

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**5<sup>th</sup> September 2016**

---

**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

- 2.1.1 Reference: 14/00848/PPP  
Proposal: Erection of 19 holiday lodges with proposed access and land treatment  
Site: Land North West of Whitmuir Hall, Selkirk  
Appellant: Mr Alan Williams

Reason for Refusal: The proposed development is contrary to Policy D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been established that there is sufficient economic justification to establish a case for the development that would outweigh concerns over the harm to the amenity and the character of the scenic landscape and surrounding Whitmuirhall Loch, which is sensitive to change and which contributes to the attractiveness of the area.

Grounds of Appeal: 1. The reference to economic justification in Policy D1 applies to "Other Business or Employment generating Uses" and it is contended that the Council acted unreasonably in using economic justification as the reason for refusal of this proposed tourism and leisure development. 2. The Appellant maintains their stance and the assessment arrived at by the previous Reporter and appraisal of the amended proposals by Council officers more than adequately prove that there is sufficient economic justification to establish a case for the development. 3. The current proposals have been substantially scaled down from 28 to 19 lodges, and the layout has respected concerns about landscape context and has significantly reduced the proposed development footprint and has increased areas for screen planting and landscaping. 4. SBC have not given due consideration to their own adopted Local Plan policy, and have seen fit to ignore it and the recommendations of their officers. They have wrongly concluded that this proposed development is contrary to Local Plan policy when it is clearly not.

Method of Appeal: Written Representations

2.1.2 Reference: 16/00125/LBC  
Proposal: Replacement windows and door  
Site: 62 Castle Street, Duns  
Appellant: Alan John Redpath

Reason for Refusal: The application contravenes Policy BE1 of the Consolidated Local Plan 2011 and the terms of the Replacement Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

Grounds of Appeal: The Heritage & Design Officer has not supported the application after verbal guidance and a site visit. The existing door is not the original door as stated in the refusal, it is hollow not solid. The existing sash and case windows are not the same. Historic Environment Scotland have no objections.

Method of Appeal: Written Representations

## 2.2 Enforcements

2.2.1 Reference: 15/00141/ADVERT  
Proposal: Provision of illuminated sign  
Site: 22 Bridge Street, Kelso  
Appellant: Tony Huggins-Haig

Reason for Notice: An illuminated Projective advertisement sign has been erected without the benefit of either deemed or express Advertisement Consent. The owner has failed on two separate occasions to submit an advertisement application to retain the signs, or have them removed.

Grounds of Appeal: 1. The enforcement notice was only sent to the Owner of the building at his home address. It was not sent to the lease holder who is a limited company. 2. The reason for issuing the notice is incorrect, it is stated that 'The owner has failed on two separate occasions to submit an advertisement application to retain the signs, or have them removed', this is incorrect because a) The owner has not received any correspondence at his home address. b) a letter was received at 22 Bridge Street, Kelso (address to the owner not the lease holder) dated 28 January 2016 but the owner was out of the country until the end of March 2016. No other letter was received. c) The enforcement notice contradicts the letter. Why would an application be submitted when SBC stated that the application would not be supported. 3. The sign is not illuminated and never has been. 4. The sign adheres to the Consolidated Local Plan.

Method of Appeal: Written Representations

### 3 APPEAL DECISIONS RECEIVED

#### 3.1 Planning Applications

3.1.1 Reference:	14/00738/FUL
Proposal:	Construction of wind farm consisting of 8 No turbines up to 100m high to tip with associated external transformers, tracking, new site entrance off A701, borrow pit, underground cabling, substation and compound and temporary construction compound
Site:	Land South East of Halmyre Mains Farmhouse (Hag Law), Romanno Bridge
Appellant:	Stevenson Hill Wind Energy Ltd

Reasons for Refusal: 1. The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would unacceptably harm the Borders landscape including Historic Landscape due to: (i) the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES (ii) the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed (iii) the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper Tweeddale National Scenic Area) (iv) the appearance of the development resulting from its placement on a line of hills ridges, linear layout design, its scale in relation to other wind energy development with which it has cumulative landscape effects and the potential visual confusion caused by the proximity of the proposed Cloich Wind Farm to Hag Law, there being no visual coherence between the two windfarms (v) the siting and prominence in a Historic Landscape, within which the development would appear as an incongruous and anachronistic new item; and (vi) the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free. 2. The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan) and the Council's Supplementary Planning Guidance on Wind Energy in that the development would give rise to unacceptable visual and residential amenity effects due to: (i) the high level of visibility of the development and lack of good topographical containment (ii) the adverse effects experienced by users of the public path network, in particular the Scottish National Trail, and areas generally used for recreational access (including vehicular access routes to such areas) (iii) the potentially unacceptable level of visual impact caused by the design of the development, in particular the dominance of the turbines in proximity to sensitive receptors (residences, school, public buildings), within the settlements at Romannobridge/Halmyre, Mountain Cross and West Linton (iv) the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular because it has not been demonstrated that it is possible to meet recommendations within ETSU-R-97 due to the potential cumulative noise effects from Hag Law and Cloich

Wind Farms; and (v) the overriding harmful visual impacts relating to settings of a range of scheduled monuments within a culturally rich landscape.

Grounds of Appeal: The Proposed Development is well-designed and sensitively sited. The "*in principle*" objection of the Council is not supported by the development plan or any material considerations. The objection from HS is overly cautious and does not withstand careful scrutiny. The majority of the statutory consultees including SNH, SEPA, the MoD, Transport Scotland, Edinburgh Airport, NATS (En Route) PLC, and RSPB Scotland are content that the Proposed Development be consented. The Proposed Development complies with the development plan and the material considerations.

Method of Appeal: Because of the interconnection with the Cloich Forrest Appeal, Scottish Ministers have called in this Appeal and will make the final determination.

Reporter's Decision: Dismissed

Summary of Decision: The Reporters, Stephen Hall and Karen Heywood, concluded that the development would make a meaningful contribution towards meeting Scotland's renewable energy targets. However it does not comply with the development plan, principally due to its landscape and visual impacts; and its impact on the setting of the Wether Law Cairn ancient monument. The Cloich Forest and Hag Law proposals are not compatible and therefore should not both be built. A comparison between Cloich Forest and Hag Law gives the balance of advantage to Cloich Forest. National planning policy does not support the Hag Law scheme because its adverse impacts would outweigh its benefits. There are no other material considerations which are sufficient to justify granting planning permission.

### 3.2 Enforcements

Nil

## 4 APPEALS OUTSTANDING

4.1 There remained one appeals previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> August 2016. This relates to a site at:

<ul style="list-style-type: none"><li>Land North of Upper Stewarton, (Kilrubie Wind Farm Development), Eddleston, Peebles</li></ul>	<ul style="list-style-type: none"><li></li></ul>
---	--

## 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 16/00126/FUL  
Proposal: Replacement windows and door  
Site: 62 Castle Street, Duns  
Appellant: Alan John Redpath

Reason for Refusal: The application contravenes Policy BE1 and G1 of the Consolidated Local Plan 2011 and the terms of the Replacement

Windows and Doors SPG in that the proposals lack sufficient information regarding the condition of the existing windows and door and the design of the proposed replacement windows including their frame material and the design of the replacement door would result in having a harmful effect upon the special historic and architectural character of the grade B listed building. Policy provisions contained within the emerging Local Development Plan would not alter this recommendation.

- 5.2 Reference: 16/00162/PPP  
Proposal: Erection of dwellinghouse and garage  
Site: Garden Ground of Lindisfarne, The Loan, Gattonside  
Appellant: Mr H Armstrong

Reasons for Refusal: 1. The development would fail to comply with Policy PMD5(e) of the Local Development Plan 2016 because it would not be served by adequate access and the implications of the development would potentially be detrimental to road and pedestrian safety. 2. The development would fail to comply with Policy PMD2(q) of the Local Development Plan 2016 because it would lead to an adverse impact on road safety. In particular, the development would lead to increased traffic on The Loan, which is significantly constrained as regards gradient, visibility and passing opportunities, and this increased traffic would lead to an unacceptable risk to the safety of vehicular drivers and pedestrians using the route.

- 5.3 Reference: 16/00205/FUL  
Proposal: Erection of timber processing building incorporating biomass plant room and staff welfare provision  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

- 5.4 Reference: 16/00233/FUL  
Proposal: External re-decoration (retrospective)  
Site: Shop, 1 Leithen Road, Innerleithen  
Appellant: Martha Gibson

Reason for Refusal: The development conflicts with Policies G1 and BE4 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance from 2011, in that due to: - the poor relationship of the chosen paint colour on the shopfront with the colours and tones of surrounding materials in conservation area buildings and structures; and - the prominence of the shopfront in the conservation area

and street scene due to its position at the end (focal point) of the High Street; the inappropriate colour stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

- 5.5 Reference: 16/00397/FUL  
Proposal: Change of use of land to commercial storage and siting of 42 No storage containers (retrospective)  
Site: Land East of Langlee Mains Farmhouse, Galashiels  
Appellant: Wilson G Jamieson Ltd

Reason for Refusal: The proposal does not comply with Scottish Borders Council Local Development Plan Policies ED7, EP6 and PMD2 in that there is no overriding economic and/or operational need for the proposal to be sited in this particular countryside location; the proposal would more reasonably be accommodated within the Development Boundary; and the siting and operation of a commercial storage facility would be highly unsympathetic to the rural character and amenity of this site and the surrounding area, principally through the landscape and visual impacts that would result from such an industrial type and scale of operation being accommodated at this highly visible countryside location.

- 5.6 Reference: 16/00494/FUL  
Proposal: Erection of poultry building and erection of alter, sacred well and stance for statue  
Site: Field No 0328, Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building and structures will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building and structures that would justify an exceptional permission for them in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appear suited either to the proposed use for which it is intended or the size of the holding on which it would be situated, which further undermines the case for justification in this location. 3. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety. 4. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the uses proposed for the building would not have an adverse impact on the local environment and the amenity of nearby residents.

- 5.7 Reference: 16/00495/FUL  
Proposal: Extension to form animal flotation unit  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears justified by the size of the holding on which it would be situated, which further undermines the case for justification in this location. 3. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

## 6 REVIEWS DETERMINED

- 6.1 Reference: 15/00769/FUL  
 Proposal: Siting of caravan for permanent residence (retrospective)  
 Site: Land South of Camphouse Farmhouse, Camptown, Jedburgh  
 Appellant: Kerr Renwick

Reasons for Refusal: 1. The proposal would be contrary to Policy D2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and the Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 as the caravan is not located within any settlement or an established building group of three or more dwellinghouses or building(s) capable of conversion to residential use and the agricultural and operational requirement for the use of the caravan for permanent residential occupation has not been adequately demonstrated. The retention of the caravan on this site would lead to an unacceptable and unjustified sporadic development in the countryside. 2. The proposal would result in an unacceptable form of development that would not be in accordance with the criteria contained within Policy G1 of the Scottish Borders Consolidated Local Plan Adopted 2011 and Supplementary Planning Guidance: Placemaking and Design 2010. The unit is not physically suited for permanent retention for residential use, due to its size, design and construction. The development is not in keeping with the scale or architectural character of the existing buildings at Camptown to the detriment of the visual amenities of the area.

Method of Review: Review of Papers & Further Written Submissions

Review Decision: Decision of Appointed Officer Overturned (Temporary Permission Granted for 4 Years)

- 6.2 Reference: 15/01521/PPP  
 Proposal: Erection of three dwellinghouses  
 Site: Land North of Bonjedward Garage, Jedburgh  
 Appellant: Lothian Estates

Reasons for Refusal: 1. The proposal is contrary to Policy D2: Housing in the Countryside of the Scottish Borders Consolidated Local Plan Adopted 2011, Policy HD2: Housing in the Countryside of the Proposed Local Development Plan 2013 and Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 in that the site is not within the recognised building group at Bonjedward and it does not relate well to this group and would therefore not be an appropriate extension to the existing pattern of development. The development would result in sporadic development within the countryside harming the character and appearance of the area. 2. The proposal is contrary to Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 and policy HD3 of the Proposed Local Development Plan 2013 relating to the protection of residential amenity in that siting residential housing adjacent to industrial buildings and three main public roads would have a significant adverse impact on the residential amenity of occupiers of the proposed houses.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.3 Reference: 15/01552/FUL  
Proposal: Erection of two dwellinghouses  
Site: Land South of Primary School, West End, Denholm  
Appellant: Mr and Mrs N Ewart

Reasons for Refusal: 1. The proposed development is contrary to policies G7, BE4 and BE6 of the Consolidated Scottish Borders Local Plan (2011) in that it would result in the loss of open space to the detriment of the amenity and character of the village, its western approach and to the detriment of the character and appearance of the Denholm Conservation Area. 2. The proposed development set forth in this application is considered contrary to policy G1 of the Consolidated Scottish Borders Local Plan (2011), and contrary to adopted supplementary planning guidance on Placemaking and Design in that the proposed dwellings would not reflect the neighbouring built form and density.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Overturned (Subject to Conditions and a Section 75 Legal Agreement)

- 6.4 Reference: 16/00114/FUL  
Proposal: Erection of cattle court incorporating storage areas and staff facilities and erection of animal feed silo  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building and silo will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that the submitted Business Plan does not adequately demonstrate that there is an overriding justification for the building and silo of the scale and design proposed that would justify an exceptional permission for them in this rural location and



the building does not appear to be designed for the purpose intended. The development would appear, therefore, as unwarranted development in the open countryside. 3. The application is contrary to Policy BE2 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that the building and silo would not have an adverse impact on the setting of the archaeological site of Our Lady's Church and Churchyard adjoining the application site.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.5 Reference: 16/00136/FUL  
Proposal: Change of use from storage barn, alterations and extension to form dwellinghouse  
Site: Land and Storage Barn East of Flemington Farmhouse, West Flemington, Eyemouth  
Appellant: Mr And Mrs J Cook

Reason for Refusal: The proposed development is contrary to Policy D2 of the Consolidated Local Plan 2011 in that the building has no architectural or historic merit which would justify its retention by means of securing a non-rural agricultural use. In addition the level of intervention proposed to the fabric of the structure exceeds what would be regarded as a conversion of a non-residential building to dwellinghouse.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.6 Reference: 16/00205/FUL  
Proposal: Erection of timber processing building incorporating biomass plant room and staff welfare provision  
Site: Field No 0328 Kirkburn, Cardrona  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies G1, EP2 and D1 of the Scottish Borders Consolidated Local Plan 2011 and Supplementary Planning Policies relating to Special Landscape Area 2- Tweed Valley in that the proposed building will be prominent in height, elevation and visibility within the landscape and will have a significant detrimental impact on the character and quality of the designated landscape. 2. The application is contrary to Policies G1 and D1 of the Scottish Borders Consolidated Local Plan 2011 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. It has not been demonstrated that the design, layout and scale of the building are appropriate or suited for the proposed use and the use is not supported by any Business Plan or practical details.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.7 Reference: 16/00233/FUL  
Proposal: External re-decoration (retrospective)

Site: Shop, 1 Leithen Road, Innerleithen  
Appellant: Martha Gibson

Reason for Refusal: The development conflicts with Policies G1 and BE4 of the Scottish Borders Consolidated Local Plan 2011, and with adopted Supplementary Planning Guidance from 2011, in that due to: - the poor relationship of the chosen paint colour on the shopfront with the colours and tones of surrounding materials in conservation area buildings and structures; and - the prominence of the shopfront in the conservation area and street scene due to its position at the end (focal point) of the High Street; the inappropriate colour stands out as an incongruous and eye-catching item, harming both the character and the appearance of the conservation area, to the detriment of public amenity.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

## 7 REVIEWS OUTSTANDING

7.1 There remained one review previously reported on which a decision was still awaited when this report was prepared on 26<sup>th</sup> August 2016. This relates to a site at:

- |                              |   |
|------------------------------|---|
| • 5 East High Street, Lauder | • |
|------------------------------|---|

## 8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

## 9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

9.1 Reference: 12/01283/S36  
Proposal: Wind farm development comprising of 18 wind turbines of up to 132m high to tip and associated access  
Site: Cloich Forest Wind Farm, Land West of Whitelaw Burn, Eddleston  
Appellant: Cloich Wind Farm LLP (a subsidiary of Partnerships for Renewables Ltd.)

Reasons for Objection: 1. Impact on Landscape Character - The proposed development would be contrary to Policies G1, BE2 and D4 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan), in that the development would unacceptably harm the Borders landscape including Historic Landscape due to- i. the prominence of the application site and the ability of the turbines to be seen as highly prominent and poorly contained new components of the landscape from a wide area, as represented by viewpoints and ZTV information within the ES. ii. the unacceptable vertical scale of the turbines in relation to the scale of the receiving landscape and absence of good topographical containment, causing the underlying landscape/landform to be overwhelmed. iii. the impacts on landscape character arising from a high level of intervisibility between several landscape character areas/types with recognised landscape quality (including the Upper

Tweeddale National Scenic Area. iv. the appearance of the development resulting from its massing, spread and layout design and its scale in relation to other wind energy development with which it has cumulative landscape effects. v. the siting and prominence in a Historic Landscape, within which the development would appear as an incongruous and anachronistic new item; and vi. the introduction of a large commercial wind farm in an area which does not have the capacity to absorb it without causing overriding harm, and which is presently wind farm free.

2. Diverse Visual and Amenity Impacts - The proposed development would be contrary to Policies G1, D4, BE2 and H2 of the Scottish Borders 2011 Local Plan, and Policy 10 of the South-East Scotland Strategic Development Plan (SESplan), in that the development would give rise to unacceptable visual and residential amenity effects due to-

- i. the high level of visibility of the development and lack of good topographical containment.
- ii. the adverse effects experienced by users of the public path network and areas generally used for recreational access (including vehicular access routes to such areas).
- iii. the potentially unacceptable level of visual impact caused by the dominance of the turbines in relation to a number of private residences within 2km of the development, in particular Upper Stewarton
- iv. the lack of certainty relating to the application of noise limitations in relation to certain noise sensitive receptors, in particular Upper Stewarton, and the intent to impose an unacceptable higher noise limit than endorsed elsewhere in Borders; and
- v. the adverse visual impacts relating to settings of a range scheduled monuments within a culturally rich landscape.

Reporter's Decision: Sustained

Summary of Decision: The Reporters, Stephen Hall and Karen Heywood, concluded that there are some limited adverse impacts on the matters in Schedule 9 of the Electricity Act 1989, but that these do not outweigh the clear benefits of the proposed development. National energy policy is supportive of the scheme, as is national planning policy, given the limited impacts identified. Overall the development complies with the development plan (particularly balancing the factors contained in Policy D4) and with the proposed local development plan (particularly balancing the factors contained in Policy ED9). The Cloich Forest and Hag Law proposals are not compatible and therefore should not both be built. A comparison between Cloich Forest and Hag Law gives the balance of advantage to Cloich Forest.

## 10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 2 S36 PLIs previously reported on which decisions were still awaited when this report was prepared on 26<sup>th</sup> August 2016. This relates to sites at:

<ul style="list-style-type: none"> <li>• Land North of Nether Monynut Cottage (Aikengall IIa), Cockburnspath</li> </ul>	<ul style="list-style-type: none"> <li>• (Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir</li> </ul>
---	---

**Approved by**

**Ian Aikman  
Chief Planning Officer**

**Signature .....**

**Author(s)**

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

**Background Papers:** None.

**Previous Minute Reference:** None.

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

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)