

# Public Document Pack



## PLANNING AND BUILDING STANDARDS COMMITTEE MONDAY, 6TH FEBRUARY, 2023

A MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE will be held in the COUNCIL CHAMBER, COUNCIL HEADQUARTERS, NEWTOWN ST BOSWELLS, AND VIA MICROSOFT TEAMS on MONDAY, 6TH FEBRUARY, 2023 at 10.00 AM

J. J. WILKINSON,  
Clerk to the Council,

27 January 2023

<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 - 10) Consider Minute of the Meeting held on 9 January 2022 for approval and signature by the Chair. (Copy attached.)
5.	<b>Application.</b> Consider the following application for planning permission:
	(a) <b>Land East of Fernyrig Farm, Coldstream - 22/01532/S36</b> (Pages 11 - 28) Erection of Battery Electricity Storage System (BESS) and Associated Infrastructure. (Copy attached.)
6.	<b>Appeals and Reviews.</b> (Pages 29 - 34) Consider briefing note by Chief Planning and Housing Officer. (Copy attached.)
7.	<b>Any Other Items Previously Circulated.</b>
8.	<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**

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**Membership of Committee:-** Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

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

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells and via Microsoft Teams on Monday, 9th January, 2023 at 10.00 am

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Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 5 December 2022.

**DECISION**

**AGREED to approve the Minute for signature by the Chair.**

2. **APPLICATION.**

There had been circulated copies of a report by the Chief Planning and Housing Officer on an application for planning permission which required consideration by the Committee.

**DECISION**

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

3. **APPEALS AND REVIEWS.**

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

**DECISION**

**NOTED that:**

(a) **There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 21 December 2022 which related to a site at Land West of Slipperfield House, Slipperfield Loch, West Linton;**

(b) **Review requests had been received in respect of:**

(i) **Erection of Class 4 joinery workshop with associated access and parking, Land North and East of Clay Dub, Duns Road, Greenlaw;**

(ii) **Alterations and extension to dwellinghouse, 17 George Street, Eyemouth;**

(iii) **Alterations and extensions to dwellinghouse, Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth;**

(c) **The following reviews had been determined as shown:**

- (i) **Erection of dwellinghouse, Plot 1, Land North of Belses Cottage, Jedburgh – Decision of Appointed Officer Overturned (Subject to Conditions),**
  - (ii) **Erection of dwellinghouse, Plot 2, Land North of Belses Cottage, Jedburgh – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement),**
  - (iii) **Erection of dwellinghouse, Garden Ground of Cheviot View, Eden Road, Gordon – Decision of Appointed Officer Upheld (Terms of Refusal Varied),**
  - (iv) **Erection of two dwellinghouses with access and associated works, Land West of 1 The Wellnage, Station Road, Duns – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement),**
  - (v) **Demolition of agricultural building, erection of dwellinghouses with ancillary accommodation, Derelict Agricultural Building North of Ladyurd Farmhouse, West Linton – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement),**
  - (vi) **Erection of dwellinghouse, Land North and East of Tweed Lodge, Hoebridge East Road, Gattonside – Decision of Appointed Officer Overturned (Subject to Conditions),**
  - (vii) **Erection of 3 no holiday pods and associated parking, Land West of Burnmouth Church, Stonefalls, Burnmouth, Eyemouth – Decision of Appointed Officer Upheld,**
  - (viii) **Replacement windows and door (retrospective), Caddie Cottage, Teapot Street, Morebattle, Kelso – Decision of Appointed Officer Overturned,**
  - (ix) **Alterations and extension to dwellinghouse, Deanfoot Cottage, Deanfoot Road, West Linton – Decision of Appointed Officer Upheld,**
  - (x) **Installation of soil vent pipe to front elevation, Hillside, Duns Road, Swinton, Duns – Decision of Appointed Officer Upheld,**
  - (xi) **Installation of photo voltaic array to the south facing roof, Mansefield, 91 High Street, Coldstream – Decision of Appointed Officer Overturned (Subject to Conditions);**
- (d) **There remained 7 reviews previously reported on which decision were still awaited when the report was prepared on 21 December 2022 which related to sites at:**

• <b>Land East of 16 Hendersyde Avenue, Kelso</b>	• <b>Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh</b>
• <b>Land North East of Runningburn Farm, Stichill</b>	• <b>Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside</b>
• <b>Land West of Pease Bay Holiday Home Park, Cockburnspath</b>	• <b>Land South West of Castleside Cottage, Selkirk</b>
• <b>Land South West of Corstane Farmhouse, Broughton</b>	

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 21 December 2022 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.**

*The meeting concluded at 10.30 pm.*

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

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
22/00877/FUL	Partial demolition of buildings, erection of 3no dwellinghouses with detached garage block and erection of 2no industrial units.	Langlands Mill, Langlands Place Newtown St Boswells

DECISION: Approved as per officer recommendation and subject to a 'clawback clause' being included in the Section 75 Agreement. The clawback clause shall secure additional development contributions (over and above the figure suggested by the DV and agreed by the applicant - £5000 per dwelling), in the event that the residential sales exceeds the enhanced level of Gross Development Value as set out in the DV Valuation Report. The decision is also subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.  
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.  
Reason: To ensure that the development is carried out in accordance with the approved details.
3. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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, these documents. This 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 Council prior to addressing parts b, c, d, and, e of this condition.

and 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 of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.
- e) Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.

Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.

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.

- 4. The two light industrial units hereby approved shall only be used for Class 4 (office, research and development or light industry) of the Schedule of The Town and Country Planning (Use Classes) (Scotland) Order 1997, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order), unless otherwise agreed in writing by the Planning Authority.  
Reason: To ensure that the use remains compatible within the site and to safeguard residential amenities.
- 5. Notwithstanding the description of the materials in the application, no development shall be commenced until precise details of the materials and colour finishes to be used in the construction of the external walls, roofs, window frames, doors, balustrades, roller shutter doors and garage doors of the buildings have been submitted to and approved in writing by the Planning Authority, and thereafter no development shall take place except in strict accordance with those details.  
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
- 6. The finished floor levels of the dwellinghouses and light industrial units hereby approved shall be consistent with those indicated on a scheme of details which shall be submitted to and approved in writing by the Planning Authority before the development commences. Such details shall indicate the existing and proposed levels throughout the application site, including the courtyard and parking spaces, and shall be measurable from a fixed datum point in a location clearly indicated in the scheme of details so approved.  
Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers or on visual amenities.
- 7. Details of boundary treatments (walls, gates, fences) including position, extent, height, materials, design and colour finish (around the site or between plots) to be submitted to and approved in writing by the Planning Authority before the development commences. The approved boundary treatments then to be erected in accordance with the approved details.  
Reason: To safeguard the visual amenities of the area.
- 8. Details of bin storage areas for waste and recycling and any external storage areas for the light industrial units to be submitted to and approved in writing by the Planning



Authority before the development commences. The bin storage areas and external storage areas then to be installed in accordance with the approved details before the light industrial units are occupied.

Reason: To safeguard the visual appearance of the area.

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

Reason: To protect the residential amenity of nearby properties.

10. Prior to commencement of development, details confirming the construction of the communal courtyard to be submitted to and approved in writing by the Planning Authority. Thereafter the courtyard to be constructed as per the approved details prior to first occupation of either the dwellinghouses or light industrial units.

Reason: To ensure the development hereby approved is served by an adequate form of access.

11. Prior to commencement of development, a scheme of details of the proposed improvements to the lane adjacent to the northern boundary of the site to be submitted to and approved in writing by the Planning Authority. Thereafter the improvements to be implemented in accordance with the approved scheme and completed prior to first occupation of either the dwellinghouses or light industrial units.

Reason: To ensure the development hereby approved is served by an appropriate form of access.

12. Core path 140, to be kept open and free of obstruction for walkers, cyclists and horse riders, before, during and after any development in this location.

Reason: To ensure rights of access are maintained during the construction period and upon completion of the development.

13. The construction phase of the development to be carried out in accordance with the requirements and mitigation contained within the Construction Method Statement.

Reason: To protect the Special Area of Conservation and SSSI.

14. No development shall commence until written evidence is provided on behalf of Scottish Water to confirm that a mains water connection shall be made available to serve the development, unless otherwise agreed in writing by the Planning Authority. Thereafter, a public water mains connection shall be functional prior to the occupancy of the dwellinghouses and light industrial units hereby approved, and no water supply arrangements shall be used other than the public water mains without the written agreement of the Planning Authority.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

15. No foul drainage system other than the public mains sewer shall be used to service the development hereby approved without the written consent of the Planning Authority. The foul drainage to be functional prior to occupation of the dwellinghouses and light industrial units hereby approved

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

16. Details of surface water drainage to be submitted to and approved in writing by the Planning Authority before the development commences. The surface drainage to be functional prior to occupation of the dwellinghouses and light industrial units hereby approved.

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

#### Informatives

1. In respect of condition 9, all plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
2. In respect of condition 11, improvements to the lane should be such that all potholes are repaired and a level surface capable of supporting a 14 tonne axle loading is provided.

**SCOTTISH BORDERS COUNCIL**

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**6 FEBRUARY 2023**

**APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989**

**ITEM:** **REFERENCE NUMBER: 22/01532/S36**  
**ECU REFERENCE NUMBER: EC00004601**

**OFFICER:** Mr Scott Shearer  
**WARD:** Mid Berwickshire  
**PROPOSAL:** Erection of Battery Electricity Storage System (BESS) and Associated Infrastructure  
**SITE:** Land East Of  
Ferryrig Farm  
Coldstream  
**APPLICANT:** TNEI Services Limited

**1.0 PLANNING PROCESSING AGREEMENT:**

1.1 As relevant Planning Authority Scottish Borders Council (SBC) have 4 months to consider the application and provide a response to the Energy Consents Unit The authority's response is due on 6 February 2023.

**2.0 PURPOSE OF REPORT**

2.1 To advise the Scottish Government of the response from Scottish Borders Council on an application which has been submitted under section 36 of The Electricity Act 1989 (as amended) for the development of Battery Electricity Storage System (BESS) and Associated Infrastructure on Land East of Ferryrig Farm, Coldstream.

**3.0 PROCEDURE**

- 3.1 Scottish Borders Council (SBC) is a consultee as a 'relevant planning authority'.
- 3.2 The views of SBC will be provided to the Energy Consents Unit at Scottish Government (ECU). The ECU is the body responsible for determining proposed developments involved with electricity generation in excess of 50MW, under the Electricity Act 1989. The ECU advertises the application and carries out consultation with other interested bodies. There is, therefore, no need for Scottish Borders Council to undertake a tandem process although consultation has taken place with relevant specialists within the Council.
- 3.3 It should be noted that if permission is granted, the Council (rather than the ECU) would become a relevant enforcement authority responsible for monitoring compliance with the terms of an approval and any conditions imposed thereon.

## **4.0 SITE DESCRIPTION**

- 4.1 The site is located approximately 2.8km to the east of the village of Eccles in Berwickshire. The application site includes Eccles Substation on the northern side of the A679 and land to the south. No development works are proposed within the existing substation site with all works taking place on the land on the southern side of the road. The development is sited on modestly sloping agricultural land to the south with access by a forestry track through the Crown Gorse plantation. Paxton Wood lies to the west.
- 4.2 Woodside Sawmill is located directly to the north east. The holding contains two residential properties. Fernyrig Farm is located to the south west of the site on the opposite side of Paxton Wood. Whitrig Farm is located to the west and Hatchednize Farm to the east.
- 4.3 The site is not located within or adjacent to any designated landscapes. No ecological or heritage designations lie within or immediately adjacent to the site. The site is designated as Prime Quality Agricultural Land (PQAL) within the Local Development Plan 2016 (LDP).

## **5.0 PROPOSED DEVELOPMENT**

- 5.1 The applicant is seeking consent for the erection of a Battery Electricity Storage System (BESS) and associated infrastructure. The main components of the proposals are;
- Development of a compound area enclosed by security and acoustic fencing up to 4.5m in height
  - Siting of up to 132 individual BESS units
  - A control room
  - Up to 3 high voltage transformers
  - Up to 4 switch rooms
  - Up to 4 spares containers
  - Up to 10 low voltage switch rooms and auxiliary transformers
  - Lighting columns
  - Upgraded site access formed at the A697
  - Site landscaping
  - Attenuation pond
- 5.2 Members are advised that the proposed layout and appearance of the equipment is indicative at this stage and it is not until completion of the procurement process that the design and layout will be finalised. The applicants have informed that layout has been based on a 'worst case scenario'.

## **6.0 PLANNING HISTORY**

- 6.1 The following planning history is relevant to the proposal and the immediate surrounding area;

22/00461/SCR - The Planning Authority provided a Screening Opinion for this development, recommending that its perceived environmental effects would not be so significant that it would warrant an Environmental Impact Assessment. A range of information was identified to consider its environmental impacts.

22/01113/PAN - Extension to the existing substation and erection of two hybrid synchronous compensators - Land North of Eccles Substation Coldstream

22/01988/FUL – Construction of Battery energy storage system with capacity of up to 50MW and ancillary infrastructure and access - Land East of Eccles Substation. This application is presently under consideration.

21/01725/FUL - Installation of Synchronous Compensator – Approved - Land West Of Eccles Sub Station

21/01567/FUL - Formation of access junction and track to provide maintenance access for the Eccles Synchronous Condenser – Approved - Land South East Of Eccles Substation Coldstream Scottish Borders

13/00247/FUL - Construction of 400kV Series Capacitor Bank Compound, associated access road, drainage and landscaping works – Approved - Land East of Eccles Substation Eccles

## **7.0 APPLICANTS' SUPPORTING INFORMATION**

7.1 The Section 36 planning application is supported by the following documents;

- Planning Statement
- Environmental Report
- Landscape and Visual Impact Appraisal
- Arboricultural Impact Assessment
- Noise Impact Assessment
- Flood Risk Assessment including Surface Water Drainage Strategy
- Outline Construction Environment Management Plan
- Access Review

## **8.0 REPRESENTATION SUMMARY**

8.1 Third party representations are submitted to the ECU and it is for that authority to take these in to consideration when assessing the proposed developments on behalf of the Scottish Ministers.

8.2 At the time of writing no objections or third party comments have been submitted to the ECU in response to this development.

## **9.0 DEVELOPMENT PLAN POLICIES:**

9.1 **Local Development Plan 2016 (LDP):**

<b>Policy Reference</b>	<b>Policy Name</b>
PMD1	Sustainability
PMD2	Quality Standards
ED9	Renewable Energy Development
ED10	Protection of Agricultural Land and Carbon Rich Soils
HD3	Protection of Residential Amenity
EP1	International Nature Conservation Sites and Protected Species

EP2	National Nature Conservations Sites and Protected Species
EP3	Local Biodiversity
EP8	Archaeology
EP10	Gardens and Designated Landscapes
EP13	Trees Woodlands and Hedgerows
EP15	Development Affecting the Water Environment
IS5	Protection of Access Routes
IS8	Flooding
IS9	Waste Water Treatment Standards and Sustainable Urban Drainage

## 9.2 Supplementary Planning Guidance

- Biodiversity (2005)
- Landscape and Development (2008)
- Local Biodiversity Action Plan: Biodiversity in the Scottish Borders (2001)
- Local Landscape Designations (2012)
- Placemaking and Design (2010)
- Renewable Energy (2018)
- Trees and Development (2008)

## 9.3 National Planning Policy Framework 4

Policy Reference	Policy Name
1	Tackling the climate and nature crises
2	Climate mitigate and adaptation <sup>3</sup>
3	Biodiversity
5	Soils
6	Forestry woodland and trees
7	Historic assets and places
11	Energy
14	Design, Quality and Place
22	Flood risk and water management
23	Health and safety
29	Rural Development

## 9.4 Other Planning Considerations

- Electricity Act 1989
- National Planning Framework 3 (2014)
- Scottish Planning Policy (2014)

## 9.5 Energy Policy

- The Scottish Energy Strategy (SES): The Future of Energy in Scotland (2017)
- The Climate Change (Emissions Reduction Targets) (Scotland) Act 2019
- The Scottish Government, Update to the Climate Change Plan 2018-2032: Securing a Green Recovery on a Path to Net Zero (2020)

- The UK Government Energy White Paper ‘Powering our Net Zero Future’ 2020
- Climate Change Committee (CCC), The UK’s Sixth Carbon Budget (December 2020)
- Scotland’s Energy Strategy Position Statement 2021

## **10.0 CONSULTATION RESPONSES:**

10.1 The following consultation responses have been received by specialist officers within Scottish Borders Council. A summary of the consultation responses received to each is provided below.

10.2 **Archaeology Officer:** No objection. Confirm no direct impacts on any archaeological assets are predicted. Provided existing woodland plantations remain, particularly the Crown Gorse area coupled with additional screening no adverse impacts on the setting of any designated heritage assets is predicted, including the hillfort on Hirsell Law.

10.3 **Ecology Officer:** No objection. No designated ecological sites are negatively impacted by the development. Impacts on Local Biodiversity sites can be mitigated by a Construction Environmental Management Plan. Potential impacts on red squirrels and badgers can be addressed by Species Protection Plans, which should also address species impact arising from tree removal. Compensatory tree planting should be agreed and proposed habitat enhancement in the form of hedgerow and wild flower planting secured by condition.

10.4 **Flood & Coastal Management:** No objection. Recommended detailed surface water drainage design is agreed by condition.

10.5 **Roads Planning Service:** No objection to the principle of the proposal. Recommend that the access to the A697 is upgraded to comply with the Design Manual for Roads and Bridges and give the speed of the road where the access is to be formed ideally that matter should be addressed prior to determination.

## **11.0 OTHER CONSULTATION RESPONSES (SUBMITTED TO SCOTTISH GOVERNMENT)**

11.1 As members are aware, the Council is a consultee in the Section 36 application process and does not undertake any outside consultation itself. It is the role of the ECU to manage this consultation process and consider all matters raised by consults as part of their assessment. At the time of writing this report, no objections have been raised by any of the consultation responses returned to the ECU. The responses received by the ECU are available to view on their web portal.

## **12.0 KEY PLANNING ISSUES:**

12.1 Bearing in mind that SBC is a consultee rather than the determining authority, the following are the key issues to be reported in the following Assessment:

- Planning Policy Principle
- Impact on Prime Quality Agricultural Land
- Landscape and Visual Impacts

- Impacts on Road Safety
- Impacts upon the Built and Natural Environment, including Protected Species
- Noise impacts
- Impact on Drainage

### **13.0 ASSESSMENT OF APPLICATION:**

#### **Planning Policy Principle**

- 13.1 The development will not generate electricity but instead provides a location where it can be imported, stored and exported to meet the demands of the national grid network. Scottish Ministers have recently approved National Planning Framework 4 (NPF4) which has changed the focus from a low carbon environment to seeking that our emissions reach Net Zero by 2045. NPF4 was approved by Scottish Ministers on 11 January 2023 and it is anticipated this will be formally adopted on the 13 February 2023 where it will form part of the statutory development plan. The Chief Planner has advised that local authorities should give considerable weight to NPF4 as part of their decision making process. In terms of its implications for this proposal, battery storage is a form of technology promoted by Policy 11 (Energy) as it can assist in meeting zero emissions targets. The proposed development can store energy from both renewable and non-renewable sources and its contribution to the transition to a net zero environment is examined below. The development also draws support from Policy 1 (Sustainable Places) of NPF4 which requires that significant weight is given to developments which seek to address the climate emergency and Policy 2 (climate mitigation and adaptation) by reducing future energy emissions.
- 13.2 At a local level, Policy ED9 Renewable Energy Development and the Renewable Energy SG confirm SBC are supportive of a range of renewable energy developments to reduce carbon dioxide emissions and address the global climate emergency. To achieve net zero it is understood that there will be greater demands to store energy. This is as a result of nuclear power stations and other non-renewable technologies reaching the end of their operational life where it is the national intention to stop generating energy from these sources. Greater emphasis is being placed on meeting our energy demands from renewable sources such as wind and solar. There will be times when these technologies are not able to generate enough electricity or have technical issues. At these times surplus energy stored at BESS can be used to meet grid demands. It is also worth considering that by having greater storage potential in the short term it may help to reduce the amount of non-renewable energy which is required to be generated which can help to lower carbon levels over this period.
- 13.3 For the reasons noted above it is recognised that the proposal will play an important role as part of the wider mixture of renewable energy technologies which will be required to meet the commitments of the Climate Change Act, including the transformational change towards a net zero energy sector. The proposal is considered to align favourably Policies 1 and 11 of NPF4 which promote developments which help to meet net zero targets. The development is also found to comply with the aims of Policy ED9 of the LDP. The primary test for this development is whether it can be accommodated without unacceptable significant adverse impacts or effects, giving due regard to



relevant environmental, community and any cumulative impact considerations. This will be assessed in subsequent sections of this report.

### **Impact on Prime Quality Agricultural Land**

- 13.4 The site is allocated as Prime Quality Agricultural Land (PQAL) within the LDP. The Macaulay Institute has classified the site as being Class 2 PQAL where the land is noted as being capable of producing a wide range of crops. Policy ED10 seeks to avoid developments which result in the permanent loss of PQAL unless certain policy criteria are met or the proposal is for renewable energy development which is compliant with the objectives and requirements of Policy ED9. Policy 5 (Soils) of NPF4 has adopted a similar position where development on PQAL is only acceptable under certain criteria, one of which is that the development is for the generation of renewable energy.
- 13.5 As established above, this proposal contributes to the overall mix of renewable energy developments which will be required to meet net zero emissions targets that are embedded in national planning and energy policies. There are benefits of the development being located on this area of PQAL. Eccles substation is a nationally important substation and the proximity of the proposal to this grid infrastructure will increase its efficiency and will reduce the extent of associated infrastructure such as new pylon networks connecting the BESS to Eccles substation. It is considered that there is a land use planning rationale for this site being a preferred location for this type of development. Nevertheless, the categorisation of the proposal being a form of renewable energy development and infrastructure which will be essential taking the climate emergency effectively renders it as being exempt from restrictions which could be imposed by Policy ED10 of the LDP and Policy 5 of NPF4.
- 13.6 Policy ED10 requires that renewable developments which take place on PQAL is fully compliant with the requirements of ED9. The proposal is assessed against all relevant criteria of ED9 below.

### **Landscape and Visual Impact**

- 13.7 Policy ED9 of the LDP requires consideration of the landscape and visual impacts. The application has been supported by a Landscape and Visual Appraisal which includes a zone of theoretical visibility and photomontages from selected viewpoints. Members are advised that the proposed layout and appearance of the equipment is still indicative, this includes whether the batteries would be 'free standing' or enclosed in casing. The final technical choice is informed by a tender process which would take place at a later stage of this project. The designs and scale of the equipment shown within the submission is understood to be commensurate with BESS apparatus but as it is only indicative it is possible that their appearance could change.
- 13.8 The development is located within landscape character type (LCT) 106 Lowland with Drumlins which is a gently undulating landscape dominated by the regular pattern of large arable fields. The development works would alter the topography of the site. While the precise finished ground levels are as yet unknown the extent of the change is unlikely to be significant. This coupled with the generally low lying nature of the proposed equipment as well as screening provided by the existing woodland limits the effect of the development on the wider landscape and host LCT.

- 13.9 The ZTV identifies that the main area of visibility are generally within 1km to the south of the site with limited visibility to the north and east and also towards the west within 2km to 3km.
- 13.10 The minor road at Fernyrig to the south appears to be the most affected receptor. Viewpoint 1 confirms that the development would be visible in the gap it occupies between Paxton Wood and Grown Gorse. The presence of these woodlands help to contain the development. Despite the blast wall extending up to 9.5m in height and the apparatus being slightly visibly over the top of the wall, the height of the trees in the background readily enclose the proposal so that its scale does not stand out in the landscape. From this viewpoint the development can be seen to take up a large ground area but its low lying nature reduces its impact. At this location it will be seen in isolation away from the adjacent Eccles substation therefore it will be important to ensure its material finishes are sympathetic to its rural surroundings. There is suggested visibility from the northern parts of Birgham but this is likely to be limited to the upper parts of the grid transformers which are enclosed by the background of vegetation and seen in the context of large pylons near Eccles substation.
- 13.11 The ZTV and photomontages confirms that there is limited visibility of the development from elsewhere in the surrounding environment which includes only a fleeting glimpse from the A697. There has been found to be no visibility from Eccles to the west or Leitholm to the north.
- 13.12 There is suggested to be some very small areas of visibility at farm holdings within 2km of the site but these areas of visibility are very minor.
- 13.13 In summary, the siting of the development has been carefully considered where its low lying nature takes advantage of its positioning within woodlands to limit its visual impact. Where it is visible, primarily from the south and also fleeting glimpses from surrounding land holdings which include Haigsfield to the south east and Hatchednize to the east and Bartle Hill to the west, careful consideration of the external materials and in particular colour finish of the equipment is required. If light colours and reflective finishes were used greater attention would be drawn to the development. Instead darker colours used on the blast wall, batteries and other equipment would help the proposals to integrate with its rural and woodland surrounds. The incorporation of landscaping around the south and south western boundaries of the site is welcomed but it would provide more effective screening if its depth is increased, particularly to the south where its depth is impacted by siting of the attenuation pond within the landscaped area. Additionally, it would be sensible to include some soft landscaping around the north east, north and western sides of the development as well which would also include around the north western side of the access road. This would add further landscape screening at these edges of the site to compensate for trees lost and provide some insurance in the event the either of the adjacent woods are felled that the development would still benefit from some screening. Agreement of improved landscape is a matter which can be controlled by planning condition.
- 13.14 From the information presented it is considered that the development would not adversely impact on the landscape character or visual amenity of the surrounding area subject to final agreement of the siting and design of all equipment, finished site levels, all external material finishes and colours and improve landscaping around the boundaries of the site. If Members were

mindful to support this application, it is recommended that these matters can be addressed by suitably worded planning conditions.

### **Micrositing**

- 13.15 The applicants have sought a Micrositing allowance of up to 100m within the application site boundary. If agreed this would allow the equipment to be moved 100m from its final agreed position. Micrositing tolerance is generally required to respond to ground condition issues often for large renewable energy developments, i.e. wind farms. Given the nature of this development, some micrositing allowance is not considered unreasonable, however a 100m allowance would risk very significant changes out with the control of the Planning Authority which may pose other visual and environmental impacts. Instead a 50m allowance seems more reasonable in this case as it would still allow changes to be made while also ensuring that the finished development closely resembles the consented scheme. The suggested allowance is the established allowance generally accepted for a wind farm development. On this basis it is recommended that a 50m allowance would be reasonable and this can be controlled by planning condition.

### **Duration of Consent**

- 13.16 The development is to operate for a period of 38 years. It is understood that this has been informed by the projected operational life of the equipment and as noted above there is a clear operational need for battery storage to address energy use. In the event that the development reaches the end of its operational life and is no longer required the site should be decommissioned with the site restored to its former condition. This process can be addressed by a planning condition seeking to address site decommissioning, restoration and aftercare to ensure the development is removed in a safe and timely manner which will avoid any long standing visual or potentially health and safety issues when the batteries and ancillary equipment is no longer required.

### **Residential Amenity**

- 13.17 Policy ED9 requires the impacts on communities and individual dwellings (including noise impacts) to be considered with Policy 11 of NPF4 seeking impact on amenity to be addressed by the project design and mitigation. Policy HD3 states that development judged to have an adverse impact on the amenity of residential areas will not be permitted and Policy 23 (Health and safety) of NPF4 seeks to guard against developments which pose unacceptable noise issues.
- 13.18 The closest residential properties are located to the NE at Woodside Sawmill and the SW at Fernyrig Farm. Intervening planting separates the development from these properties, and coupled with suitable soft landscaping around the boundaries of the site ensure the proposals will not adversely affect the residential amenity of these properties. Tree removal as part of the site access works may expose this part of the development from properties at the Sawmill however the loss of these trees will be unlikely to harm the amenity of these properties. The discrete location of the development ensures the proposal will not adversely affect the visual amenity of any other residential properties, including recognised settlements in the LDP.

- 13.19 The proposed development would introduce new sound sources to the local area from the proposed plant and equipment which will pass and store electricity. A Noise Impact Assessment (NIA) has been carried out which has considered the impact on sensitive neighbouring receptors. Similar to most wind farm applications the noise levels generated by the proposal is predicted as the precise equipment is still to be confirmed. To mitigate noise emanating from the site a blast wall is to be erected around the HV Transformer Compound which would generate the most noise and acoustic fencing around the blocks of batteries. The EHO did identify that the low background noise levels at night could result in tonal noise from the development being distinctive and harmful at night. An Addendum to the NIA has been provided and the EHO has agreed with the methodology to set appropriate noise levels for this development. However more conservative noise limits are recommended to account for noise impacts on a partially open window. The applicants have agreed to this and reduced the noise limits by 5dB which meets best practice measures of NR30 during the day and NR20 at night. It is recommended that this condition is attached to any approval.

### **Access**

- 13.20 Policy PMD2 requires developments to avoid any adverse impacts on road safety. The site would be accessed from the A697 via an existing forest access track through the Crown Gorse plantation. The existing track would not be sufficient to serve this development, particularly transporting the equipment to the site during the construction phase. It is required to be upgraded for this purpose. Once the development is operational, vehicle movements to and from the site are anticipated to be low.
- 13.21 The proposal has been supported by indicative swept path analysis which details the extent of junction upgrading to allow larger vehicles transporting the equipment to access the site. Site entrance visibility splays have also been provided. To facilitate the necessary access upgrades, vegetation (including some roadside hedging) will be required to be removed and/or cut back at either side of the junction and it is likely that some trees within the Crown Gorse will need to be removed to make way for the expanded site access road. RPS has not objected to the principle of the development but as the access works will impact on a fast section of A class road it is their preference for precise access details to be agreed prior to determination. The applicants have advised that the precise access requirements will not be known until the final equipment has been chosen, presumably to ensure the access can cater for the goods requiring transportation to the site. They have confirmed that the access will be designed to the standard sought by RPS and this gives assurances that it will be suitably designed. It is recommended that agreement of the precise access details can be addressed by a suitably worded suspensive condition which requires the access to be upgraded to an agreed standard. Additionally, it will also be important that should land to the north of the junction be required to be cleared for access during the construction phase that this is reinstated. Subject to a condition to address these matters it is considered that the development will comply with road safety requirements in Policy PMD2.
- 13.22 The application has been supported by an Access Review which identifies the preferred route of transporting the equipment to the site. The majority of the road affects the road network in Northumberland from Berwick harbour until the traffic enters the Scottish Borders at the Coldstream Bridge. RPS have not raised issues in response to the vehicle movements within the Scottish Borders

and it would be the responsibility of the ECU to liaise with Northumberland County Council on road impacts within their area.

- 13.23 No existing access routes are affected by the proposed development.

### **Impacts on Built Heritage and Archaeology**

- 13.24 The application has to be assessed principally against Policy ED9 of the LDP and Policy 7 of NPF4 in respect of impacts on the historic environment. It should also be assessed against Policies EP8 and EP10 of the LDP which seek to protect archaeological assets and Gardens and Designed Landscapes respectively.

- 13.25 As noted in the consultee comments above, the SBC archaeologist is satisfied that the development poses no direct impacts on any archaeological features within or adjacent to the site. There are archaeological assets within the surrounding environment and these are identified on the Cultural Heritage Assets ZTV. However, the screening provided by existing plantations limits the impact of the development on the setting of the identified archaeological assets, including the hill fort on Hirsell Law. To further mitigate the impact on archaeological assets it is the view of our Archaeologist that further screening would be beneficial. It would be appropriate to agree additional planting around the SE and NE boundaries via planning condition as this would provide further mitigation in the event existing screen planting is removed and ensure that the development complies with Policy EP8 of the LDP.

- 13.26 The Hirsell Garden and Designed Landscape (GDL) is located approximately 1.8km to the east of the site. Under the inventory of Garden and Designated Landscape's compiled by HES, this landscape is noted as being; "*An outstanding designed landscape with a long historical connection to the Home family*". Policy EP10 of the LDP seeks to protect the character of Gardens and Designed Landscape from development that would adversely affect their special character. Members will note that HES has not objected to the proposals. The Cultural Heritage Assets ZTV has confirmed that there is limited visual impact of the HV transformer only. The generally low lying nature of the site and proposal as well as the distance from the Hirsell GDL ensures it does not adversely affect its setting. It would be appropriate to ensure that suitable landscaping takes place along the SE and NE boundaries of the site to screen the infrastructure and also mitigate the loss of any tree cover between the site and the GDL which could in time expose the development. It is recommended that this can be addressed by planning condition.

- 13.27 The development does not adversely affect the setting of any Listed Buildings or Conservation Areas.

- 13.28 Having considered the proposal against relevant LDP policies covering cultural heritage, including archaeology and NPF4 policy provision on these matters, the development is not considered to pose any conflicts subject to condition to secure suitable boundary planting.

### **Ecological Impacts**

- 13.29 The proposal has to be assessed against policies EP1, EP2 and EP3 of the LDP and Policy 3 of NPF4 which seek to protect international and national nature conservation sites, protected species and habitats from development.

- 13.30 The site is not within a designated ecological site and our Ecologist is satisfied that the development has no connectivity to any neighbouring designated ecological sites. There may be connectivity to local biodiversity sites however these impacts can be addressed via a Construction Environmental Management Plan (CEMP).
- 13.31 Protected species surveys have been carried out and there is evidence of red squirrels and foraging badgers in the area, however, species protection plans can address any impacts of development works on these species. Some mature trees are to be removed and they may also provide suitable habitats for breeding birds and bats. Their removal, and any impacts on protected species, can be addressed in species protection plans. The level of tree removal is not yet confirmed. These trees do have some biodiversity value. Policy EP3 seeks to ensure any biodiversity loss is compensated. In this case, this could be achieved by securing compensatory hedgerow and wildflower planting noted in the phase 1 habitat report. This planting would have to be secured on land under the applicants control but there appears the potential to achieve this.
- 13.32 If Members are minded to support this proposal is it recommended that the impacts of the development on local biodiversity assets and protected species habitats can be addressed by conditions seeking a CEMP, species protection plans and suitable compensatory planting.

#### **Hydrology and Flood Risk**

- 13.33 Policy ED9 of the LDP and Policy 11 of NPF4 requires consideration of the effect of renewable energy development on hydrology and flood risk. The site is currently free from flood risk. The development would however create a large area of hard surfacing that is not currently present on site. This will affect the way in which surface water is managed. Policies IS9 of the LDP and Policy 22 (Flood risk and water management) seek for surface water to be handled through sustainable urban drainage systems (SUDS).
- 13.34 The development proposes to route surface water to underground storage and an attenuation pond with controlled discharge in to a field drain to the south. The Flood Engineer is content with the proposed strategy. The proposed layout is still indicative therefore it is recommended that the final detailed drainage lay be agreed by condition to ensure it addresses all matters raised in the FRA and complies with LDP and NPF4 surface water requirements.

#### **14.0 CONCLUSION**

- 14.1 In conclusion the development would contribute towards meeting Scottish Government national energy targets and the transition towards net zero. The proposal would result in some minor landscape and visual impacts but these will be localised and will not result in unacceptable adverse impacts, subject to suitable landscaping/boundary treatments and agreement of the final layout and appearance of the equipment. Noise impacts have not been found to be unacceptable subject to conditions regulating noise emissions from the site. A suitably worded planning condition can ensure the site access is upgraded to a suitable standard. Subject to planning conditions, the development complies with the relevant policies of the Scottish Borders Council Local Development Plan and NPF4 and there are no material considerations that would justify the submission of an objection to the ECU. For these reasons it is recommended

that Scottish Borders Council do not object to the proposal subject to the conditions recommended below.

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

15.1 I recommend that the Council indicate to the Energy Consents Unit that it does not object to the proposed development, subject to the imposition of the following recommend planning conditions;

1. The battery storage facility and associated infrastructure hereby approved shall be removed from the site no later than 38 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity storage shall be provided to the planning authority within one month of that date.

Reason: In order to limit the permission to the expected operational lifetime of the battery storage facility and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.

2. No development shall commence until the following precise details have been submitted to and agreed in writing with the Planning Authority;
  - i. the final site layout,
  - ii. the design and appearance of all buildings and equipment to be installed within the site including their external material finish and colour
  - iii. the design and appearance of all acoustic barriers, fences and means of enclosure including their material finish and colour

Reason: The final proposed site layout has not yet been determined therefore further details are require to achieve a satisfactory form of development which respects the character and amenity of the rural area.

3. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include
  - i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. Location of new trees, shrubs and hedges, which includes increased depth of the planting belt to the south and boundary planting to the north east, north and western sides of the site.
  - iv. Schedule of plants to comprise species, plant sizes and proposed numbers/density
  - v. programme for completion and subsequent maintenance.

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

4. No development shall commence until precise details of the access upgrades of the existing forestry track from the A697 through the Crown Gorse plantation have been submitted to and agreed in writing with the Planning Authority. The upgraded access must comply with the Design Manual for Roads and Bridges CD 123 - Geometric design of at-grade

priority and signal-controlled junctions. The submitted details must also confirm that suitable visibility splays are provided in either direction from the junction of the forestry track and the A697 to the satisfaction of the Planning Authority and also identify all trees and areas of vegetation which are required to be removed and where relevant reinstated. Once agreed, the development should be undertaken in accordance with the agreed details.

Reason: To ensure that the site access is upgraded to a suitable standard to safely serve the development.

5. No development shall commence until a Construction and Environmental Management Plan (“CEMP”) outlining site specific details of all onsite construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but shall not be limited to):
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of “biodiversity protection zones”.
  - c) Method Statements to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features and the use of protective fences, exclusion barriers and warning signs.
  - d) The times during construction when specialist ecologist need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of Ecological Clerk of Works (ECoW) or similar competent person.
  - g) A Drainage Management Plan
  - h) A Site Waste Management Plan

Thereafter the development shall be implemented in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

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

6. No development shall commence until the following Ecological mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
  - a) a Species Protection Plan (SPP) for; bats, breeding birds, badgers and red squirrels
  - b) A scheme detailing compensatory planting and habitat enhancements

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

7. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written



confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by Condition 1.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

8. No development hereby approved shall commence until the detailed drainage design has first been submitted to, then approved in writing by the Planning Authority. Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site.

9. The free-field Leq(1 hour) noise levels emitted by plant and machinery used on the premises will not exceed the values detailed in Table 1 when measured externally at the nearest occupied residential Noise Sensitive Receptors, as existing or consented at the time of this consent unless otherwise agreed in writing with the Planning Authority.

Table 1: Noise Limits

Time	Descriptor	Frequency (Hz), dBZ								
		31.5	63	125	250	500	1000	2000	4000	8000
23:00 – 07:00	Night	79	61	49	41	34	30	27	24	23
07:00 – 23:00	Day	86	69	58	50	44	40	37	35	33

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

**DRAWING NUMBERS**

**TITLE**

Drawing Number	Drawing Type
15063-005-R2	Site Access Plan
15063-006-R1	Swept Path
15063-007-R1	Swept Path
15063-008-R1	Site Access
15063-009-R6	Location Plan
15063-030-R0	Visibility Splay
15063-022-R3	Site Location Plan Aerial
ECCL4-PLA-GA-01	Site Layout
ECCL4-PLA-GA-02	Battery Storage Elevations
ECCL4-PLA-GA-03	HV Transformer Layout and Elevations
ECCL4-PLA-GA-04	MV Switchroom Layout and Elevations
ECCL4-PLA-GA-05	Fencing and Security Lighting
ECCL4-PLA-GA-06	Spare Container Elevations
ECCL4-PLA-GA-07	Control Room Elevations
ECCL4-PLA-GA-08	LV Switchroom Layout and Elevations

**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.

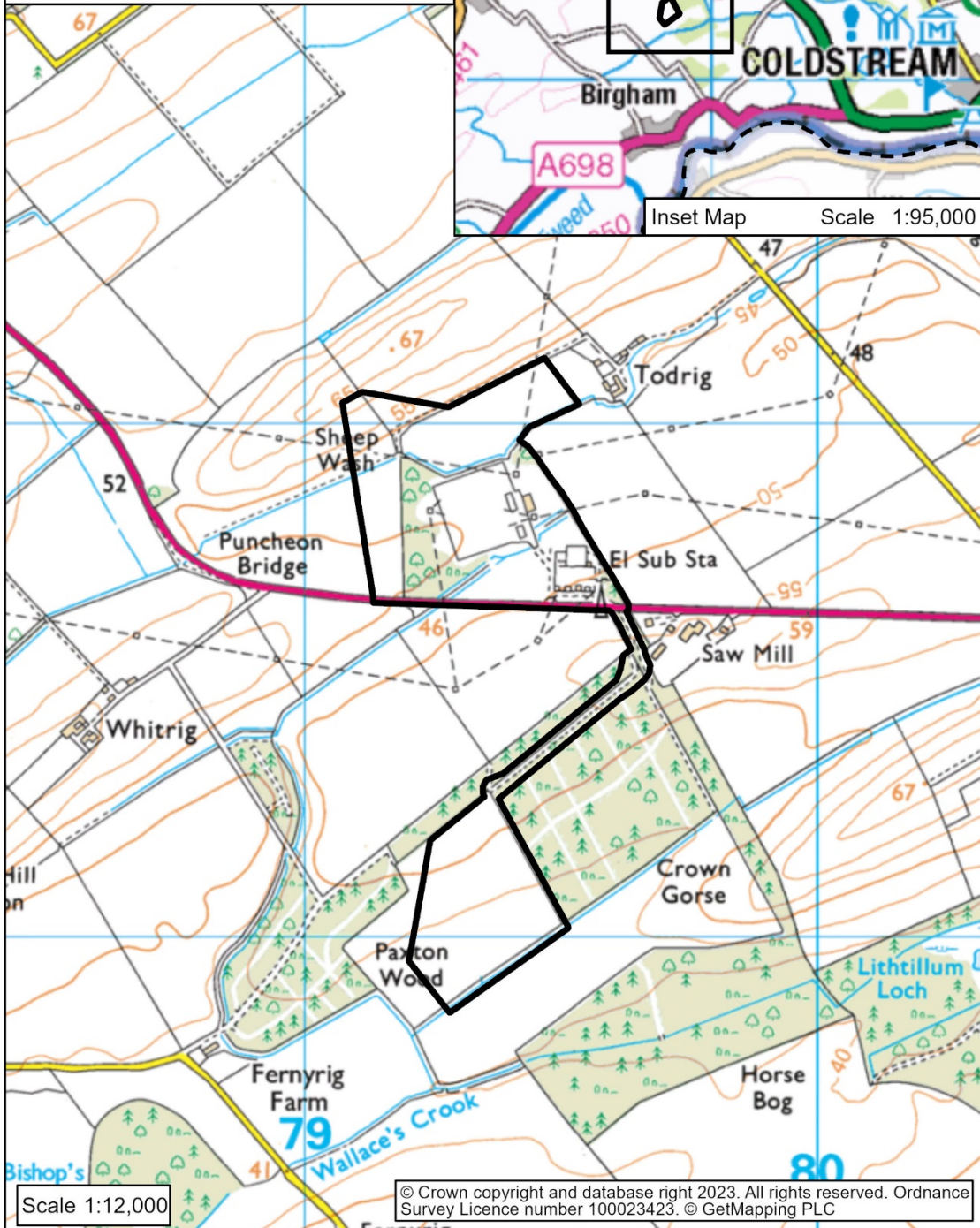
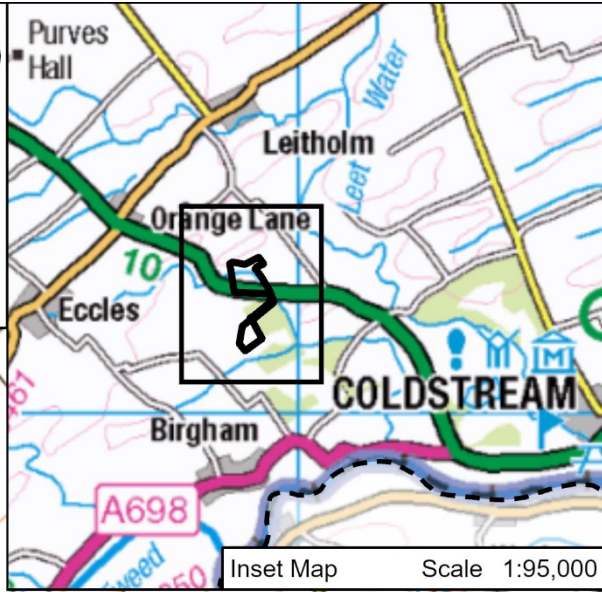
**Author(s)**

Name	Designation
Scott Shearer	Peripatetic Planning Officer



22/01532/S36

Land East Of  
Ferryrig Farm  
Coldstream



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## **PLANNING APPEALS & REVIEWS**

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

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## **PLANNING AND BUILDING STANDARDS COMMITTEE**

**6<sup>th</sup> February 2023**

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### **1 PURPOSE**

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

### **2 APPEALS RECEIVED**

- 2.1 Planning Applications

Nil

- 2.2 Enforcements

Nil

- 2.3 Works to Trees

Nil

### **3 APPEAL DECISIONS RECEIVED**

- 3.1 Planning Applications

Nil

- 3.2 Enforcements

Nil

- 3.3 Works to Trees

Nil

### **4 APPEALS OUTSTANDING**

- 4.1 There remained One appeal previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> January 2023. This relates to a site at:

- |  |  |
|--|--|
| <ul style="list-style-type: none"> <li>Land West of Slipperfield House<br/>Slipperfield Loch, West Linton</li> </ul> | <ul style="list-style-type: none"> <li></li> </ul> |
|--|--|

## 5 REVIEW REQUESTS RECEIVED

- 5.1 Reference: 22/00576/FUL  
 Proposal: Erection of agricultural building (retrospective)  
 Site: Ravelaw Farm, Duns  
 Appellant: Mr Robert Gaston

Reason for Refusal: The development fails to comply with Policy HD3 of the Scottish Borders Local Development Plan 2016, in that the addition of a further agricultural building to house livestock at the farm could potentially exacerbate existing issues, which would negatively impact upon the amenity of nearby residential properties.

- 5.2 Reference: 22/00933/FUL  
 Proposal: Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility  
 Site: Land South West of West Loch Farmhouse, Peebles  
 Appellant: Mr Richard Spray

Reasons for Refusal: 1. The development would be contrary to policy ED7 of the Local Development Plan 2016 in that the applicant has not demonstrated any overriding economic and/or operational need for the proposed Class 5 and Class 6 business operation to be located in this particular countryside location. This conflict with the development plan is not overridden by other material considerations. 2. The proposed development would be contrary to policy HD3 of the Local Development Plan 2016 in that the applicant has not provided any information in relation to how noise generated by the proposal would impact on residential amenity within the locality. This conflict with the development plan is not overridden by other material considerations. 3. The development would be contrary to policy PMD2 of the Local Development Plan 2016 in that the proposed bunds would not be appropriate to the landscape setting of the site. The development would not, therefore, be compatible with or respect the character of the surrounding area. These conflicts with the development plan are not overridden by other material considerations. 4. The proposed dwellinghouse does not comply in principle with policy HD2 of the Local Development Plan 2016 in that it would not meet any direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is itself appropriate to the countryside. No overriding case for the development as proposed has been substantiated. This conflict with the development plan is not overridden by other material considerations. 5. The development would be contrary to policy EP13 in that no account has been taken of trees immediately adjacent the site. The applicant has failed to prove that the development would not have an adverse effect on trees which are an important landscape feature. No overriding case for the development as

proposed has been substantiated. 6. The development would be contrary to policies EP1, EP2 and EP3 of the Local Development Plan 2016 in that the applicant has failed to prove that the development would not have an adverse effect on protected species which may be present on the site. These conflicts with the development plan are not overridden by other material considerations.

## 6 REVIEWS DETERMINED

6.1 Reference: 21/01081/FUL  
Proposal: Change of use of land and plot layout to form extension to caravan park  
Site: Land West of Pease Bay Holiday Home Park, Cockburnspath  
Appellant: Mr Graham Hodgson

Reason for Refusal: The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions)

6.2 Reference: 22/00093/PPP  
Proposal: Erection of dwellinghouse and associated works  
Site: Land East of 16 Hendersyde Avenue, Kelso  
Appellant: Mr James Hewitt

Reasons for Refusal: 1. The proposal would be contrary to Policies PMD2: Quality Standards and PMD5: Infill Development of the Local Development Plan 2016 and the Supplementary Planning Guidance on Placemaking and Design 2010 in that it would result in development that is out of character with the existing development pattern and would represent over-development and town cramming to the detriment of the amenity of potential occupants and to the amenity and character of the surrounding area. 2. The proposal would be contrary to Policy EP13: Trees, Woodlands and Hedgerows of the Local Development Plan 2016 and the Supplementary Planning Guidance: Trees and Development 2020 as the development would result in a loss or harm to the woodland resource to the detriment of the visual amenity of the area and it not been demonstrated that the public benefits of the development outweigh the loss of this landscape asset. 3. The proposal would be contrary to Policy EP11: Protection of Greenspace of the Local Development Plan 2016 in that it has not been demonstrated that there is a social, economic or community benefit for the loss of open space or that the need for the development outweighs the need to retain the open space. No comparable replacement or enhancement of existing open space has been provided to mitigate the potential loss. 4. The proposal would be contrary to Policy IS8: Flooding of the Local Development Plan 2016 as the site is potentially

at risk from surface water flooding, to the detriment of persons and property, and no evidence has been presented to evaluate the potential impacts.

Method of Review: Review of Papers, Site Visit & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement)

## 7 REVIEWS OUTSTANDING

7.1 There remained 8 reviews previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> January 2023. This relates to sites at:

• Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh	• Land North East of Runningburn Farm, Stichill
• Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside	• Land South West of Castleside Cottage, Selkirk
• Land South West of Corstane Farmhouse, Broughton	• Land North and East of Clay Dub, Duns Road, Greenlaw
• 17 George Street, Eyemouth	• Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth

## 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 One S36 PLI previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> January 2023. This relates to a site at:

• Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick	•
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### 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)

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