assessed by their Landscape Consultants as unchanged and as previously reported to, and accepted by, the Reporters and Scottish Ministers. They also state that, in their opinion, a 3m increase and associated rotor diameter change “...would be barely perceptible when considered in the context of the scale and nature of the existing consented scheme”.

Their assessment of landscape and visual effects includes a ZTV, four wirelines and a cumulative narrative, all comparing the consented scheme with the proposed variation. The assessment also takes into account changes in landscape policy and guidance since the initial scheme was considered, including the SBC “Renewable Energy” SPG.

It concludes no change to their previous findings on landscape character, sensitive receptors, landscape designations or cumulative effects. They consider that the changes will be negligible and barely perceptible, as demonstrated by the comparative wirelines and ZTV.

The ZTV only demonstrates very small areas of additional visibility to the south of Moffat and in the M74/Beattock area. Assessing the submitted comparative material and taking into account the small scale nature of the tip height increase (2.2% of the overall vertical height), the proposed variation will have a negligible effect and does not give rise to any additional significantly adverse and unacceptable landscape or visual impacts, including impacts on the wild land designation. The Reporters agreed with the applicant that the original scheme did not compromise the wild land designation and, therefore, it is accepted that the negligible tip height increase and additional five year operating life would not change this assessment.

The four wirelines also demonstrate such minor changes that it is certainly difficult to perceive any amendment from the consented scheme. Viewpoint 2 from the A701 at Glenbreck perhaps reveals the wider sweep of the blades but this is offset by the lowering of the hub heights. Certainly, it is very difficult to perceive any height increase and, thus, any consequent adverse landscape or visual effects. Similarly, Viewpoint 3 from the A701 at Tweedhopefoot does not reveal any more turbines breaking the skyline than the five from the consented scheme, albeit increased blade lengths are perhaps more noticeable from the outlying turbines T3 and T11. In reality, however, the increase is so marginal that vegetation and screening will probably render the increase imperceptible.

Viewpoint 4 from the minor road flanking the Fruid Reservoir was of particular concern to the Council during consideration of the previous scheme and the Reporters did not disagree that the visual impacts in the Fruid Valley were probably greatest and most significant, compared to all other effects of the scheme. Nevertheless, and despite being part of a Special Landscape Area, they considered the landscape to be unremarkable and already impacted by man-made interventions including the reservoir and dam. Whilst they recognised the magnitude of change in this area, including to residents at either end of the reservoir, they did not consider the effects to be of a magnitude that would outweigh the other benefits of the scheme in the overall planning balance.

Comparing the consented and proposed wirelines from Viewpoint 4, the scheme will already have a significant impact and it is difficult to perceive any real change. Whilst some of the foreground turbines might appear very slightly more dominant, the fact that most of these turbines are visible from, or near to, their bases determines that the 2.2% tip height increase is being compared to almost the full height, meaning that the change is visually insignificant. Some of the background turbines, indeed, recede in impact slightly due to the two metre hub height drop and despite the 3m blade tip increase. The final submitted comparative viewpoint is a more distant one from Right of Way BT100 but the changes are, again, very difficult to perceive.

In terms of impacts on residential amenity, the Council were concerned mostly with the impacts on the limited number of properties at either end of the Fruid Reservoir. Whilst other properties were affected in the Tweed valley along the A701 corridor, it was these properties within the intimate and small scale nature of the Fruid Reservoir and valley that would have experienced the most significant effects. In consenting the scheme, the Reporters did recognise that these residents would see many of the turbines from their homes, gardens and approaches. However, they did not consider the turbines

would have such a visually dominant effect that they could be considered to be overbearing.

Whilst the Council had partly objected to the original scheme for reasons of impact on residential amenity, it is accepted that the Reporters did not feel the impact was overbearing nor sufficiently dominant to warrant refusing the S36 application. Given their opinion, in assessing the minimal changes proposed to the scheme of a 3m tip height increase and how perceptible that is in terms of visual effects, it is concluded that the changes would not result in an overbearing impact on residential amenity. Viewpoint 4 is probably the most representative of residential amenity impacts, of the comparative viewpoints provided with the S36C variation request. As mentioned above, it is considered that any change in impact is difficult to perceive from this viewpoint.

There should also be consideration of cumulative impacts in terms of the variation request and also the extended operating time over which the effects would be experienced. The applicant notes that the biggest change in the cumulative assessment since initially carried out is the withdrawal of the Earlshaugh scheme, together with the implementation of the Minnygap and Clyde Extension schemes. Whilst significant cumulative effects were originally identified on summit viewpoints, in the Fruid valley and from Right of Way BT100, the 3m tip height increase and extended operating life do not exacerbate the cumulative effects, especially when taking into account the withdrawal of the Earlshaugh scheme.

The applicant's submission had a cut-off date of 15 April 2020 for the inclusion of wind farm schemes for the purpose of cumulative assessment. A new 27 turbine wind farm scheme ("Grayside") with 200m tip heights has now also been submitted for Scoping to the ECU, adjoining the Scottish Borders administrative boundary with South Lanarkshire. This wind farm appears as a northern extension to the Clyde Wind Farm extension. It is nearer to Whitelaw Brae than Glenkerie but further away than the Clyde extension. Had the Scoping request been submitted before 15 April, then the applicant would have clearly considered this to be a significant change to the baseline cumulative position.

In terms of the impacts on this variation application, whilst any scheme in relation to cumulative effects should be taken into account given its proximity, less weight should be given to schemes at planning stages, compared to schemes with consent or under construction. "Grayside" is only at Scoping stage and, indeed, the impacts of the Whitelaw Brae existing consent would have more of a significant bearing on decisions over the "Grayside" S36 application when that application is lodged and considered. Furthermore, it is not the cumulative impact of the Whitelaw Brae existing consent compared with "Grayside" that should be considered, but only the variation which is the 3m tip height increase and extra five year operating life. Given the very slight changes in visibility as demonstrated by the ZTV, the inclusion of "Grayside" within the cumulative assessment would not change the significance of the visual impacts.

Since 15 April 2020, a Scoping submission to the ECU has also been made for a wind farm at Scawd Law north-east of Walkerburn. As this is just outside the 35km Cumulative Assessment study area, the impacts on the variation request at Whitelaw Brae will be extremely limited.

Overall the proposed variation is judged to have a negligible effect which does not give rise to any unacceptable landscape or visual impacts, when considering the requirements of Local Development Plan Policy ED9 and the "Renewable Energy"

SPG. Similarly, landscape and visual effects have been fully considered under Schedule 9 of the Electricity Act.

## **Noise**

The approved scheme was subject to conditions to limit the noise levels in order to avoid adverse impacts on the amenity of residential properties and also set procedures in the event of a statutory noise complaint. This position was accepted by the Reporters and by the Council.

In being consulted on the variation request, the Environmental Health Officer has asked for an updated noise impact assessment. However, the position of the applicant is that as no changes to the layout and the same number of turbines are intended, Condition 19 on the deemed consent sets the maximum dB limits at specified properties and this will still apply to the variation. It is also the case that had there not been a tip height increase but only an increase in rotor diameter, then no variation to the S36 consent would have been sought and there would have been no opportunity to seek a revised noise assessment.

Ultimately, and whilst the Environmental Health Officer's request is noted, the slight increase in tip height and the fact that the original noise limits on residential locations still remain, do not justify the requirement for a new noise impact assessment. It remains the responsibility of the developer to ensure that they operate within these limits previously imposed.

## **Cultural Heritage**

The original scheme was partly objected to as it was considered there would be significant detrimental impacts on two archaeological sites of national significance, Asset HA5 and the Scheduled Hawkshaw Castle. However, the Reporters noted the mitigation proposed by the applicant which involved removal and moving of turbines in relation to Hawkshaw Castle, and relocation of the site compound and a programme of interpretation in relation to Asset HA5. They concluded that the mitigation was acceptable and met with the requirements of Schedule 9 of the Electricity Act.

The applicant submitted an assessment of cultural heritage impacts within the Screening request (including comparative wirelines) and concluded that, although there have been changes to historic environment policy and guidance since the original assessment and decision, the slight tip height increase and longer operational life of the wind farm will not change the impacts on the aforementioned assets nor the mitigation. The Council Heritage Officer has commented that the existing consent is subject to conditions including a written scheme of investigation and interpretation of fieldwork by the Biggar Archaeological Group. Whilst there may be further archaeological implications as a result of the variation request, he considers that these can be addressed in the existing conditions which should still apply to the variation.

Given this, the Reporters' previous acceptance of the cultural heritage impacts and the negligible changes intended in the variation, it is not considered that the variation, in itself, would result in significant adverse effects on cultural heritage.

## **Seismology**

Policy ED9 seeks to ensure that wind farm developments must consider their impact on aviation and defence infrastructure. The increase in the height of turbines and operating life could potentially impact both of these interests. It is important to note,

however, that the main consultees such as the MOD, NATS, Edinburgh Airport etc. make their responses directly to the ECU on S36 applications and the Council are not required to undertake duplicate consultations. It will then be for the ECU to assess any responses they receive in relation to aviation and defence matters. This is the reason why, on the original application, the Council did not address aviation and defence matters. Had it been a planning application, then consultations would have been carried out, and responses considered by, the Council as part of the overall assessment of the application and reflecting the Council's role as decision-makers.

For the advice of Members, however, it is known at the time of writing this report that the ECU had consulted the MOD on the variation request and they have objected to the request for reasons of impact on the Eskdalemuir Seismological Recording Station. They state the following:

*“The noise budget required for this revised development, exceeds the amount of budget previously allocated to the Whitelaw Brae Wind Farm Application Win-140-4 that was granted at appeal in December 2017. Therefore, the MOD objects to the variation as it will result in the exceedance of the allocated budget.”*

It is known that the applicant is discussing the matter with the MOD but their stated position, at the time of writing this report, is that the tip height increase would result in the noise budget being exceeded. It is a matter for the ECU to consider how the MOD objection should influence their decision on the variation request and it is not for the Council to duplicate that objection in relation to defence matters.

Other aviation matters would still be addressed by the original conditions attached to the S36 and deemed planning permissions, including agreement of a radar mitigation scheme in liaison with NATS.

### **Ecology and ornithology**

There were no ecological reasons to oppose the original scheme and Reporters were content to approve the development subject to a number of associated conditions. These included appointment of an Ecological Clerk of Works, Construction and Habitat Environmental Management Plans and Species Mitigation Plans.

However, the extension of the tip heights and operating life has the potential to affect ornithology, primarily by increasing the risk of collision and disturbing habitats. As part of the Screening submission preceding the variation request, further collision risk information was submitted by the applicants who calculated the increased risk from a tip and rotor diameter increase, over the extended period. The results were negligible across all species and were considered acceptable

The Council Ecology Officer has considered this information and the overall variation request. He comments that further information is now available in relation to Schedule 1A species at the site and that further Schedule 1A surveys are now necessary. If consent is granted, then conditions should be revised to account for impacts on Schedule 1A species. It is also known that the ECU have also received responses from SNH and the RSPB. SNH are advising that as Schedule 1A species are now known to be using the site, they require a further year of bird surveys to ascertain what potentially significant effects there might be. The RSPB refer to the black grouse habitat enhancement measures by condition and seek to provide input into the process.

It would appear that there has been a change to the baseline information with regard to Schedule 1A bird species at or near to the site. However, there is already a valid

consent for a scheme subject to Condition 15 which seeks a Species Mitigation and Protection Plan. The Condition is worded as follows:

*“Prior to the commencement of any works or development on the site a Species Mitigation and Management Plan in accordance with the Draft Species Protection Plan contained within the ES at Technical appendices 7.7 (including bats, otter, badger, red squirrel, breeding curlew, black grouse birds and reptiles) shall be submitted to and approved in writing by the Planning Authority in consultation with SNH. All on-site works and development shall thereafter be carried out in accordance with the approved Plan unless otherwise agreed in writing with the Planning Authority in consultation with SNH.”*

Whilst this lists specific species that had already been identified in the Environmental Statement (ES), the list is not exhaustive nor complete as it uses the word “including” and it also states “birds” as well as specific birds such as black grouse and breeding curlew. Whilst there is no doubt the original ES does not reflect the latest findings of a new Schedule 1A species at the site, it is considered that the wording of original condition 16 could provide sufficient protection and control as a result of the list of species not being exhaustive and also including reference to birds generally. This condition will need to be discharged for the existing consent even if the variation request is either denied or allowed but not proceeded with. Furthermore, should the discharge of that condition require further surveys which could take time to compile, then the applicant is already seeking a five year extension to the operating life of the wind farm and this should offset the impacts of any delay in undertaking the necessary survey work.

However, the wording of Condition 15 could be made more specific to include further survey and species protection for the Schedule 1 species now identified at the site. In the circumstances, it is suggested that there is justification to recommend to the ECU that they amend Condition 15 appropriately, should the variation request be granted. Subject to this, there are no ecological or ornithological reasons to oppose the variation request and, thus, the scheme is still compliant with Policy ED9 and Schedule 9 of the Electricity Act.

## **Annex E**

Condition 5 of the deemed planning consent stated that the development should be carried out in accordance with approved drawings listed at Annex E of the consent. However, as no Annex E was actually attached to the consent, the applicant is suggesting the original site layout drawing (Figure FEI 3.1) is specifically referred to in the Condition. As there has been no changes to the number or siting of any turbine, referring implementation of the development to this drawing is acceptable. The tip height and appearance of the turbines is controlled by Condition 6, for which a separate variation is sought to lift the tip heights.

## **Suggested Variations**

Table 1 of the submitted variation request identifies proposed amendments which are required to the consent issued for Whitelaw Brae should consent be granted for the variation. This would require amendment to the following parts;

- Operating life
- Annex 1 blade tip height
- Condition 5 – reference to Figure FEI 3.1 Site Layout as Annex E

- Condition 6 – design and operation of the turbines
- Condition 24 – site decommissioning, restoration

The variations proposed to each of the above are judged to be acceptable and will continue to adequately control the increased tip heights and operating life duration followed by decommissioning. If Members are minded to offer no objections to this proposal, it is recommended that this is subject to the imposition of the proposed variations noted in the aforementioned Table 1.

## CONCLUSION

Provided all the previously imposed conditions are still applied to the variation, including an adjustment to Condition 15 to include Schedule 1A species, it is considered that the impacts arising from the 3m increase in height of the turbines and 5 year extension to their operating life would not be significant. The proposed development is, therefore, consistent with the Development Plan and does not raise any other material considerations that would justify departure from the Development Plan. It would also be in accordance with Schedule 9 of the Electricity Act through the identification of impacts on the natural environment and proposed mitigation.

## RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

That the Council indicate to the Scottish Government that it does not object to the application to increase the height of all turbines by 3m, extend their operating life to 30 years and refer to the original FEI Site Layout as Annex E of the S36 consent, subject to the imposition of the relevant conditions and informative notes of the original consent which remain necessary to adequately control this development, including an adjustment to Condition 15 to include Schedule 1A species.

## DRAWING NUMBERS

Drawing Number	Date Received	Description
Figure 1.1	17.07.2020	Site Location Plan
Figure 1.2	17.07.2020	Application Site Boundary
Figure 3.1	17.07.2020	Proposed Site Layout

## Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

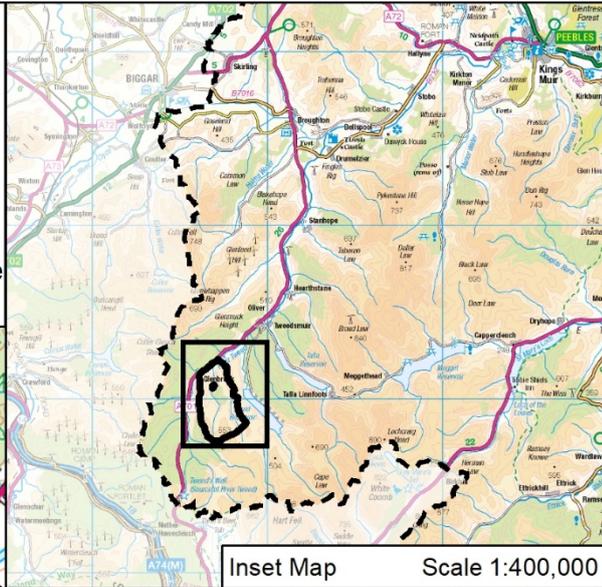
## Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



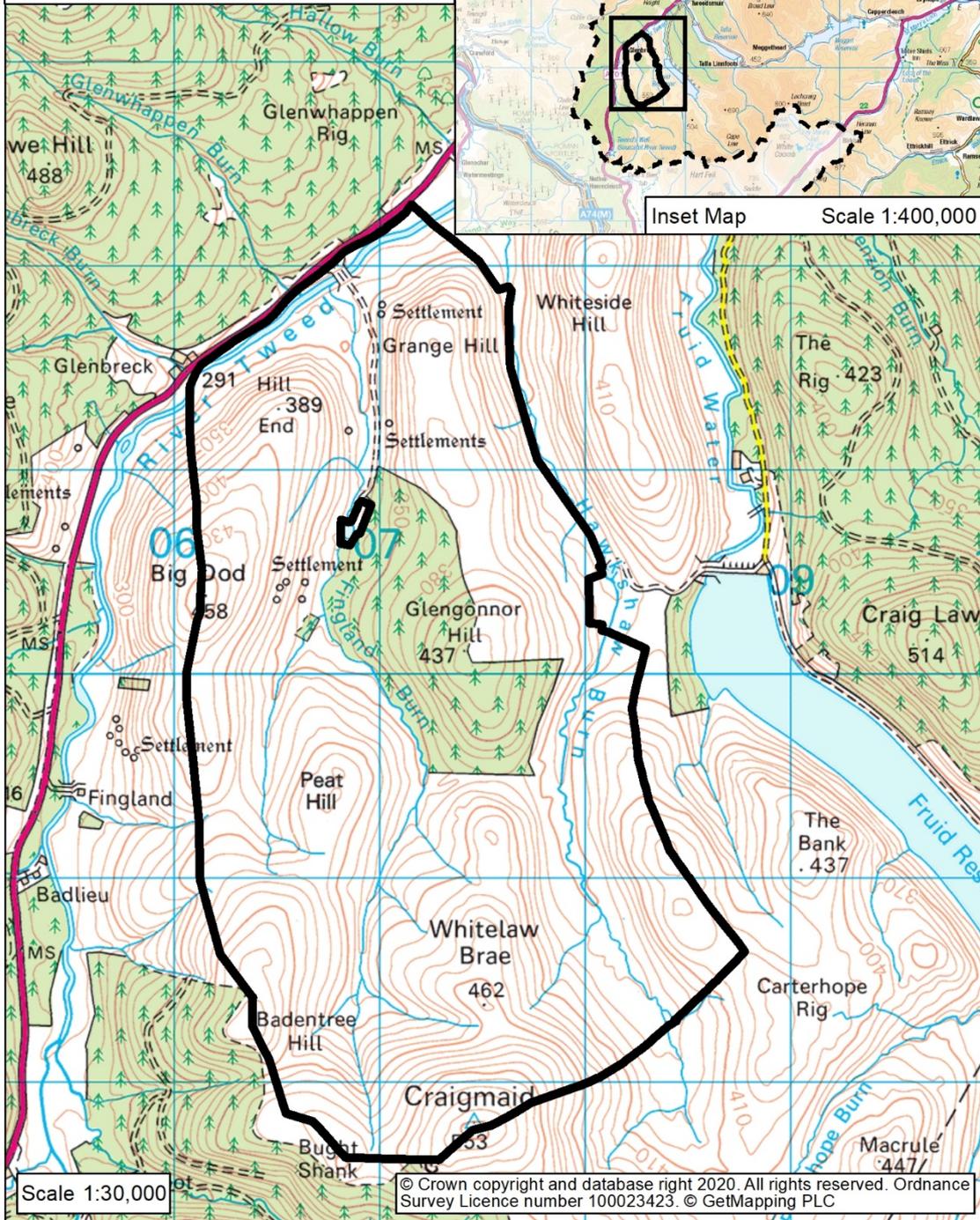
20/00789/S36

(Whitelaw Brae Wind Farm)  
Land South East Of Glenbreck House  
Tweedsmuir



Inset Map

Scale 1:400,000



Scale 1:30,000

© Crown copyright and database right 2020. All rights reserved. Ordnance Survey Licence number 100023423. © GetMapping PLC

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**1 FEBRUARY 2021**

**APPLICATION FOR PLANNING PERMISSION**

**ITEM:**                               **REFERENCE NUMBER:** 20/01133/FUL

**OFFICER:**                           Paul Duncan

**WARD:**                               East Berwickshire

**PROPOSAL:**                       Erection of rail station platforms, waiting shelters, footbridge and lifts with associated access, car parking, servicing and landscaping

**SITE:**                                Land South East Of 12 The Orchard, Reston, Scottish Borders

**APPLICANT:**                       Network Rail

**PLANNING PROCESSING AGREEMENT:** The target date for the application was Friday 29 January. A PPA is in place for the application which runs to Monday 1 February 2021.

**BACKGROUND**

This Major application seeks planning permission for a new railway station at Reston. The proposals include a new road, a new transport interchange/ car park and a footbridge crossing serving two new platforms. The proposed site is located around 200m east of the location of the original Reston Station, which was closed in the 1960s. If the application is supported, it is anticipated that the development will commence early this year.

**SITE DESCRIPTION**

Reston is mainly residential today, but its character remains defined in part by its agricultural and railway history, and the legacy of the village's former auction mart and remaining railway infrastructure are prominent within the village.

The proposed site is located in a relatively central location in the village, to the south of Main Street (the B6438). It overlaps the village's southern development boundary and comprises mainly pastoral farmland. The most noticeable feature of the site is the high railway embankment running east/ west though the village which accommodates the electrified East Coast Main Line. The site is otherwise largely flat. A drainage ditch crosses through the site from west to east, partly culverted, and connects to a burn to the east of the site. A mature hedge bounds the field perimeter to the west. A community storage container occupies a small area of the site close to Main Street.

Land to the south of the embankment is in agricultural use. The Category B listed Reston Auction Mart building is located around 100m north-east of the site within a larger parcel of land that has previously been accepted for housing development.

The nearest public road is the residential cul-de-sac known as The Orchard, which serves twelve terraced dwellinghouses, an electricity substation, and the detached dwellinghouse known as Craigholme which fronts onto Reston Main Street. At the southern end of The Orchard, the road becomes a farm track/ path which connects to the fields to the south of the

railway via an underpass. Core Path 97 follows The Orchard and farm track to promoted paths in the surrounding countryside to the south of the village. At the north end of the Orchard, a T-junction adjacent to Craigholme connects the road to Main Street. The opposite side of Main Street is lined by mainly detached dwellinghouses including the Category C listed dwellinghouses known as March House, Reston House, Culblean and St Mary's Villa. The Riverside footpath between March House and Larchfield connects Main Street down to the banks of the Eye Water. Main Street connects with the A1 at a junction around half a mile to the north-east of the proposed site.

## **PROPOSED DEVELOPMENT**

The proposed development comprises:

- At Reston Main Street, a new mini roundabout would be created close to the existing junction with the Orchard, which would be closed to vehicles.
- From the new mini roundabout, a new road and footway/ cycle path would be created parallel with The Orchard to serve both the new station and the Orchard.
- Towards the railway embankment, a new transport interchange would be created. A one way loop road would serve a car park, bus stop with shelter and a drop-off space. The car park would provide an initial 70 spaces including blue badge priority parking and electric vehicle charging. The application allows for a 40 space extension. Land to the north is included within the proposed site to safeguard further land for potential later expansion of the car park. Cycle storage facilities would be provided.
- Two new 270m long, 4m wide station platforms and associated furniture (waiting shelters, seating and ticket machines) and 1.5m steel fence to rear of both platforms. The embankment would be widened to accommodate the platforms;
- A new 'ribbon bridge' footbridge would cross the railway, incorporating lift shafts and stairs on either side. The footbridge has been designed by architects with a view to establishing a new identity for railway architecture, moving away from the more utilitarian style associated with more recent railway developments. The north lift shaft would reach a height of around 17m and would serve three levels: the interchange (ground level), the north platform, and the bridge crossing. The southern shaft would sit raised off the embankment serving the southern platform and bridge crossing only, with an overall height of around 13m. The crossing would sit at least 6.2m above the height of the railway, and around 13.5m above the level of the car park;
- Escape stairs and footpaths on either end of the platforms, on both sides;
- Lighting columns throughout the site;
- Associated infrastructure/ equipment including CCTV;
- A landscaping scheme and SUDS pond.

The new station has been designed to meet the Transport Scotland 'Code of Practice Design Standards for Accessible Railway Stations'.

The station would be un-manned.

The existing underpass serving the Core Path would remain unchanged.

## **PLANNING HISTORY**

- 08/01531/FUL - Erection of 111 dwellinghouses, district heating building and associated works – Approved subject to the resolution of various outstanding issues and the conclusion of a legal agreement which are still to be concluded
- 17/00442/FUL - Siting of community storage container off Main Street – Approved
- 20/00215/SCR - Screening request for Reston Station development – No EIA required

- 20/00569/PAN – Proposal of Major Application Notice for Reston Station development

## **REPRESENTATION SUMMARY**

1 objection was received from 1 household. Whilst supportive of the benefits of the new station, the objector raised the issues summarised below:

- Screening Opinion request failed to recognise objector's property as a listed building
- The listing includes dry stone/ rubble boundary walls which will be directly adjacent to the proposed roundabout
- Potential vibration damage to the wall from moving traffic closer to the wall/ increased traffic
- Road safety concerns arising from proximity of riverside footpath to reconfigured road/ roundabout
- Traffic/ road safety through the village; alternative access location point would address this.

One representation was received in support of the application.

All representations can be found online at the Council's *Planning Portal*.

## **APPLICANTS' SUPPORTING INFORMATION**

The applicant submitted the following supporting information:

- Planning Support Statement
- Design and Access Statement
- Transport Assessment
- Landscape and Visual Impact Assessment
- Flood Risk Assessment
- Lighting Impact Assessment
- Operational Noise Assessment
- Ecology Survey
- Bat Survey
- Archaeology Assessment

The application is classed as a 'Major' development under the Hierarchy of Developments (Scotland) Regulations 2009. The applicants publicised and held a public online consultation event prior to the application being submitted. The outcome of the public consultation exercise has been reported in a Pre-Application Consultation Report (PAC) which was also submitted with the application. The requirements of the Development Management Procedure (Scotland) Regulations 2013 have been satisfied.

## **DEVELOPMENT PLAN POLICIES:**

### **Scottish Borders Council Local Development Plan 2016**

PMD1: Sustainability

PMD2: Quality Standards

PMD3: Land Use Allocations

PMD4: Development out with Development Boundaries

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

HD3: Protection of Residential Amenity

EP1: International Nature Conservation Sites and Protected Species

EP2: National Nature Conservation Sites and Protected Species  
EP3: Local Biodiversity  
EP7: Listed Buildings  
EP8: Archaeology  
EP10: Gardens and Designed Landscapes  
EP11: Protection of Greenspace  
EP13: Trees, Woodlands and Hedgerows  
EP15: Development Affecting the Water Environment  
EP16: Air Quality  
IS1: Public Infrastructure and Local Service Provision  
IS4: Transport Development and Infrastructure  
IS5: Protection of Access Routes  
IS6: Road Adoption Standards  
IS7: Parking Provision and Standards  
IS8: Flooding  
IS9: Waste Water Treatment and SUDS  
IS13: Contaminated Land  
IS16: Advertisements

#### **OTHER PLANNING CONSIDERATIONS:**

- Biodiversity Supplementary Planning Guidance 2005
- Designing Out Crime in the Scottish Borders Supplementary Planning Guidance 2007
- Green Space Supplementary Planning Guidance 2009
- Housing Supplementary Guidance 2017
- Landscape and Development Supplementary Planning Guidance 2008
- Local Biodiversity Action Plan Supplementary Planning Guidance 2001
- Privacy and Amenity Supplementary Planning Guidance 2006
- Placemaking and Design Supplementary Planning Guidance 2010
- Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
- Trees and Development Supplementary Planning Guidance 2008
- Waste Management Supplementary Guidance 2015
  
- HES: Managing Change in the Historic Environment: Setting 2020
- Planning Circular 4/1998: The Use of Conditions in Planning Permissions
- Planning Circular 1/2017: Environmental Impact Assessment regulations
- Scottish Planning Policy 2014
- National Planning Framework 3
- Reston Auction Mart – Development Brief 2008
- SESplan Strategic Development Plan 2013
- Proposed SESplan Strategic Development Plan 2016
- Planning Advice Note 75 - Planning For Transport
- Planning Advice Note 1/2011 Planning and Noise

#### **CONSULTATION RESPONSES:**

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

**Access:** Core Path 97 (Circular Route) is adjacent to the proposed station. The end of The Orchard could be altered to accommodate non-vehicular users. Works involving the new station loop road should not obstruct the line of the core path.

**Archaeology:** No objection, but archaeological mitigation is required. There is potential for archaeological remains to be encountered. The Reston area is renowned for cropmark

evidence of prehistoric settlements. The Archaeology Report notes a medieval chapel could be encountered within the application site. Archaeological evaluation will be needed. The railway line is a historic feature in its own right dating from the 1840s. The southern platform and side of the embankment works are close to a Scheduled Monument (SM) but the development will not affect it directly. There is the potential for the car parking floodlights and the lift shafts either side of the embankment to be discernible above the railway embankment at this enclosure, affecting the setting of the SM. There is no particular setting issues in looking from the site and the elevated position of the southern platform may aid recognition and interpretation of the SM.

**Contaminated Land:** No objection, and no conditions required.

**Economic Development:** Economic Development welcomes and supports the application. An economic impact assessment was undertaken by Ernst & Young in 2016 that calculated there would be a return on investment of £7.45 for every £1 spent on the project. Benefits include: increasing access and opportunities for people to live, work and start their own businesses in Berwickshire; encouraging tourism visitors; providing residents access to the wider rail network and wider employment opportunities; offering an option for increased use of sustainable transport and reduced reliance on private vehicles; and the proposal appears to offer links to other sustainable methods of transport.

**Ecology:** No objection, conditions requested. No evidence of bat roosts found within site. A species protection plan for badger and breeding birds is requested. There may be opportunities to provide proportionate enhancements for biodiversity by including native species of tree and shrub within a landscape scheme and provision of wildflower areas and a bat box and bird box scheme. A sensitive lighting scheme will be required.

**Environmental Health:** No objection, conditions requested. The Lighting Impact Assessment identifies mitigation measures that would address moderate adverse impacts identified. An amended report detailing and assessing mitigation is needed but can be provided by condition. Noise is an outstanding concern regarding potential impacts from plant noise, particularly the public address system between 11pm and 7am. An updated noise report is needed and will be submitted shortly. A Construction Method Statement is also requested.

**Flood Risk:** No objection, condition requested. The updated flood risk assessment (FRA) considers the 1 in 200 year and 1 in 200 year plus climate change (35%) flood events and confirms there is no substantial increase in risk as a result of these increased flows. The FRA results show that this has slightly decreased the flood levels upstream of the site in the farmer's field, although the decrease is small this is appropriate given the consideration that has been given. Potential issues at the lift shaft and footpath require further consideration.

**Forward Planning:** No objection. Policy IS4 confirms that the adopted LDP supports the construction of a new station at Reston. The majority of the proposal is located within allocated LDP site RS3: Reston Station. Forward Planning consider that the principle of the development complies with the land use allocation and the existing planning brief for the allocation (Reston Auction Mart 2008 planning brief).

The proposed development includes areas out with the development boundary for Reston. Therefore, the proposal must also be assessed against Policy PMD4: Development out with Development Boundaries. The proposed development meets the exceptions criteria of PMD4 in that the provision of a railway station within Reston would offer significant community benefits.

Further information was required to confirm the use of the triangular area located within LDP housing allocation AREST004: Reston Long Term 2. Network Rail has since confirmed they do not propose any development within the housing allocation (AREST004). Therefore, Forward Planning have no further comments to make.

**Landscape:** No objection, but further revisions sought to landscaping scheme via condition. There is general agreement with the conclusion of the Landscape and Visual Impact Assessment (LVIA). The station is likely to give rise to moderate adverse effects on the Reston village character and visual receptors within close proximity to the site. The complicated structure of the proposed lift shafts stairs and bridges, will be clearly seen breaching the skyline, and against the agricultural landscape which is in contrast to the current simple linear perspective of the railway track running through the landscape. At night there is the potential for further significant impacts arising from the quantity of lighting required for such a development. The LVIA does not consider the impacts of lighting on the viewpoints assessed. Due to the nature of the elevated position of the railway line at Reston, the open character of the landscape and the station design with tall lift shafts it is clear that this proposal will be visually prominent locally in views during the day and at night. With careful selection of materials and well considered tree planting the station proposals may become a distinctive feature of Reston in contrast to the linear village form and have value as a landmark for people approaching from further afield. In addition to careful tree selection, key to the success will be the colour and nature of the cladding material chosen so that the lift shafts don't 'jump out' in views across the landscape but relate to the colours of buildings and the agricultural landscape in which they are set. Provision of a number of options and of cladding will be required to be tested to ensure the colour and materials proposed are sympathetic to the rural setting and character of village buildings. In addition to the brick options sandstone cladding should be considered as an option.

Following revisions, noted disappointment that many of the recommendations had not been taken on board with a site specific approach, taking into account the small rural village setting. Accepted however that there are some practical issues. Further planting proposals welcomed, but further minor revisions sought to the landscaping plan. Concerned with regard to the proposals for swale and cable trenching for the proposed lighting and the potential impact on the existing hedge and note that no Tree and Hedge Protection Plan has been provided.

**Roads Planning Service (RPS):** No objection, subject to conditions. Fully supportive of the principle of this proposal. Generally happy with the proposed layout of the site, including re-routing the access to The Orchard and allowing access into the allocated housing land to the East. Land to the West is included as potential future development land and access to this land should be allowed for. 70 parking spaces are proposed within the initial proposal with potential to extend this to 110 spaces then again onto 195 spaces. RPS raised concern during pre-application discussions with regards to the number of spaces in the initial proposal given the very high parking demand due to the success of the Borders Railway at Tweedbank. RPS generally content that the overall number of spaces will be sufficient. A redetermination order is required for the closure of the vehicular access from the Main Street to The Orchard.

### **Statutory Consultees**

**Scottish Environment Protection Agency (SEPA):** Sought clarity on why the Flood Risk Assessment was only undertaken to a 1 in 100 year event with blockage and climate change. SEPA expect the 1 in 200 year to be assessed as this is how they define functional floodplain.

**Network Rail:** No comments/ objections.

**Reston and Auchencrow Community Council:** Fully support the application. The CC has worked with and supported the Rail Action Group East of Scotland throughout the years. The CC response included comments provided by residents, including the following:

- Road access was a primary concern. Reston Main Street has a bottleneck outside the village shop, primarily caused by the narrowness of the street and parked vehicles. The CC appreciate that ingress/egress points are limited to the site and welcome the temporary 20 mph speed limit presently imposed. The introduction of the roundabout is a welcomed means of traffic calming as well as the closure of 'The Orchard' road, this has been commended by the residents.
- The CC do not envisage any further or exacerbated damage to the surrounding infrastructure and reassurance has been expressed that no works/ alterations will be carried out on the existing path network.
- A restraining barrier at the end of the footpath to the Riverside is requested at the new roundabout to prevent children running out onto a busy road.
- The junction with the A1 is of concern following incidents that have taken place there. The CC note disappointment at the use of what would appear to be outdated or incomplete/ inaccurate information in the transport assessment. The CC are disappointed to note the response by Transport Scotland on this application in failure to address historic concerns from the community council.
- It is hoped that an expansion to the existing proposed 11 cycle stands and shelter that this can also be expandable if required.
- Lack of residents input into the design of the station.
- No toilet. It is an aspiration of the community to have such a facility due to the distance to travel to the nearest hospitality services.
- Whilst it has been stipulated the land purchased will give leeway for expansion of the car park, reassurance has to be given to the proposed maintenance of the grasses and hedges that will be in situ prior to any expansion, i.e. will SBC adopt the maintenance of these?
- A taxi rank would encourage potential employment.
- The application proposes the fitment of 101 new lighting columns, whilst appreciation of the need to illuminate the car park it is noted that the lighting assessment has identified "viewpoints 1-8 post curfew do not satisfy GN01". Therefore, should these be problematic and create light nuisance then a condition that the lighting columns have dimmers fitted or cowls as per the recommendations in the 'Lighting Impact Assessment'
- The area historically has been prone to flooding. There is mention of attenuation and SUDS. It is unclear the depth of the swale and whether this will be maintained by Network Rail or a third party, concern is therefore raised on a safety aspect on both of the above, depth and maintenance. The car park will take up a large amount of surface area and with it, it will also collect a large amount of pluvial water.
- Continued maintenance of all culverts needs to be addressed in this application.
- East of the proposed site is 'Briefields Cottage' alongside the dwelling is a culvert which periodically gets blocked and creates flooding both to the road B6437 'Chirnside Road' and surroundings. This appears to have gone unidentified in the report.

**Transport Scotland:** No objection.

#### **Other Consultees**

**Architectural Heritage Society of Scotland (AHSS):** No objection.

**Berwickshire Civic Society:** The proposed station is welcomed. It will be the first station encountered by travellers entering Scotland by train. The Society accept that the lift towers

and footbridge are required for operational and statutory reasons. The vertical aspects of the lift towers are in materials in contravention of the vernacular in Berwickshire and will do little to hide or ameliorate the vertical and intrusive nature of the construction. BCS recommends this is reviewed. The shelter facilities on the platforms are inadequate. This is a raised platform area, in open country, not far from the North Sea. There are no public conveniences proposed. With the exception of a ticketing machine, it would seem that the station is to be regarded as an unstaffed halt, with passengers sheltering in their cars during inclement weather. The footbridge could provide a raised enclosed horizontal shelter and waiting area above track.

### **KEY PLANNING ISSUES:**

The key planning considerations are:

- Whether the proposed development meets the terms of the LDP allocation and associated planning brief;
- Achieving a low carbon place that contributes towards sustainable economic growth;
- Landscape, street scene and visual impacts;
- Road safety, vehicular access and traffic;
- Residential amenity impacts including light obstruction and noise.

### **ASSESSMENT OF APPLICATION:**

#### **Policy Principle**

The development plan firmly supports the principle of the proposed development. At a strategic level, SESplan's Strategic Development Plan 2013 remains the extant strategic plan for South East Scotland. It states that the Eastern Borders area has long-term potential for improved local rail commuter services including a new station at Reston. At a local level, Local Development Plan Policy IS4 states that the Council will support Reston Station on the East Coast Main Line railway.

The proposed site boundary extends across a number of allocated and non-allocated sites within and out with Reston's development boundary. This requires assessment against several further Local Development Plan (LDP) policies.

A large part of the proposed site would sit within LDP site zRS3 (Reston Station) which has been allocated specifically for the siting of a new station. Self-evidently, there is no policy principle conflict with this. The allocation reflects a previous iteration of the station design so there are notable variances between the boundaries of the proposed site and the LDP allocation for the station, but this does not give rise to any inherent policy principle conflicts.

The proposed site includes a triangular area of land between the terrace of houses at the Orchard and the existing railway embankment. This area of land forms a small portion of a wider field which is allocated for housing via the Housing Supplementary Guidance 2017 (AREST004: Reston Long Term 2). There are limited opportunities for vehicular access to this site. Network Rail have confirmed that this area of land will not be developed as part of this development, which should ensure the allocated site remains accessible and developable for its allocated use. A planning condition is recommended to secure control over this point and to satisfy LDP Policy PMD3 (Land Use Allocations).

The proposed site also encroaches into land which the LDP identifies for potential longer term housing use. This is an area to the east of the site, north of the embankment. Policy HD4 aims to safeguard this land for potential housing development. The Forward Planning Section

have accepted that the community benefits of this development would outweigh this aim and accept the loss of this portion of land.

Where the proposed site extends to land to the south of the embankment, out with the settlement boundary, the proposed development would satisfy Policy PMD4 by meeting the exceptions criteria for such developments. Exceptional approvals may be granted provided strong reasons can be given which demonstrate development would offer significant community benefits that outweigh the need to protect the Development Boundary. This is the case.

A planning brief for the development of the allocated housing, railway station, and longer term housing sites was produced in 2008 ('Reston Auction Mart – Development Brief 2008'). The brief also covers the mixed use site to the north and north-east of the proposed site (MREST001: Auction Mart). The brief provides a framework for the redevelopment of these sites. There is not considered to be any significant conflict between the proposed development and the aims and objectives of the brief. Nor is there any conflict in principle with the allocated mixed use site (MREST001: Auction Mart) or the housing development (08/01531/FUL) referred to in the planning history section above. The proposed site layout also caters for potential direct vehicular access to this site from the new road, which is welcomed.

### **A Low Carbon Place**

Scottish Planning Policy aims to achieve low carbon places by supporting the transformational changes required to meet emission reduction targets, thereby influencing climate change. Improving connectivity and promoting more sustainable patterns of transport and travel can support the transition to a low carbon economy. Local Development Plan Policy PMD1 (Sustainability) seeks to encourage walking, cycling and public transport in preference to the private car.

The new station would be expected to shift a significant volume of vehicle trips from private car to more sustainable rail travel. A new transportation node would be created at the station bringing together train, bus, private car, pedestrian and cycle transportation modes. The station car park will incorporate electric vehicle charging facilities for private cars. Network Rail have also agreed to futureproof the development to enable potential electric vehicle charging at the bus stance.

The new facility would represent a key piece of sustainable transport infrastructure that will deliver a significant opportunity for journeys to be by more sustainable public transport. This is a material consideration.

### **Sustainable Economic Growth**

Scottish Planning Policy seeks to support sustainable economic growth and the creation of well-designed, sustainable places by strengthening economic capacity and resilience within communities. Local Development Plan Policy PMD1 identifies support for the local economy as a sustainability principle underpinning all LDP policies.

The potential economic benefits of the proposed development would be considerable, both for Reston and the wider Berwickshire area. The nearest existing railway stations are at Dunbar and Berwick. The development would improve access to employment markets and create new opportunities for people to live, work and start their own businesses in Berwickshire. The new station would be well placed to provide improved access to popular tourist attraction along the Berwickshire Coast. The delivery of the new station would also be expected to encourage development particularly within Reston, which has the potential to support local services. In

doing so, the development would help support rural communities in and around Reston.

The potential economic benefits are a further material consideration of significant weight.

### **Landscape, Street scene and Visual Impacts**

#### Policy Context

The proposed site is not located within or near to any area designated for landscape quality or special natural landscape protection. Landscape impacts must therefore be assessed against the LDP's standard policies for landscape protection, including PMD1 and PMD2. Policy PMD1 states that landscape protection is a fundamental principle which underpins all the LDP's policies. Policy PMD2 requires all new development to integrate with its landscape surroundings and encourages the incorporation of appropriate landscape works, to help integration with surroundings and the wider environment.

#### Assessment of Landscape Impacts

In the wider landscape, the key consideration is the introduction of the new footbridge crossing, and in particular the two lift shafts. The infrastructure along the full length of the two new elevated platforms and the lighting scheme for the development will also impact the surrounding landscape. A Landscape and Visual Impact Assessment (LVIA) was submitted with the application.

There were no objections to the principle of a new footbridge crossing and the Landscape Section also accept the applicant's reasoned justification for the crossing provided by Network Rail. Use of the existing underpass was judged to be unsuitable on safety grounds due conflicts between farm vehicles and the significant numbers of additional pedestrians who expected to use the station. Use of the underpass would have required lengthy ramps up to the two platforms to achieve suitable gradients. This would have been unsuitable in accessibility terms and therefore in conflict with Policy PMD2 criterion (p) which requires the incorporation of access for those with mobility difficulties. Furthermore, long ramps may have been no less impactful in landscape and visual terms.

The proposed lift shafts would be significant additions to the surrounding landscape. There are few tall buildings or structures within Reston. Further afield significant vertical visual intrusions in the wider landscape include agricultural silo buildings and wind turbines. The electrification of the East Coast Main Line has also introduced the existing overhead line equipment along the length of the railway, which in Reston are elevated above natural ground levels due to the railway sitting atop the existing embankment. The embankment itself will provide a visual backdrop to the proposed lift shafts on either side of the railway, but will also raise the height of the infrastructure associated with the railway platforms.

Particular consideration has been given to views from the south of Reston. The existing embankment forms an effective bund across the landscape partially obscuring views of the village. Further raised railway infrastructure above the embankment, particularly the complex structures proposed, will alter views across the landscape. Skyline impacts will also arise for closer views. Equally, however, the embankment is clearly itself a significant intervention in the natural landscape, and it already hosts large scale overhead line equipment.

The proposed materials for the bridge have been the subject of extensive discussions and various options are available for consideration. At the time of writing, it has not been possible to reach agreement on the preferred means of cladding the lift towers, which is the key consideration. The application proposes a red brick slip cladding system. Red brick is generally a material that is discouraged within the Scottish Borders as it does not reflect the predominant architectural vernacular of the region. However in long views, it is considered

that a muted red brick could potentially sit acceptably within the wider landscape, mimicking the red sandstone found within the village. Close views from within the village and the development itself are more of a concern in this respect, and are considered further below.

In terms of lighting, the applicant has confirmed the lighting scheme for the development could be amended to keep within the Institute of Lighting Professionals' 'Environmental Zone 2' lighting limits. This limit is appropriate for sparsely inhabited rural areas and villages. This will be controlled by condition.

#### Assessment of Street scene and Visual Impacts

By nature, the new station development is functional in character and design. Successfully integrating such a large scale infrastructure development within a small rural village raises significant challenges in terms of achieving placemaking and design aspirations. It must be acknowledged in this respect that Network Rail operate to standards and guidelines that have evolved over many years with the principles of health and safety very much at the forefront. For example, Network Rail require CCTV coverage across the entire car park area, which has limited scope for tree planting within the core of the station car park. By necessity, the development therefore features an expansive open car park. Lighting columns will proliferate across the car park. Elevated platform infrastructure will also be utilitarian in appearance.

The visual impact of the proposed development would be significantly softened by tree planting around much of its perimeter. The retention of the existing hedge along The Orchard will also soften and obscure some views. From Main Street, the station should reduce in prominence over time as the trees within the landscaping scheme mature and if intervening land is developed. The Landscape Section request further revisions to the landscape scheme which can also be explored further by condition.

As noted further above, the lift shafts and footbridge crossing will be the key visual feature of the development. The application proposes a red brick cladding system for the lift shafts. Red brick is found within the village, but sandstone is considered to be the dominant material. Red brick is generally used for later walling or repair work within the village. The Placemaking and Design Supplementary Planning Guidance document discourages the use of brick within the Scottish Borders. Various alternatives have been discussed and there are considered to be acceptable cladding options available that would ensure no unacceptable impacts on longer views across the wider landscape arise. The applicant has set out reasons against the use of a sandstone cladding system, which would be preferable for close views and street scene impacts. These arguments are not entirely accepted. This will be require further consideration, but this can be addressed by condition.

A condition is recommended to secure the protection of the existing hedge.

#### Landscape, Street scene and Visual Impacts - Conclusion

Given the elevated position of the railway line and the height of the proposed footbridge, the proposed development will be visually prominent in what is a relatively open landscape. The principle of a new footbridge crossing is accepted on practical grounds. Impacts on the wider landscape and setting of the village will prove acceptable provided suitable materials are utilised, particularly for the lift shafts.

The character and appearance of the development is unlikely to relate well to the village's sense of place, however the appearance of the development would be softened by planting. Given some of the unavoidable practical challenges for Network Rail, the overwhelming benefits of the proposed development would be considered to outweigh any modest adverse impacts on the amenity of the street scene.

## **Residential Amenity**

The nearest dwellinghouses are 1-12 The Orchard. Further dwellinghouses line both sides of Reston Main Street. Land adjoining the site is also allocated for housing development or identified as having longer term potential for housing development. Impacts on the dwellinghouses within the Auction Mart site development (08/01531/FUL) referred to in the planning history section have also been considered.

Policy HD3 (Residential Amenity) of the LDP states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. A broad range of impacts can be considered and assessed against Policy HD3, including light and noise.

### Light Pollution

The proposed development includes a comprehensive lighting plan for health and safety and security purposes. A Lighting Impact Assessment (LIA) was submitted with the application. This assesses the impact of light obtrusion, including light intrusion, light intensity, and sky glow effects. Light obtrusion can impact landscape and visual amenity and wildlife. It can also harm residential amenity. The former considerations are considered respectively within the landscape section above, and the ecological section below.

Reston is a small rural village and is distant from any large built up areas. The LIA classified the site as 'rural with low district brightness'. A 3D computer model was produced demonstrating site massing and surroundings. The LIA found that the lighting strategy would have exceeded industry standards during the 'post curfew' period (i.e. night-time). However, the report identified a range of potential mitigation measures which could be used to address this. These include the use of cowls and night dimming.

In terms of residential amenity implications, the implications of light obtrusion have been assessed by Environmental Health who would expect at least one of the mitigation methods to be put in place. The applicant has since confirmed that they would be able to meet the required standard and will adopt a range of measures to achieve this, including those mentioned above. Further information is required, but it is clear that this matter is capable of being addressed in a satisfactory way. The final details could be controlled adequately by planning condition.

### Operational Noise

Unwanted noise can have a significant impact upon environmental quality, public health and amenity. Noise impacts can be assessed against Local Development Plan policies HD3 (Residential Amenity) and IS4 (Transport Development and Infrastructure). Policy HD3 lists noise as a general residential amenity consideration; Policy IS4 requires that developments have no unacceptable adverse impacts of adjacent occupiers by virtue of noise. Planning Advice Note 1/2011 Planning and Noise provides detailed advice on the assessment and mitigation of noise impacts associated with development.

The existing railway at Reston already serves East Coast Main Line traffic and freight traffic. Additional effects arising from the proposed development would include additional operational railway noise, the public address systems, noise from the motor and lift mechanism within the lift shafts, and traffic/ car park noise. The public address system would involve the siting of 2.5W speakers every 15m across the length of the new railway platforms.

Sensitive existing public receptors of operational noise would include the occupants of 1-12 The Orchard. Impacts for residents along Main Street are also considered within an

Operational Noise Impact Assessment (ONIA) provided with this application in accordance with Planning Advice Note 1/2011.

The ONIA concludes that the proposed railway station would meet national planning policy and international standards and recommendation as regards noise impacts, which it concludes would be minor to negligible.

The Environmental Health team have considered the report and require further information in relation to operational plant noise, particularly noise during the hours of 11pm to 7am. This mainly relates to the siting and operation of the public address systems. This matter has been the subject of discussions with Network Rail and further information is due to be received shortly although this was not available at the time of writing. It is considered that this matter can however be addressed by planning condition.

#### Construction noise

Planning Advice Note 1/2011 states that construction noise is most effectively controlled through the Control of Pollution Act 1974 and the Pollution and Prevention Control Act 1999. Planning Circular 4/1998: The Use of Conditions in Planning further states that planning conditions should not be used to duplicate controls available under other legislation. It would not therefore be appropriate to control construction noise directly through the planning process.

#### Privacy

The proposed development is sufficiently separate from 1-12 The Orchard or the houses within the Auction Mart development (08/01531/FUL) to preclude significant privacy issues arising. Significant overlooking effects, to the detriment of residential amenity, from the elevated features of the development should not arise.

#### Loss of light/ sunlight

The proposed development will not result in any significant loss of light or sunlight issues for neighbouring residential properties, including potential future residents of the Auction Mart development.

#### Visual Impact

The key visual intrusion for private receptors would be the footbridge and lift shafts, which have been sited at the far end of the site to reduce their visual dominance for the nearest local private receptors at The Orchard. The access to The Orchard has also been placed opposite an electrical substation to avoid direct glare effects from headlights, and the hedge has been retained to maintain separation. Impacts from the street lighting proposals have also been considered above. The houses within the Auction Mart development (08/01531/FUL) are also sufficiently distant from the development to ensure no significant visual impact issues arise. Policy HD3 is therefore met.

#### Other Impacts

It is acknowledged that there is a risk of short time impacts arising from the construction process. These effects are largely unavoidable, but should be short-lived. Network Rail have agreed to a planning condition that would secure an agreed Construction Method Statement for the proposed development. Whilst not controlling construction noise directly, this will cover various related considerations, which is considered appropriate.

## **Road safety and vehicular access**

Local Development Plan policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access.

### The A1 Trunk Road

The A1 trunk road bypasses Reston several hundred metres to the north of the village. Reston is served by an existing junction with the A1 to the north-east of the village. It is envisaged that the development will generate relatively significant traffic demand to and from the village, and a significant volume of this traffic will use this junction.

The application was supported by a detailed Transport Assessment (TA) which has been assessed by Transport Scotland, who are the relevant consultee for trunk road considerations. The TA states that Network Rail anticipate annual patronage for the station to reach 110,000 passengers per annum by 2024, mostly comprising commuting trips. This equates to an average of around 300 passengers per day. The TA is based in part on traffic survey data recorded in 2006 for the neighbouring housing development. Due to the current coronavirus pandemic, traffic patterns have been variable and would be less reliable than historic data, although there is clearly some uncertainty as to the long term effects of the pandemic on future work and travel patterns. The 2006 data was adjusted to account for subsequent changes in traffic demand trends over the intervening period. The Community Council noted that there had been some disappointment at the use of this data, but in the unusual circumstances, this is considered to have been a reasonable approach to modelling likely changes in traffic demand.

Transport Scotland have confirmed that the existing junction can accommodate the additional level of traffic likely to be generated by this development and do not have any objections to the application. Nor do they require improvements to the junction.

The TA did not account for the additional 11 units which were previously accepted on the 111 unit housing development to the north (planning reference 08/01531/FUL). These are the units over and above the indicative capacity (100 units) envisaged when the site was allocated, which is the figure used in the TA. Transport Scotland have confirmed that the additional 11 units do not alter the conclusion of their assessment of the proposed development.

### Local Road Network and Traffic

The Roads Planning Service (RPS) have assessed impacts on the existing local road network. This includes the effect of the additional traffic demand that would be generated by the development, as set out in the preceding section. The anticipated level of patronage would equate to a significant volume of additional traffic for a settlement of Reston's size, but the RPS are satisfied that the wider local road network is capable of accommodating such traffic without any significant adverse road safety implications arising.

### Vehicular Access

The proposed development includes the formation of a new mini-roundabout on Main Street (the B6438) and a new road off the roundabout to serve The Orchard and the new station. This approach has been queried through the public consultation processes. Network Rail state that taking access from Chirnside Road in the east of the village would require that road to undergo significant realignment and widening and the existing underbridge in the east of the village may have needed replacing. The Roads Planning Service raise no concerns with the location of the new access or with local traffic impacts.

The Orchard would be closed to vehicles at its existing junction with Main Street. The Roads Planning Service have confirmed they are content with this proposal, and there are no objections from members of the public to this. The junction closure would be formalised by a redetermination order under the Roads Scotland Act. This is a separate legal process, distinct from a stopping up order, and does not form part of the planning process. The redetermination order will be formally advertised in due course. Network Rail propose a new hedge as a means of closing off the junction, subject to any utilities in the area. This can be controlled by planning condition, with scope for consideration of alternative proposals, if required.

A new one-way loop road would be created through the car park with separate entrance and exits off the new access road. The new road would be adopted by the Council whereas the one-way loop road within the station car park would be managed and maintained by Network Rail. The Roads Planning Service are content with the principle of these arrangements, but seek planning conditions to secure Road Safety Audits demonstrating that the detailed design of the new road infrastructure is of a satisfactory road safety standard. The requested conditions are considered appropriate and necessary.

The Community Council have suggested a pedestrian barrier may be of benefit due to the proximity of the re-configured road at the exit of the riverside walk on the north side of the mini-roundabout. This can also be considered through the Road Safety Audit process.

Discussions within the Council have confirmed that the Planning Authority retains control over the Auction Mart housing development application (planning reference 08/01531/FUL). Alterations to that scheme are likely to be required to address the proximity of the mini-roundabout to one of the vehicular accesses serving the proposed housing site. These matters can be referred back to Committee in due course.

## **Parking**

Policy IS7 of the Local Development Plan requires that car parking should be provided in accordance with the Council's adopted standards.

The new station would serve a large catchment area. The nearest existing stations are at Dunbar to the north, Berwick to the south, and Tweedbank to the west. The station is expected to cater primarily for commuting traffic. The success of the Border Railway has resulted in very high demand for parking at Tweedbank station. To ensure the station can cater for the range of parking demand which may arise, the application includes proposals to expand and safeguard expansion of the capacity of the car park. Initially, a 70 space car park would be created, including 11 blue badge spaces directly adjacent to the platform access points. The application includes a 40 space expansion phase to the north of the first 70 spaces. The Roads Planning Service request a planning condition that would require monitoring of parking demand with the option of defining a set trigger point for expansion. A potential second expansion area is included within the application site, estimated to have capacity for a further 85 spaces. This second expansion does not form part of this application, but can be safeguarded for potential future use by planning condition. Though a separate planning application is likely to be required for this second expansion, this application has established that in principle, this is likely to be acceptable. The Roads Planning Service are content with these arrangements.

## **Public Transport**

The new roundabout, new road, and internal interchange loop road would be of a standard capable of accommodating a range of vehicles, including busses. A bus stop would be formed within the transport interchange area, close to the rail platforms. It is envisaged that local bus services will utilise the new bus stop, further enhancing connectivity.

There would be no formally dedicated taxi rank provided within the station car park. Comments received suggested a taxi rank could have supported local employment. Network Rail have indicated that taxis could use the drop-off area. The provision of an additional area for taxi ranks would have impacted the overall number of car parking spaces.

### **Active Travel**

The development includes a new cycle path and footway from Main Street to the station. Cycle parking has been catered for within the transport interchange. RPS are satisfied that there is ample room available to extend this provision if the need arises. Details of the cycle parking facilities will be required by condition.

Core Path 97 (Circular Route) connects Newmains building group and farm to Reston. The Core Path comprises a formal path/ farm track from Newmains, through the existing underpass and continues along The Orchard to Main Street. The original proposals would have directly impacted the Core Path; the internal car park loop road would have cut across it. The revised site plan addresses this issue. The existing hedge should remain in place, providing visual screening and physical separation. A condition is recommended to require the Core Path to remain open during the construction phase of the development, unless notification has been provided, and where possible, diversions have been agreed.

A new footway would also be created between the Orchard and the new station road.

### **Built Heritage and Archaeology**

#### Setting of Listed Buildings

Policy EP7 (Listed Buildings) states that the Council will support development proposals that conserve, protect and enhance the setting of Listed Buildings.

A number of Listed Buildings are located within the vicinity of the site. Reston Auction Mart Sheep Ring is listed at Category B and is located to the north-east of the proposed car park area. Further listed buildings are dispersed along the north side of Main Street. March House including garden walls is C Listed and is located close to the existing junction with The Orchard. St Mary's Villa and Culblean are C Listed and located to the north of the proposed mini-roundabout. Reston House including Boundary walls, railings, gate piers and gate is C Listed and is located to east of Culblean and St Mary's Villa, further from the proposed development.

It is considered that the proposed development would have a neutral impact on the setting of these listed buildings.

#### Integrity of Listed Buildings

There are no listed buildings within the proposed site and therefore there are no listed buildings that would be directly affected by the proposed development.

The boundary walls of the C listed March House form part of the listing of that property and are located close to the proposed mini-roundabout. The sole objector to the application has expressed concern that the integrity of the boundary walls may be impacted by the proximity and increase of traffic at the new mini-roundabout. This concern is noted and is understood to have been the subject of discussions between Network Rail and the objector prior to the submission of the application. The pre-application consultation report indicates Network Rail

have committed to carrying out a dilapidation survey to ascertain the condition of the wall, with monitoring during the construction process and mitigation thereafter as required.

It is not considered appropriate to control this matter through the planning process. This would largely be a private matter for the objector to address, and it would be difficult for the Planning Authority to establish that the proposed development would be the cause of any degradation that may arise over time. Traffic is likely to slow at the roundabout. It would not be clear whether any damage arising had in fact arisen from the proposed development.

#### Setting of Designed Landscape

Policy EP10 seeks to safeguard the setting of sites listed in the Council's record of gardens and designed landscapes.

Designed Landscapes make a significant contribution to the character of East Berwickshire. These include Houndwood, Press Castle and Ayton Castle Designed Landscapes. All are a considerable distance from the proposed site, and the proposed development would not affect their setting.

#### Setting of Scheduled Monuments

Policy EP8 (Archaeology) states that development proposals which will adversely affect local archaeological assets will only be permitted if it can be demonstrated that the benefits of the proposal outweigh the heritage value of the asset. All proposals that adversely affect such an asset must include an acceptable mitigation strategy. Policy EP8 applies to below ground assets but also to the setting of Scheduled Monuments.

A Scheduled Monument is located in a field to the south of the railway embankment around 100m from the proposed site. This comprises crop marks of a pre-historic domestic and defensive settlement known as Brierfield. There would be no direct impact on the Scheduled Monument, but its setting would be affected by the development. The Archaeology Officer notes that interpretation of the asset by the public may be enhanced by the views down to it that may be possible from the railway platforms. Overall, the effects on the asset would be considered to be neutral.

#### Archaeology

In terms of below ground interests, an archaeological assessment was submitted with the application. This found moderate to high potential for prehistoric or medieval remains to be present within the development site. The main known potential interest was a medieval chapel which is thought to have stood somewhere in the west of the village. Its exact location is however unknown. A Written Scheme of Investigation (WSI) was agreed with the Archaeology Section last year and the evaluation of the proposed site – in the form of trial trenching and monitored strips across the site - was carried out in the first weeks of the year. No significant archaeological interests were found. It is unusual for archaeological evaluation to precede the determination of an application. However, the evaluation work followed an agreed WSI and provides greater certainty that there are no archaeological interests within the site. A condition is recommended to secure the reporting of the evaluation work.

A further consideration identified was the potential interest associated with the embankment, though the Archaeology Section have confirmed this was less significant an interest. Subject to the provision of evaluation reporting, the proposed development has satisfied Policy EP8.

## **Ecology and Natural Heritage**

### Environmental Impact Assessment

A screening request was submitted prior to the submission of this planning application as the proposed development is considered to qualify as Schedule 2 development under The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017. The proposed development was screened and is not considered to constitute environmental impact assessment development. No Environmental Statement was therefore required.

### Designated Sites

There are no designated sites within 5km of the proposed site. There would be no significant effects on designated sites.

### Habitats

Ecological surveys found the site to be of generally low biodiversity value. It comprises mainly arable fields with a single well established hedge, few trees and the aforementioned drainage ditch and burn.

### Protected Species

Ecological surveys were carried out within and around the site. No evidence of bat roosts were found within the site. A brick building associated with the original Reston Station was also surveyed, but this was well beyond the proposed site, would not be impacted by the proposed development and is not a matter for this application. No evidence of badger was found but suitable habitats were identified. Evidence of nesting was also found. There is therefore potential for impacts on badgers and breeding birds during the construction process of the development, and a Species Protection Plan will be required by condition.

The Ecology Officer has also identified opportunities for proportionate enhancements for biodiversity by including native species of tree and shrub within a landscape scheme and provision of wildflower areas and a bat box and bird box scheme. This can also be secured by condition.

Finally, the Ecology Officer also sought lighting for the development to be amended to achieve Environmental Zone 2 (Rural). This is also required for residential amenity and landscape reasons, and will also be secured by planning condition.

### Ecology and Nature Heritage - Conclusion

Subject to compliance with the recommended conditions, the proposed development would satisfy policies EP1 (International Nature Conservation Sites and Protected Species), EP2 (National Nature Conservation and Protected Species), EP3 (Local Biodiversity) and EP15 (Development Affecting the Water Environment).

## **Flooding**

Policy IS8 of the Local Development Plan advises that as a general principle, new development should be located in areas free from significant flood risk and development will not be permitted if at significant risk of flooding or if it would materially increase the probability of flooding elsewhere. The ability of flood plains to convey and store flood water should be protected.

The Reston area has a history of flooding, most notably the Great Berwickshire Flood of 1948, but also more recent flood events. The site is generally flat, the embankment aside, and forms part of a large catchment area which drains to the Eye Water around 500m east of the village. An unnamed watercourse crosses the site via a drainage ditch which crosses the site from west to east, roughly parallel with the embankment, partly culverted. This is thought to drain agricultural fields to the south. The ditch discharges into a larger burn, also unnamed, which crosses the east of the site in a south to north direction. Both watercourses are culverted through the embankment. The burn continues north towards the Auction Mart before turning at roughly a right angle towards the dwellinghouse known as Brierfield, at the south-east edge of the village, and continuing east to the Eye Water.

A Flood Risk Assessment (FRA) was submitted with the application. The FRA identifies the main sources of flood risk to be from rainfall and surface water flooding. SEPA required the FRA be revised to consider the 1 in 200 year plus climate change (35%) flood event scenario as per the latest SEPA guidance. The updated FRA confirms this would be met.

The proposed development will increase the areas of impermeable land within the site as the development. Network Rail propose to address this by use of various sustainable drainage systems including a dry swale, permeable paving and a SUDS pond. The detailed design of the SUDS pond, including its depth, is still to be finalised. A condition is recommended to secure control over the design of the SUDS pond and any necessary means of enclosure. The SUDS pond would be maintained by Network Rail.

Whilst out with the floodplain, the most recent revised drawings have confirmed that the base of the north lift shaft would be fixed at a slightly higher level to further reduce flood risk. The south lift shaft serves the elevated southern platform only, so would not be at risk of flooding.

Footpaths serving the emergency escape stairs to the east end of the southern railway platform cross the floodplain of the burn and are at risk of flooding. Any floodwater would be shallow and static, but may prove impassible. There would be few circumstances where there were no alternatives to using the escape stairs at this end of the platform, so this is likely to be low risk. The Flood Risk Section recommends this be considered further. A condition is attached.

Otherwise, the FRA states that the proposed development would not be located within the 1 in 200 year plus climate change (35%) floodplain. The FRA concludes it would not impact flood risk for existing properties downstream. The Council's Flood Risk Team are satisfied with the FRA and have no objections to the proposed development. At the time of writing, a further response from SEPA is awaited. A verbal update will be provided to Members on the day of the meeting.

Finally, concerns regarding the management of watercourses, culverts and burns are noted. This is the responsibility of relevant landowners and is not a matter for this application.

## **Services**

The development does not require a water supply or foul drainage arrangements.

## **Prime Quality Agricultural Land**

Local Development Plan policy ED10 (Protection of Prime Quality Agricultural Land and Carbon Rich Soils) seeks to ensure our finite agricultural land resource is retained for farming and food production. The main body of the proposed site is identified by the James Hutton Institute as prime agricultural land. Policy ED10 states that development which results in the permanent loss of such land will not be permitted unless the land is allocated for development;

the development meets an established need and no other site is available; the development is small scale and directly related to a rural business. A substantial portion of the prime agricultural land within the site is allocated within the LDP for use as a railway station. While the development would result in the permanent loss of this small area of prime quality agricultural land, there is an established need for the railway station and the application sets out why no other site is available. The proposals therefore meet the terms of Policy ED10.

### **Other Matters**

Those commenting on the application have expressed disappointment at the facilities that would be provided for users of the railway station, particularly the lack of a public toilet and the limited cover provided on the platforms. Network Rail are aware of these concerns. These are not matters that can be addressed by the planning system.

The Community Council also advise that they received comment regarding opportunities for local residents to contribute to the design of the station. Designing new railway infrastructure is a technically complex and standards based process. Network Rail have satisfied statutory planning consultation processes.

### **CONCLUSION**

Subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

### **RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:**

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

#### Conditions

1. The development hereby approved shall not be carried out other than in complete accordance with the plans and specifications approved by the Planning Authority, unless otherwise 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 Construction Method Statement has first been submitted to and approved in writing by the Planning Authority. Once approved this document will form the operational parameters under which the development will be operated and managed, unless otherwise agreed in writing by the Planning Authority. The plan must address the following:
  - Hours of operation
  - Noise mitigation/ equipment maintenance
  - Dust – mitigation and management
  - Lighting – prevention of nuisance
  - Complaints procedure/ communication of noisy works to receptorsReason: To protect the amenity of nearby residential properties.
3. Prior to the commencement of development, a Species Protection Plan (SPP) for badger and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

4. Prior to the commencement of development, a hedge protection plan shall be submitted to and approved in writing by the Planning Authority. Thereafter, hedge protection barriers shall be erected in accordance with the agreed hedge protection plan before development commences and no works or storage shall be carried out within the protected areas unless otherwise agreed in writing with the Planning Authority.

Reason: To protect the existing hedge on The Orchard which contributes to the amenity of the surrounding area.

5. Within six weeks of the date of this consent, A Data Structure Report (DSR) shall be submitted to the Planning Authority in strict accordance with the details set out within Sections 5.1 to 5.5 of the Written Scheme of Investigation (WSI) produced by CFA Archaeology (dated 27 November 2020). All further measures detailed within Sections 5.1 to 5.5 of the WSI shall be carried out as required by the Planning Authority to a timescale first agreed in writing with the Planning Authority.

Reason: The site is within an area where archaeological evaluation was required to satisfy LDP policy EP8 (Archaeology). The reporting sought under this condition is required to formally confirm the results of the evaluation work carried out.

6. Within four months of the date of this consent, a proportionate Biodiversity Enhancement Plan (BEP) shall be submitted to and approved in writing by the Planning Authority. The BEP shall include a timetable for delivery of enhancement measures. Thereafter, no development shall be undertaken except in accordance with the approved in writing BEP, the provisions of which shall be delivered in strict accordance with the agreed timetable for delivery.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.

7. Within four months of the date of this consent, details of the design of the proposed SUDS pond, any landscaping of the SUDS pond and any means of enclosure thereto shall be submitted to and approved in writing by the Planning Authority. The SUDS pond shall be designed to ensure pre-development run-off levels are maintained or reduced. Thereafter, the agreed scheme shall be delivered in full in accordance with a timetable first agreed in writing with the Planning Authority.

Reason: to control the design, functionality and appearance of the SUDS scheme in the interests of visual impact and flood risk.

8. Within four months of the date of this consent, a site plan and scheme of details showing final proposed site levels shall be submitted to and approved in writing by the Planning Authority. This shall include levels and design information for the stairs/ footpaths to demonstrate they will be not be at risk of flooding. Thereafter the development shall be completed in strict accordance with the agreed details.

Reason: to provide satisfactory control over the development hereby approved, and in the interests of reducing flood risk for the development.

9. Within four months of the date of this consent, details and, where requested, samples, of the external materials to be used in the footbridge and lift-shaft structures hereby approved shall be submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.

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

10. Within six months of the date of this consent, a revised scheme of details for hard and soft landscaping, boundary treatments and means of enclosure shall be submitted to and approved in writing by the Planning Authority. The scheme of details shall include:
- a) A site plan showing details of proposed soft and hard landscaping and boundary planting/ fencing/ walling;
  - b) A detailed design drawing for the layout at the north end of The Orchard, including details of the measures to close off the end of The Orchard to vehicular traffic;
  - c) A detailed design drawing for the layout for the area from the south end of The Orchard to the underpass;
  - d) Details of materials for hard surfaces;
  - e) Details of boundary planting/ fencing/ walling design.
  - f) Details of species numbers and plant sizes for planting;
  - g) Commitment to replacement of the existing hedge where damaged or removed;
  - h) A timetable for planting and replacement of planting over the first 3 years from the completion of the development;
  - i) Details of on-going maintenance.

Thereafter, the development shall be carried out wholly in accordance with the agreed scheme of details and any boundary planting shall be carried out by the end of the first planting season following the commencement of operations, unless otherwise agreed in writing by the Planning Authority.

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

11. No works shall commence on the roundabout hereby approved until such time as Stages 1 and 2 of a Road Safety Audit have been submitted to, and approved in writing by the Planning Authority in relation to the proposed roundabout on the B6438. All design amendments and remedial works identified through these stages of the audit shall thereafter be carried out within a timescale first agreed in writing with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in regards to road safety.

12. Stage 3 of the Road Safety Audit required by Condition 11 shall be submitted to the Planning Authority for consideration within 1 month of completion of the construction works associated with the proposed roundabout on the B6438. All remedial works identified through this stage of the audit to be carried out within a timescale agreed with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in relation to road safety.

13. Stage 4 of the Road Safety Audit required by Condition 11 to be submitted one year after completion of the roundabout on the B6438. All design amendments and remedial works identified through this stages of the audit to be carried out within a timescale agreed with the Planning Authority.

Reason: To ensure the new access is formed to a satisfactory standard in relation to road safety.

14. Prior to the closure of the existing vehicular access to The Orchard, the new access road and access to the B6438 shall be completed to a specification first agreed by the Planning Authority, including the new vehicular link to The Orchard. Thereafter, the existing access to The Orchard shall be closed to vehicular traffic within 5 days of the new access becoming operational.

Reason: To ensure vehicular access to The Orchard is maintained at all times and to prevent a proliferation of accesses onto the B6438 in the interests of road safety.

15. Prior to the development hereby approved becoming operational, a revised lighting assessment and lighting plan (including the locations of all proposed lighting columns) shall be submitted to and agreed in writing by the Planning Authority. The lighting plan shall meet the Environmental Zone 02 standard, shall incorporate warm lighting and shall incorporate the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK) to protect bats. Thereafter, the development shall operate in strict accordance with the agreed lighting plan and the development shall use no additional external lighting without the prior written approval of the Planning Authority.  
Reason: To protect residential amenity, landscape quality, and the ecological interest in accordance with Local Development Plan policies PMD2, HD3, EP1, EP2 and EP3.
16. Prior to the development hereby approved becoming operational, a revised noise impact assessment and noise plan (incorporating details of the siting and specification of public address system proposals and their hours of operation) shall be submitted to and agreed in writing by the Planning Authority. Thereafter, the development shall operate in strict accordance with an agreed noise plan and the development shall use no additional external public address systems without the prior written approval of the Planning Authority.  
Reason: To protect residential amenity in accordance with Local Development Plan policies HD3.
17. Prior to the development hereby approved becoming operational, the car parking and access road shall be completed as per drawing 161778-BNU-DRG-ECV-000100 Rev B01.01, unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure the development is served by adequate parking provision.
18. Prior to the development hereby approved becoming operational, a scheme of details for cycle parking facilities shall be submitted to, and approved by the Planning Authority. Thereafter the agreed cycle parking facilities shall be installed in accordance with the approved details before the development becomes operational.  
Reason: To ensure adequate cycle parking facilities are provided in the interests of sustainable transport.
19. Prior to the development hereby approved becoming operational, a scheme for the monitoring and expansion of car parking within the approved development shall be submitted to and approved by the Council. The scheme shall include proposals to extend the car park once the usage reaches an agreed level. Thereafter, monitoring of car parking within the development shall be carried out and reported to the Planning Authority in accordance with the agreed scheme and the car park shall be extended when usage reaches an agreed level.  
Reason: To ensure the development is served by adequate parking at all times.
20. Throughout the construction period of the approved development, Core Path 97 shall remain open and unobstructed, unless where prior notification has been provided to the Planning Authority or Countryside and Access Team at least five days in advance and subject to any temporary rerouting that has received the prior written approval of the Planning Authority.  
Reason: to maintain access across Core Path 97 during construction as far as is practicable.
21. 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 development shall be carried out within either (a) the triangular portion of land to the far west of the site as shown on Location Plan 161778-BNU-DRG-ECV-000005 REV P1 or (b) the area within the site to the north of the internal car park road labelled OPEN GROUND TO PLANTED WITH WILDFLOWER MIX on site plan drawing

161778-BNU-DRG-EAR-000101 REV B01.01, unless an application for planning permission in that regards is first submitted to and approved in writing by the Planning Authority.

Reason: to safeguard (a) vehicular and pedestrian connectivity to the neighbouring allocated Local Development Plan housing site AREST004 and (b) further opportunities for future car parking expansion within the site.

Informatives

1. To note with reference to any further adjacent planning application, the brick railway building was identified as being of moderate bat roost potential but only a single dusk emergence survey was carried out. It is unclear why two surveys (one dusk and one dawn) were not carried out in accordance with good practice guidance and the Council's bat survey guidance at:  
[https://www.scotborders.gov.uk/downloads/file/2960/bats\\_technical\\_advice\\_note](https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note)  
 A small, non-breeding soprano pipistrelle roost (2-3 bats) was found in the brick railway building. The survey report recommended three activity surveys should be carried out to fully assess the status of the roost and inform a licence from SNH (NatureScot).
2. The Roads Planning Service advise that Roads Construction Consent will be required for the potentially adoptable roads within the site; only contractors first approved by the Council may working within the public road boundary; Road Safety Audits to be carried out per GG 119 (formerly HD 19/15) of the Design Manual for Roads and Bridges.

DRAWING NUMBERS

Type	Reference	Received
Elevations	161778-BNU-DRG-EAR-000004	25.9.20
Location Plan	161778-BNU-DRG-ECV-000005 REV P1	25.9.20
Drainage Plan	161778-BNU-DRG-EDR-000001 REV B01.01	5.1.21
Site Plan	161778-BNU-DRG-ECV-000100 B01.01	17.12.20
Site Plan	161778-BNU-DRG-EAR-000101 REV B01.01	19.1.21
Plans and Elevations	161778-BNU-DRG-EAR-000102 REV B01.01	19.1.21
Sections	161778-BNU-DRG-ECV-000115 REV B01.01	19.1.21
Elevations	161778-BNU-DRG-EAR-000103 REV B01.01	19.1.21
Topographical Survey	161778-BNU-DRG-ECV-000110 REV B01.01	19.1.21

**Approved by**

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

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

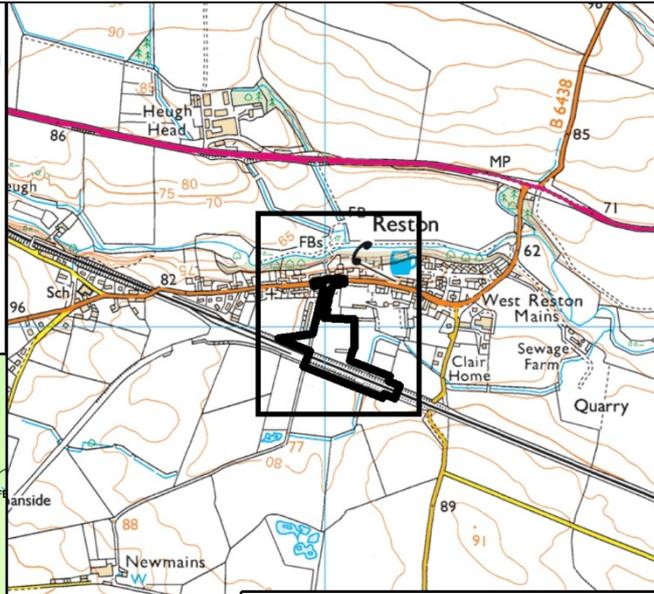
**Author(s)**

Name	Designation
Paul Duncan	Assistant Planning Officer

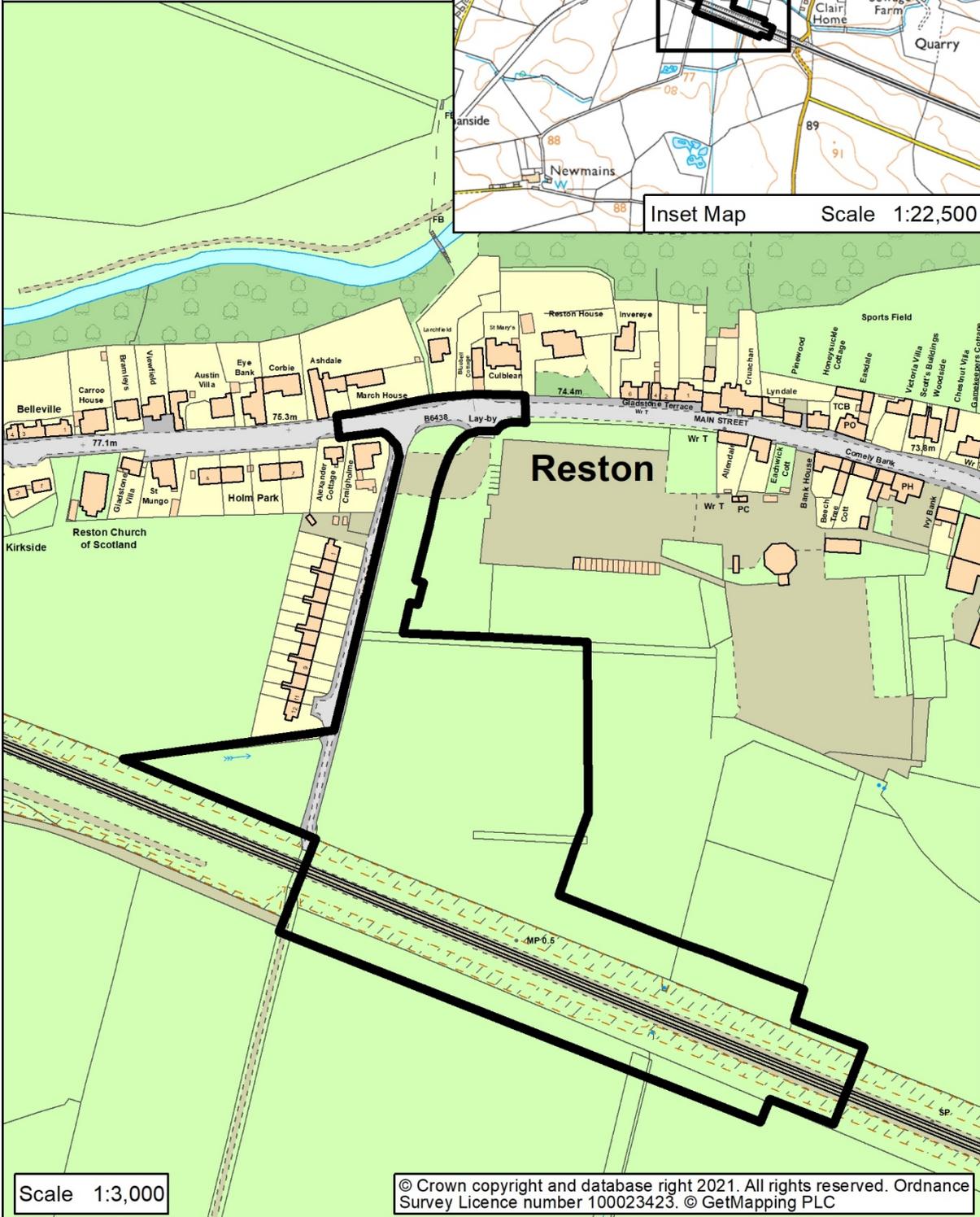


20/01133/FUL

Land South East Of  
12 The Orchard  
Reston



Inset Map Scale 1:22,500



Scale 1:3,000

This page is intentionally left blank




---

## **UPDATED SUPPLEMENTARY PLANNING GUIDANCE: PLANNING BRIEF – FORMER BORDERS COLLEGE, GALASHIELS**

**Report by Chief Planning & Housing Officer**

---

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

**1 February 2021**

---

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

- 1.1 This report seeks approval of updated Supplementary Planning Guidance (SPG) in the form of a Planning Brief for the Former Borders College site on Melrose Road, Galashiels. If approved, the Guidance will become a material consideration in the determination of planning applications. The Planning Brief would replace a Brief previously adopted in 2009 for the site.
- 1.2 The existing Planning Brief was prepared some time ago and is out of date on a number of component parts. This updated SPG will ensure reference to up to date policies and site requirements to be addressed which will help provide relevant guidance to enable the satisfactory development of the site. Colliers requested that the original Planning Brief be updated as they are currently marketing the site and are eager to encourage the redevelopment of the derelict site and provided an initial draft.
- 1.3 It is proposed that the updated Supplementary Planning Guidance is subject to public consultation for a period of 6 weeks. Following consultation, it is intended that if substantive comments are received a report will be brought back to the Planning and Building Standards Committee to seek final agreement.

#### **2 RECOMMENDATIONS**

- 2.1 **I recommend that the Planning and Building Standards Committee agrees to:**
  - a) **Approve the document as updated Supplementary Planning Guidance in the form of a Planning Brief (Appendix A) to be used as a basis for public consultation.**
  - b) **Delegate authority to the Chief Planning and Housing Officer to approve the final document as Supplementary Planning Guidance if there are no substantive comments arising from the public consultation.**

### **3 BACKGROUND**

- 3.1 The Former Borders College site on Melrose Road in Galashiels is allocated within the Scottish Borders Local Development Plan 2016 as a redevelopment site (zRO202). The site is 2.1ha and allocated under Policy PMD3: Land Use Allocations. Policy ED5: Regeneration seeks to encourage redevelopment of redevelopment allocations for a variety of uses including housing, employment or retailing which will support the opportunity of bringing such land back into productive use and to enhance the surrounding environment.
- 3.2 The site is currently occupied by the now redundant former Borders College campus. The Updated Planning Brief relates to a smaller part of the allocation as part of the site is now in use. The residual site area now available for development is 1.7ha. The Live Borders office building lies to the west of the site beyond the Queens Leisure Centre, having formerly been part of the site covered by the original planning brief.
- 3.3 The site lies immediately east of Galashiels Town Centre. It is located on the south side of Melrose Road (B6374) on an area of generally level ground. Residential properties rise in levelled tiers up the steep slope to the north. There are a range of different buildings on site. On the western part of the site the dominant property is the two-storey stone built former Galashiels Academy Building, which has been subject to extension and alteration at its eastern extent. This building is not a listed building. To the rear is a single storey modern building currently occupied by a short-term tenant and to the west is the Queens Leisure Centre. On the eastern side of Langhaugh Lane is the Category C Listed Thorniedean House. To the south of this building are the former college 'technical workshops'.
- 3.4 The Council has prepared this updated Planning Brief for the site to create a development vision, address potential constraints on the site and encourage good quality redevelopment in accordance with sustainability principles which fit with the townscape of the settlement and integrates with its landscape surroundings. The Planning Brief will provide guidance to any developer of the site or any other interested party and will be a material consideration when determining planning applications.
- 3.5 The main changes to the brief are as follows;
- The policy context has been brought up to date;
  - Live Borders offices are excluded from the site as these are now in established use;
  - The development guidance has been updated to current standards;
  - Reference to the preference to retain existing non-listed buildings has been removed.

### **4 IMPLICATIONS**

#### **4.1 Financial**

There are no costs attached to any of the recommendations contained in this report.

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



**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.

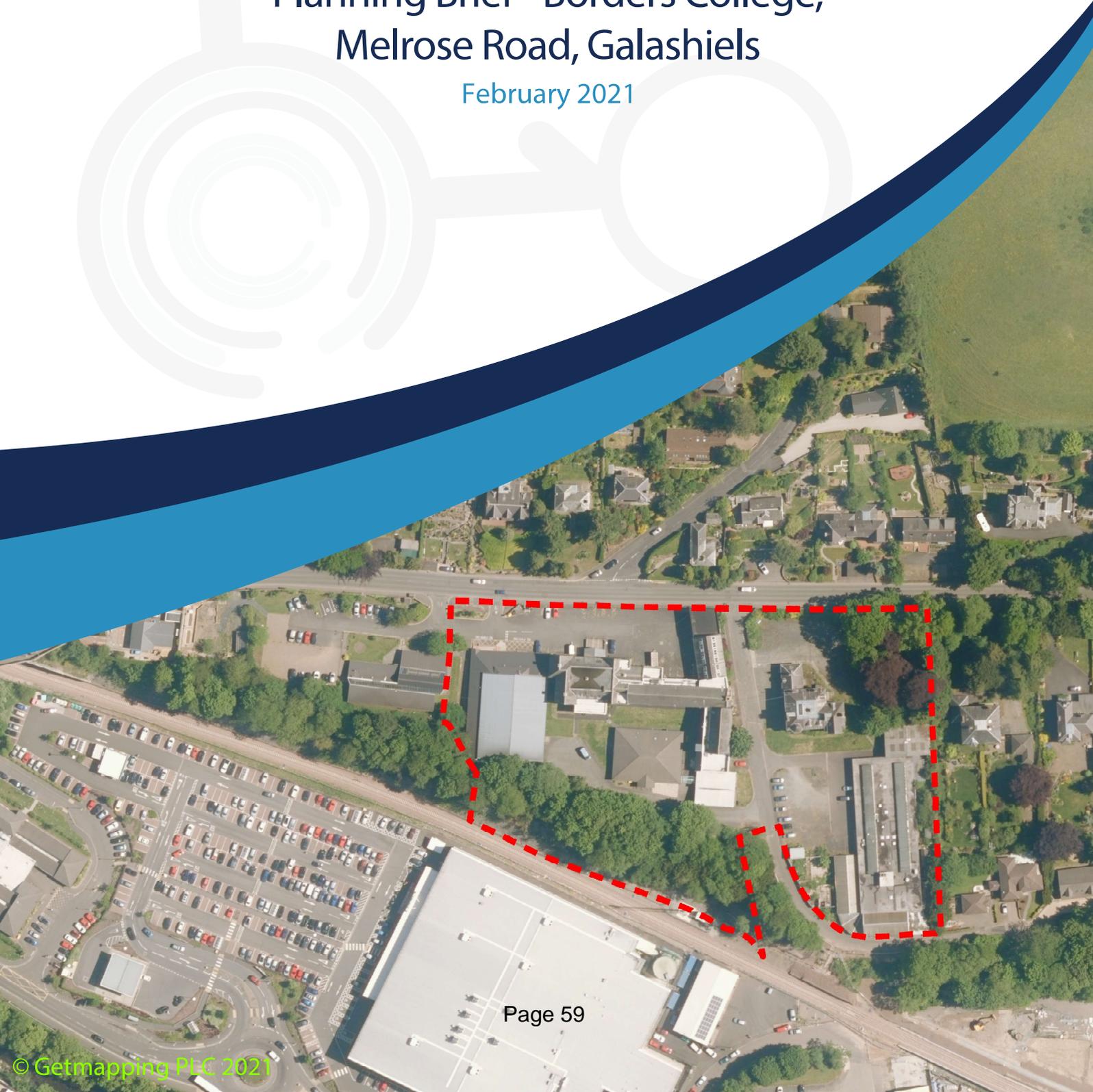
Contact us at Jacqueline Whitelaw, Planning and Regulatory Services, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email [eitranslationrequest@scotborders.gov.uk](mailto:eitranslationrequest@scotborders.gov.uk)

# Scottish Borders Local Development Plan

Supplementary Planning Guidance

## Planning Brief - Borders College, Melrose Road, Galashiels

February 2021



## Contents Page

	Page No.
<b>1. Introduction</b>	<b>1</b>
<b>2. Site Context</b>	<b>1</b>
<b>3. Site History</b>	<b>6</b>
<b>4. Policy Context</b>	
4.1 National	6
4.2 Strategic Development Plan	6
4.3 Scottish Borders Local Development Plan 2016	7
4.4 Supplementary Planning Guidance	7
<b>5. Development Vision</b>	<b>8</b>
<b>6. Development Guidance</b>	
6.1 Energy Efficiency	10
6.2 Parking	10
6.3 Ecology	10
6.4 Waste Management	11
<b>7. Constraints</b>	
7.1 Listed Building	11
7.2 Access	12
7.3 Water, Drainage and Sustainable Urban Drainage Systems	13
7.4 Railway	13
7.5 Landscaping	13
<b>8. Developer Contributions</b>	
8.1 Affordable Housing	13
8.2 Education	13
8.3 Waverley Line	13
8.4 Play Areas	13
8.5 Transport	14
<b>Alternative Format/Language Paragraph</b>	<b>15</b>

### List of Figures

Figure 1: Local Context – Scottish Borders Local Development Plan 2016

Figure 2: Existing Buildings

Figure 3: Redevelopment Plans

### List of Images

Image 1: Front elevation of former Borders College building

Image 2: South facing elevation of Thorniedean House

Image 3: Listed gates of Thorniedean House

Image 4: Entrance to Langhaugh Lane

## **1. Introduction**

- 1.1 This planning brief sets out the main opportunities and constraints relating to the redevelopment opportunity at the former Borders College site, Melrose Road, Galashiels. It is intended to provide a framework for the future development of the site and updates the previous planning brief approved by Scottish Borders Council in 2009.
- 1.2 The brief identifies where detailed attention to specific issues is required and where development contributions will be sought. The brief should be read alongside relevant, national, strategic and local planning guidance, a selection of which are provided within this document.

## **2. Site Context**

- 2.1 Galashiels is located within the Central Scottish Borders, approximately 36 miles south of Edinburgh and is connected via the A7 and the Borders Railway line which opened in 2015 between Edinburgh Waverley and Tweedbank.
- 2.2 The Borders Railway 'Maximising the Impact: A Blueprint for the Future' (November 2014) seeks to ensure economic development opportunities are maximised along the railway corridor. A Masterplan (January 2018) has also been prepared for sites within the centre of Galashiels which seeks to help regenerate the town centre. The new Great Tapestry of Scotland building in Channel Street is currently under construction and is expected to be open in 2021. It is anticipated this will act as a key catalyst in regenerating the town centre.
- 2.2 The site lies immediately east of Galashiels Town Centre. It is located on the south side of Melrose Road (B6374) on an area of generally level ground. Residential properties rise in levelled tiers up the steep slope to the north. The site area has been altered from the original Planning Brief to exclude an office building which lies to the west of the site beyond the Queens Leisure Centre. This building and associated parking to the north west is now occupied and utilised by Live Borders. Whilst this building no longer forms part of the Planning Brief, it is necessary that access to this building is retained and that parking for the existing use is taken into account. The residual site area now available for development is 1.7 Ha (3.95 acres). Figure 1 shows the location of the site within the context of the Scottish Borders Local Development Plan 2016.
- 2.3 There are a range of different buildings on site. On the western part of the site the dominant property is the two-storey stone built former Galashiels Academy Building, which has been subject to extension and alteration at its eastern extent. This building is not a listed building. To the rear is a single storey modern building currently occupied by a short-term tenant and to the west is the Queens Leisure Centre sports hall operated by Live Borders. On the eastern side of Langhaugh Lane is the Category C Listed Thorniedean House. To the south of this building are the former college 'technical workshops'.



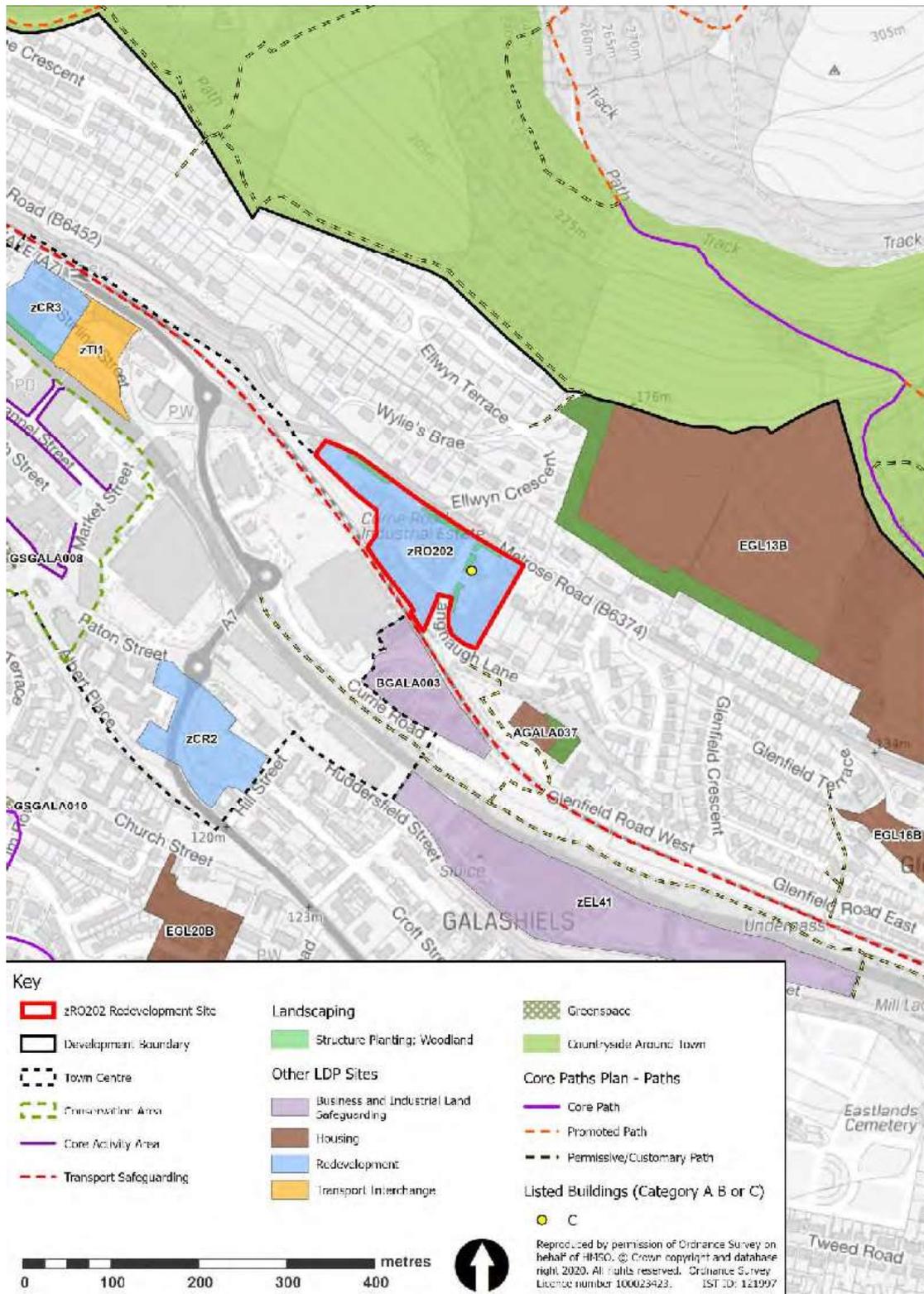
Image 1: Front elevation of former Borders College building



Image 2: South facing elevation of Thorniedean House

- 2.4 Whilst the Queens Leisure Centre building is currently in use, it has been confirmed that it is the intention that a new sports hall will be incorporated within the new Galashiels Community Campus. This would mean that this existing building may become surplus to requirements. This section of the site could therefore become developable in the future and therefore this building is included within this Planning Brief.

Figure 1: Local Context - Scottish Borders Local Development Plan 2016



- 2.5 There are two access points to the site from Melrose Road, firstly at the western extent of the site in front of the Queens Leisure Centre which is the car park entrance, and Langhaugh Lane which dissects the site providing access to Thorniedean House, the technical workshops and the rear of the main former Academy building, as well as to residential properties to the south east. The nearest bus stop is located at the entrance to the site and has a good town service and is a stopping point for many of the services to other Border towns.
- 2.6 The boundary wall that encloses Thorniedean House to the north and partially to the west also forms part of the Listed Building. The boundary of the site to the south includes a block of woodland on the steeply sloping ground that falls down to the Borders Railway line with Langhaugh Industrial Estate and a supermarket beyond. Figure 2 shows the existing buildings on the site.
- 2.7 The site does not fall within a Conservation Area.

Figure 2: Existing Buildings



### **3. Site History**

- 3.1 The site has predominantly been used for educational purposes, having been built originally for Galashiels Academy in the inter war years. Thereafter the site was used by Galashiels Technical College.
- 3.2 Borders College was formed in 1984 by the amalgamation of Galashiels Technical College, Henderson Technical College (Hawick), Duns Agricultural Centre and the Agricultural Centre, Newtown St. Boswells and the site was used by Borders College until their move to a new purpose-built campus in Galashiels in 2009.
- 3.3 Thorniedean House was built in approximately 1868 as a residential villa for William Sime of Sime & Sanderson, the original owners of Botany Mill in Galashiels. During the Second World War the house was used by a girl's school that was evacuated from Edinburgh. Thorniedean House became part of Galashiels Academy thereafter in 1949 and has been used for educational purposes to date, albeit between 1975 and 1984 it was used by the Council's Assessors.

### **4. Policy context**

#### **4.1 National**

The National Planning Framework 3 is the Central Government's spatial framework which guides development in Scotland in accordance with the Government's economic strategy.

Scottish Planning Policy (2014) provides Government Planning Policy for development management and plan-making purposes.

Designing Streets provides a Scottish Government policy statement on street design and moves towards a place-making approach rather than a vehicular dominated design approach.

The Historic Environment Policy for Scotland (HEPS) is a policy statement for decision making for the whole of the historic environment. Historic Environment Scotland also provide a series of guidance notes which would be relevant to the listed building on the site, Thorniedean House.

#### **4.2 Strategic Development Plan**

The South-East Scotland Strategic Development Plan (SESplan) (SDP) was approved by Scottish Ministers in 2013. The proposed SDP which was intended to replace SDP 2013 was rejected by Scottish Ministers on 16th May 2019. The reasons cited were the Ministers were not satisfied that the Plan was informed by an adequate and timely Transport Appraisal and did not take account of the relationship between land use and transport. Queens Counsel (QC) opinion was sought by SESPlan authorities as to how this matter should be addressed. QC advice was that, whilst out of date, SDP 2013 remains the approved SDP and must therefore continue to be referred to. However, QC advice also stated that whilst the proposed SDP was rejected there are elements of the supporting technical papers and documents which helped guide the proposed SDP and incorporate more up to date positions. Consequently these should be considered as material considerations which include the following:

- a) The policies of proposed SESplan2 with the exception of those policies relating to transport infrastructure
- b) The supporting material prepared in respect of SESplan2
- c) Housing Need and Demand Assessment
- d) General Register Office predictions on population growth
- e) Housing Land Audits
- f) The material contained within the Reporter's examination report

#### 4.3 Scottish Borders Local Development Plan 2016

The site is identified as a redevelopment site (zRO202) within the Scottish Borders Local Development Plan 2016. The following policies are relevant to the development of the site:

- PMD2 – Quality Standards
- PMD3 – Land Use Allocations
- PMD5 – Infill Development
- ED2 – Employment Uses outwith Business and Industrial Land
- ED5 - Regeneration
- HD1 – Affordable and Special Needs Housing
- HD3 – Protection of Residential Amenity
- EP7 – Listed Buildings
- EP1 – International Nature Conservation Sites and Protected Species
- EP2 – National Nature Conservation and Protected Species
- EP3 – Local Biodiversity
- EP13 – Trees, Woodlands and Hedgerows
- IS2 – Developer Contributions
- IS3 – Developer Contributions Related to the Borders Railway
- IS7 – Parking Provision and Standards
- IS9 – Waste Water Treatment Standards and Sustainable Urban Drainage

#### 4.4 Supplementary Planning Guidance

In addition, the following SPGs/SGs would be relevant:

- Affordable Housing
- Biodiversity
- Development Contributions
- Green Space
- Landscape and Development
- Local Biodiversity Action Plan
- Placemaking and Design
- Privacy and Sunlight
- Renewable Energy
- Replacement Windows and Doors
- Sustainable Urban Drainage Systems
- Trees and Development
- Waste Management

## 5. Development Vision

This is an exciting opportunity to provide a new use for the former Galashiels Academy site, the listed Thorniedean House and the former College Campus. The previous planning brief envisaged that the site would be redeveloped for residential uses, which remains the most preferable use in planning terms however alternative uses will be considered on their own merits provided they do not conflict with the established land use of the area and do not compromise the vitality and viability of the town centre. Since the original planning brief was produced in 2009 there has been no long-term use secured for the buildings on the site and their condition has deteriorated.

5.1 The key requirements of the redevelopment are as follows:

### Site A

1. Retention of Thorniedean House and listed features of the property
2. Conversion and subdivision of Thorniedean House or being retained as a single property
3. Existing trees and woodland to be retained, as they make a valuable contribution to the amenity of the local and wider townscape. Tree removal(s) will only be considered if informed by a tree survey and under exceptional circumstances. The Council has recently declared a climate emergency and it is recognised that trees play an important role in countering climate change
4. Creation of attractive open space setting for the Listed Building
5. Retention and enhancement of stone boundaries along the northern boundary facing Melrose Road
6. Location of parking to be sympathetic to the character and setting of the listed building

### Site B & C

1. Housing in site B should be no higher than 2 storeys
2. Housing in site C should be no higher than 2 storeys and fully consider any potential issues with overshadowing from existing trees
3. Retention and enhancement of the private Langhaugh Lane to ensure access to existing residential properties
4. Parking must be sympathetic to the character and setting of Thorniedean House

### Site D

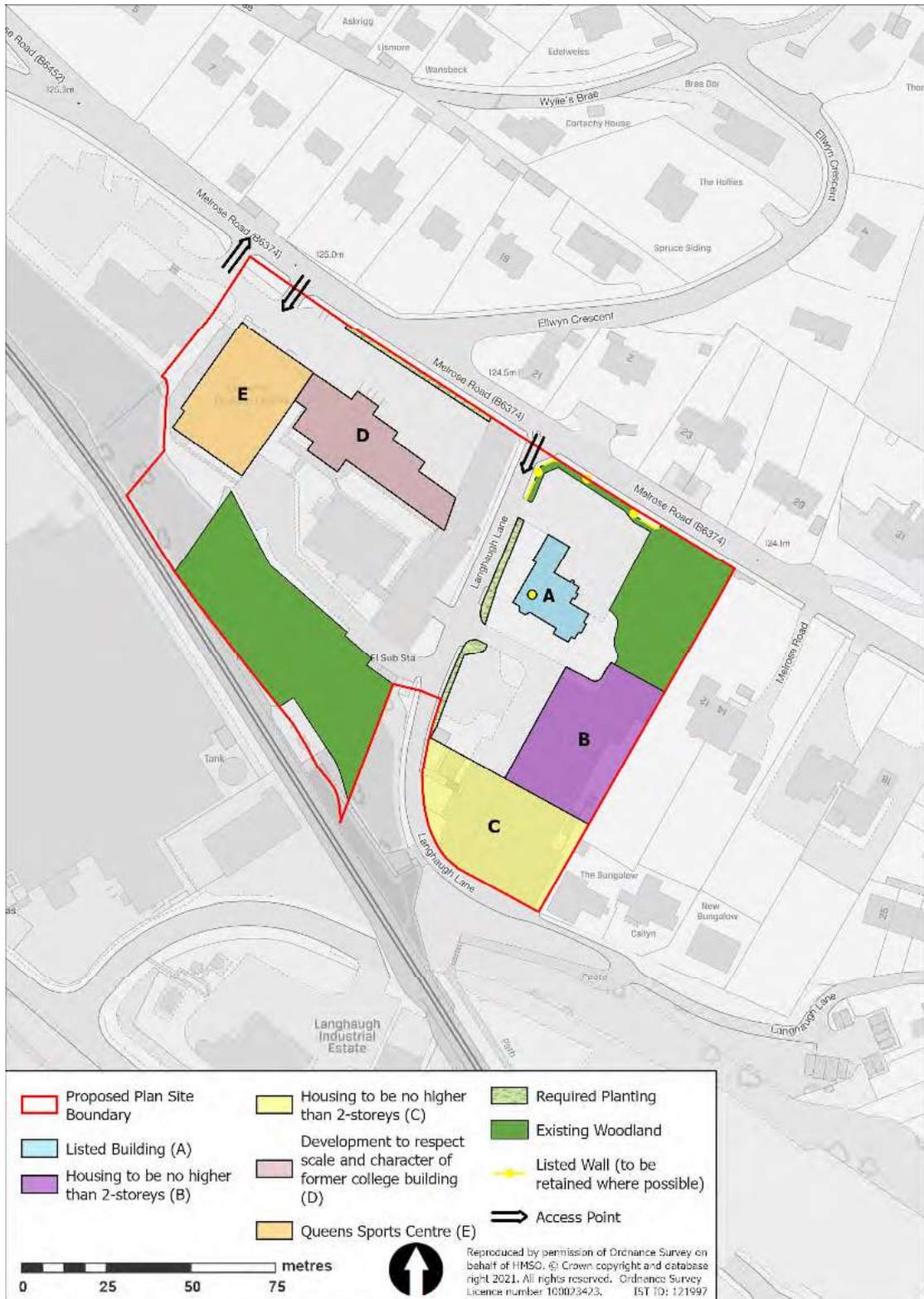
1. It is not necessary to retain the existing former college building as it is not Listed nor does it sit within a conservation area, and therefore planning consent is not required for its demolition
2. New build should reflect the scale and character of the existing former college building
3. Woodland to the rear of Site D should be retained

### Site E

1. Should the Queens Leisure Centre become available, there is the opportunity to develop this part of the site. Any development must reflect the scale and character of the adjacent former College and must not conflict with adjoining uses

Overall the redevelopment proposals must have regard to 'Designing Streets' and the Council's 'Placemaking and Design Supplementary Planning Guidance'. Figure 3 shows the redevelopment plan.

**Figure 3: Redevelopment Plan**



## 6. Development Guidance

### 6.1 Energy efficiency

The development will be expected to comply with all relevant national policy to reduce carbon emissions from development, to achieve high standards of energy conservation and to provide on-site renewable energy production where appropriate. These provisions are highlighted in Policy PMD2: Quality Standards of the LDP 2016 and the Supplementary Planning Guidance on Renewable Energy. Developers must comply with these policies and provide evidence of how they have addressed them. On site generation should be incorporated into the development wherever possible as well as sustainable building construction and design.

### 6.2 Parking

Parking should be provided in line with the relevant standards outlined in the SEStrans Parking Guide. This site would be defined as Zone C and appropriate levels should be calculated on this basis. Appropriate cycle parking should also be provided in line with Cycling by Design. In general, if housing was to be the future use for the site, the parking levels should ideally be in line with the Transportation Standards section within the Local Development Plan 2016 i.e.:-

- 2 spaces in curtilage per property plus 25% visitor parking
- 1 space in curtilage per property plus 100% visitor parking
- 175% communal parking evenly distributed throughout the site
- Or a suitable combination of the above.

### 6.3 Ecology

#### Ecology and habitat

A preliminary ecological appraisal will be required to inform a proportionate Ecological Impact Assessment in accordance with good practice<sup>1,2</sup>. Ecological interest is likely to include bats (European Protected Species) and breeding birds. Opportunities to enhance the biodiversity interest of the site include planting native tree species, creating wildflower areas and provision of bat bricks or bat boxes and bird nest boxes including swift bricks/boxes as appropriate, to enhance the local ecological network.

Further information on the Councils bat survey guidelines can be found at:

[https://www.scotborders.gov.uk/downloads/file/2960/bats\\_technical\\_advice\\_note](https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note)

<sup>1</sup>CIEEM (2017) Guidelines for Preliminary Ecological Appraisal: Second edition. Latest version can be found at [https://www.scotborders.gov.uk/downloads/file/2960/bats\\_technical\\_advice\\_note](https://www.scotborders.gov.uk/downloads/file/2960/bats_technical_advice_note)

<sup>2</sup>CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.1. Chartered Institute of Ecology and Environmental Management. Latest version can be found at: <https://cieem.net/resource/guidelines-for-ecological-impact-assessment-ecia/>

## 6.4 Waste Management

Waste management facilities for recycling and collection should form an integral part of the development, further guidance is provided within Scottish Borders Council's Supplementary Guidance on Waste Management.

## 7. Constraints

### 7.1 Listed Building

Thorniedean House, located at the eastern end of the site, is a Category C Listed Building. Historic Environment Scotland's 'list description' associated with the building can be viewed here: <http://portal.historicenvironment.scot/designation/LB50710>. It should be noted that both the interior and exterior are listed, and that in particular the boundary walls, railings and gate piers are also specifically included in the listing.



Image 3: Listed gates of Thorniedean House

There are opportunities to consider extending the existing building (to the rear or north side). The site could accommodate some low height new building to the rear, perhaps in the form of a 'lodge' or 'stables' building which are subservient to the main house.

Redevelopment proposals for the listed building, including alterations or extension, will be assessed taking account of the advice contained in the following documents from Historic Environment Scotland:

- Historic Environment Policy for Scotland (HEPS)
- Historic Environment Scotland's 'Interim Guidance on the Principles of Listed Building Consent'

It should be noted that there is a presumption in favour of retention of the property. It is recommended that pre-application discussion is undertaken with the Planning Authority in connection with the proposals for the redevelopment of this property.

## 7.2 Access

Ideally the development should be served via a single access off Langhaugh Lane with the current openings onto Melrose Road, adjacent to the Queens Centre, being closed off to vehicles. Visibility splays of 2.4m x 43m (minimum) would be required at the junction of Melrose Road and Langhaugh Lane and this may require some adjustments to the existing boundary walls on both sides though it is noted this junction has been used by the College and residents for some time. Provision of the appropriate sightlines will need to take cognisance of the Listed status of the boundary walls, gate piers and railings of Thorniedean House. In order to provide the requisite sightlines stone walls would need to be rebuilt. In an effort to provide desired connectivity, consideration should also be given to a secondary access onto Melrose Road, however this would be dependent on the site layout and density.



Image 4: Entrance to Langhaugh Lane

Consideration may also be given to amalgamating the existing access, egress and Langhaugh Lane junction in to one single junction depending on site use and layout proposals. It is likely that the existing access serving Live Borders offices will have to be amended to allow two way traffic if not incorporated into any revised access on to Melrose Road.

Langhaugh Lane which currently dissects the site is a private road which would require to be upgraded to an adoptable standard as part of the redevelopment. This will include the need for appropriate surfacing, lighting and drainage. Depending on the level of development, it is unlikely that a Transport Assessment will be required. A Transport Statement will however be required outlining the proposed traffic (including pedestrian) movements that will be generated by any development.

The street layout should take on board the principles of Designing Streets which encourages innovative street design, with well-connected layouts where the car is less dominant. Traffic calming should be “designed in”.

Improvements will be required to the pedestrian link from the site southwards towards Currie Road. Pedestrian links to the town centre must be retained and enhanced.

### **7.3 Water, Drainage and Sustainable Urban Drainage Systems**

There are no surface watercourses within the site and the nearest watercourse, the Gala Water, lies to the south. A Drainage Impact Assessment will be required at the planning application stage together with an assessment of water capacity. Early work on these matters in conjunction with Scottish Water is encouraged as is any change to existing infrastructure. Sewerage disposal should be connected to the public foul sewer. Developers may be required to fund works that mitigate the impact on existing networks. Provision for Sustainable Urban Drainage which accords with the design principles of Sewers for Scotland should be applied.

### **7.4 Railway**

Network Rail would require to be consulted during the process of any planning application for development within 10 metres of the railway line. Any noise impacts resulting from the proximity of the railway line must be considered.

### **7.5 Landscaping**

Existing mature trees are present within the site, both to the east of Thorniedean House and to the south of the former college. Mature trees should be retained in accordance with LDP Policy EP13 – Trees, Woodlands and Hedgerows and the Council's Trees and Development SPG. A tree survey will require to be produced to ensure the long-term viability of the trees on the site.

## **8. Developer Contributions**

### **8.1 Affordable Housing**

The site is located in the Central Borders Housing Market Area in which on-site affordable housing provision is sought at a rate of 25% for residential units for development of 17 units and above. The Council's SPG on Affordable Housing sets out the methods for delivery of on-site affordable housing.

### **8.2 Education**

Developer contributions will be required towards Galashiels Academy and Langlee Primary School in line with the Council's Development Contributions SPG at the time of a planning application. Contributions are not required for one-bedroom properties or housing that meets the terms of the Council's affordable housing guidance.

### **8.3 Waverley Line**

Contributions towards the reinstatement of the Waverley Railway Line are required in line with the Council's Development Contributions SPG at the time of a planning application. Affordable housing units do not require to make these contributions.

### **8.4 Play areas**

It is expected that development contributions would be required towards off-site play provision for an existing facility within walking distance of the site. This would be in line with the Council's Green Space and Development Contributions SPGs at the time of a planning application. This would be sought for a development of two bedroomed units and above.

## **8.5 Transport**

Transport contributions shall be required in respect of any works identified in the Transport Statement.

You can get this document on audio CD, in large print, and various other formats by contacting us at the address below. In addition, contact the address below for information on language translations, additional copies, or to arrange for an officer to meet with you to explain any areas of the publication that you would like clarified.

SCOTTISH BORDERS COUNCIL

Council Headquarters | Newtown St Boswells | MELROSE | TD6 0SA

tel: 0300 100 1800 | email: [localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk) | [www.scotborders.gov.uk](http://www.scotborders.gov.uk)



This page is intentionally left blank

---

## **PLANNING APPEALS & REVIEWS**

---

### **Briefing Note by Chief Planning & Housing Officer**

---

## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**1<sup>st</sup> February 2021**

---

### **1 PURPOSE**

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

### **2 APPEALS RECEIVED**

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

### **3 APPEAL DECISIONS RECEIVED**

- 3.1 Planning Applications

- 3.1.1 Reference: 20/00347/FUL  
Proposal: Erection of poultry building, upgrade of access junction, formation of access road, and associated works  
Site: Hutton Hall Barns, Hutton  
Appellant: Maclean Eggs Ltd

Reasons for Refusal: 1. The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would not respect the amenity and character of the surrounding area. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on the landscape when viewed in combination with existing poultry

units. 2. The development would be contrary to Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in the permanent loss of prime quality agricultural land. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on this finite resource. 3. The development would be contrary to Policy EP1 - International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in an unacceptable adverse cumulative impact on the integrity of local biodiversity. It has not been adequately demonstrated that the erection of an additional poultry unit in this location would not adversely affect the integrity of the site.

Reason for Appeal: The appellant believes that the application is fully compliant with all relevant national and local planning policies. They do not feel that the Planning Committee fully considered the comments from the statutory bodies, who were supportive of the proposal, nor the views of the Planning Officer, who recommended approval, in determining this application.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Chris Norman, concluded that the proposal, either alone or in combination with the other sheds in this location, would respect the amenity and character of the surrounding area, would not have an adverse effect on biodiversity including the River Tweed Special Area of Conservation and is in accordance with the local development plan. Therefore the reporter allows the appeal and grants planning permission subject to the imposition of 15 condition and 3 advisory notes.

3.1.2 Reference: 20/00470/FUL  
Proposal: Erection of poultry building and associated works (shed 6)  
Site: Hutton Hall Barns, Hutton  
Appellant: Mrs Angela Maclean

Reasons for Refusal: 1. The proposed development would be contrary to Policy ED7 - Business, Tourism and Leisure Development in the Countryside of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would not respect the amenity and character of the surrounding area. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on the landscape when viewed in combination with existing poultry units. 2. The development would be contrary to Policy ED10 - Protection of Prime Quality Agricultural Land and Carbon Rich Soils of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in the permanent loss of prime quality agricultural land. The erection of an additional poultry unit in this location would have an unacceptable adverse cumulative impact on this finite resource. 3. The development would be contrary to Policy EP1 - International Nature Conservation Sites and Protected Species of the adopted Scottish Borders Local Development Plan 2016 in that the proposed poultry unit would result in an unacceptable adverse cumulative impact on the integrity of local biodiversity. It has not been adequately demonstrated that the

erection of an additional poultry unit in this location would not adversely affect the integrity of the site.

Reason for Appeal: The appellant believes that the application is fully compliant with all relevant national and local planning policies. They do not feel that the Planning Committee fully considered the comments from the statutory bodies, who were supportive of the proposal, nor the views of the Planning Officer, who recommended approval, in determining this application.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Chris Norman, concluded that the proposal would respect the amenity and character of the surrounding area, would not have an adverse effect on biodiversity including the River Tweed Special Area of Conservation and is in accordance with the local development plan. Therefore the reporter allows the appeal and grants planning permission subject to the imposition of 15 condition and 3 advisory notes.

### 3.2 Enforcements

Nil

### 3.3 Works to Trees

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained 2 appeals previously reported on which decisions were still awaited when this report was prepared on 21<sup>st</sup> January 2021. This relates to sites at:

- |  |   |
|--|---|
| • Land North West of Willowdean House, Foulden | • Land North East of Burnside, Lower Green, West Linton |
|--|---|

## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 20/00956/PPP  
Proposal: Erection of dwellinghouse with integral garage  
Site: Land North East of Balcladach, Easter Ulston, Jedburgh  
Appellant: Mr D J Irvine

Reasons for Refusal: 1. The proposed development is on land subject to a Section 75 agreement which specifically prohibits further development of dwellinghouses on the land and no application to modify this agreement has been submitted or approved. 2. The proposal is 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 Supplementary Planning Guidance Note (2008), in that the

proposed development would be within a previously undeveloped field, beyond the natural and man-made boundaries of the Easter Ulston building group, outwith the sense of place of the building group and out of keeping with the character of the building group resulting in an unacceptable adverse impact on the landscape and amenity of the surrounding area. 3. The proposal is contrary to Policy PMD1, Sustainability of the Scottish Borders Local Development Plan (2016), in that it would present itself as ribbon development contrary to the sustainable use and management of land. 4. The proposal is contrary to Policy PMD2, Quality Standards of the Scottish Borders Local Development Plan (2016), in that the site is not compatible with or respects the character of the surrounding area.

**6 REVIEWS DETERMINED**

Nil

**7 REVIEWS OUTSTANDING**

7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 21<sup>st</sup> January 2021. This relates to a site at:

• Garden Ground of Clifton Cottage, High Street, Kirk Yetholm	•
---	---

**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 21<sup>st</sup> January 2021. This relates to sites at:

• Fallago Rig 1, Longformacus	• Fallago Rig 2, Longformacus
• Crystal Rigg Wind Farm, Cranshaws, Duns	•

**Approved by**

**Ian Aikman  
Chief Planning & Housing 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.

Contact us at Place, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071  
Email: [PLACEtransrequest@scotborders.gov.uk](mailto:PLACEtransrequest@scotborders.gov.uk)

This page is intentionally left blank