

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

5 DECEMBER 2016

APPLICATION FOR PLANNING PERMISSION

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| ITEM: | REFERENCE NUMBER: 16/00744/FUL |
| OFFICER: | Euan Calvert |
| WARD: | Jedburgh and District |
| PROPOSAL: | Erection of 2 No distilleries with associated visitor centres, bottling hall, maturation warehousing, office, gatehouse with associated roads and infrastructure, and change of use of hotel to form office and staff accommodation |
| SITE: | Land North Of Former Jedforest Hotel And Jedforest Hotel (now known As Mossburn House) Jedburgh, Scottish Borders |
| APPLICANT: | Jedforest BV, Per Mr Finlay Calder |
| AGENT: | Blyth And Blyth |

SITE DESCRIPTION

The Jedforest Hotel (now known as Mossburn House) is situated in the foot of the valley, closely adjacent to the Jed Water, below the eastern side of the A68, 5.25km south of Jedburgh. A single metalled track access road serves the Hotel, Lodge (dwellinghouse appearing in traditional form), Hill Tree View(dwellinghouse), and Cleathaugh (dwellinghouse) as well as Cleathaugh Stables (a dilapidated agricultural steading). Adjacent to the entrance, on the A68 roadside, the former Jedforest Filling Station lies derelict. The applicant is in control of this former filling station and the surrounding fields between that and the Jed Water.

The Hotel was formerly an 18th Century farmhouse and L-shaped steading named "Cleathaugh". The main house is a large stone built 2-storey dwelling with traditional portions under an apex pitched slate roof.

A contemporary 1970s bungalow sited in front of the principal elevation is proposed for demolition.

Mossburn House has a principally northerly aspect and overlooks a large floodplain, on the west bank of the Jed Water. The floodplain is laid rough grassland and includes a naturalised pond to the northern extent where the meander of the river cuts across to form a boundary of the site. The grassland is interspersed with mature oak trees. An escarpment rises steeply to the west of the site, on top of which the filling station occupies a flat site adjacent to the A68 and the boundary of the site. Toward the north western boundary, the site is increasingly wooded with alder and birch and includes a small grazing paddock. The site boundary is formed by the minor road (leading to Mossburnford) which forms a junction with the A68. Here a residential bungalow, Clearview, occupies a roadside site on the opposite side of the minor road. A further residential dwelling, Glenacre, bounds the far north of the site.

Cleethough Steading buildings are sited east of the House and appear as dilapidated agricultural buildings built in sandstone.

PROPOSED DEVELOPMENT

The development is proposed to be phased in two parts;

Phase One (2017-2018)

Development of Jedhart Distillery and visitors centre

Jedhart Distillery

A distillery and visitors centre are proposed to focus on small production and educating visitors in the craft of making spirit. Development would be sited east of Mossburn House on an elevated construction platform within the meander of the Jed Water. A kitchen and café would provide space for 36 covers and guided tours would be provided.

The proposal comprises a range of new office buildings (Cleathaugh Steading) and set in the curtilage of Mossburn House, interconnected to the House by a granite set courtyard and natural stone walls; a 46 bay car park and large walled garden (for public enjoyment) leading to a large purpose designed steel building 82.6m x 14.7m in size with wing styled canopy roof 96m x 22m (sloping in a north to south direction, resulting in a heavily over sailing appearance); pot ale and draff tanks (by-products of the distilling process) and fan coolers located in a bunded tank farm to the south (rear) elevation.

Distillery Building

Externally, from the north, the building would sit on an elevated construction platform (grass embankment) at a level of 115m AOD (raised from the valley flood (112m AOD)). The overall height of the northern elevation would be 15m above the grasscrete track and paved terrace in the north east corners. The still house/ distillery lower ground floor would be at 114.5m AOD with the main entrance to the Dining Experience/ Shop at first floor (at 118m and accessed primarily from the walled garden).

The Still Hall occupies the full height of the northern part of the building with the 3no copper stills visible within the full height glazed walls. The Dining Experience/ Shop would occupy a central position in the building giving visitors the opportunity to overlook the Still Hall and operations. The southern part of the building would be occupied by the industrial and back office functions of the operation including Warehousing/ Mill and deliveries, plant rooms, delivery entrance. A 2-storey subservient wing to the west of the main building (24m x 8m under a flat roof) would enclose the entrance foyer, kitchen and toilets to FF stores to the lower ground floor and. A further two storey wing would appear to the east (31m x 5m) of the main building enclosing hoppers for production and a stairwell to the outside Terrace. The distilled product would be sent to the tank farm sited to the rear of the building, and largely hidden from public view, appearing in association with the maturation warehousing.

Character and appearance

The roof is proposed for metal sheet in dark grey with timber boarding to the under roof. Fully glazed walls would frame the tall stills within. The principal approach to the building would be characterised by copper stills visible through the large expanses of glazed screens. Lower walls would be clad in natural stone with elements of louvered doors and zinc standing seam in black. The palette of colours is limited to black and grey with elements of gold/yellow picking out elements of the building including mullions and surrounds of entrance windows, specifically on the west wing and entrance foyer.

Development of Maturation Warehousing, Bottling facilities and cased goods storage.

These are proposed to be steel portal framed buildings clad in profile steel. Five maturation warehouses (5000 sqm) would be staggered in the hillside, rising east to west, and connected, sharing valley gutters, 7.5m to eave and 10.5m to pitch. Each would be 33m in width with 5 bays creating buildings 30m in depth. A hip pitch would be given to the northern gables. South of this, two dual pitch roofed canopies (over the HGV entrance) would link to a large building containing; cased goods storage; bottling hall; dry goods; bottling vats. This building would again be 30m in depth but would be 110m in width with three pitches linked by valley gutters. South of this, two further pitched roofs would form a canopy over the HGV dispatch; pallet store and cask store.

Cleathaugh Steading

This office building would be constructed in traditional local vernacular immediately east of the recently refurbished Mossburn House. Cleathaugh Steading would function as head office and meeting space for the Company. The design is reminiscent of a traditional agricultural steading in proportions and character. The building would be constructed in three elements; the main body and west wing referencing the alignment of Mossburn House, while the east wing would be staggered in alignment and canted to align with the new Distillery and walled garden.

The walls of the building would be finished in course rubble sandstone with dressed in and out quoins, margins and rybats. Tall courtyard walls would connect the building to the House and the Walled Garden. Architectural features would be copied from Mossburn House including skews, skew putts, slate dual pitches and lying light sash and case windows. The main entrance would be in the east wing, accessed from the public car park. The entrance would be finished as modern glazed doors with side screens under an open canopy while the walls of this east elevation would be finished in horizontal boarding. Further modern glazing expanses are proposed for the southern gable and western courtyard elevation. Both modern interventions would appear behind traditional sliding doors referencing agricultural vernacular. The proposal is designed to complement the house and appear subservient in form and mass.

Gate lodge

A traditional cottage sized dwellinghouse building is proposed with similar architectural features as the main House. It would be sited to the north west corner of the warehousing and function as a staff welfare and security office.

Phase two (2018 - 2021)

Development of Mossburn Distillery and visitors centre (capacity for 25m litres per annum)
This building would be located to the north west of the site behind what is presently the former filling station. It would be set in to the hillside to mask the height of the building, approximately 12.5m in height from the ground level. It would be 138m in length and 23m in width and aligned on a north-south axis to agree with the natural land form. Visitors to the experience would enter from the carpark which would be the west of the building, at the top floor, on the flat plateau next to the A68. This car park would cater for 81 and would be accessed from the new bell mouth formed in Phase 1.

An overflow carpark would be formed to the northern end of this which would be less regimented and not formally laid to parking bays. Purposely, no provision is being made for coaches. The distilling function of the building would be across two floors with a mash

house, 21 fermentation tanks and 4 distinctive copper distillation vessels. Again, a wing type roof structure would be constructed which heavily over-sails the building and would feature vents high in the roof which would allow release of off-gasses. Immediately east of the building would be the industrial appearing element of production. Sited in an island to be serviced by HGVs would be four storage tanks, three fin heat exchanges, further storage containers for grain wheat/ rye and water; and for effluent, spent lees, pot ale and draff co-products. The wall of the building would again feature louvres on the eastern face to provide natural ventilation.

Character and appearance

In all aspects, the design, materials, character and appearance of this building would mirror the Jedforest Distillery described above, although this building would be significantly bigger and significantly more productive.

To the north of the building there would be a visitor experience and a terrace which would lead to the landscape art feature and informal gardens laid out across the former fields and around the wildlife pond. Lower ground floor would include a café (140 covers), restaurant and entertainment area (120 covers).

PLANNING HISTORY

- 05/02223/FUL: Siting of static caravan and decking for staff accommodation (January 2001)
- 08/00854/FUL: Siting of static caravan for staff accommodation (renewal of previous consent) (May 2008)
- 09/00139/FUL: Change of use from hotel to dwellinghouse (March 2009). This consent has since lapsed and was not implemented.
- 10/01562/FUL: Retention of static caravan with decking for staff accommodation (January 2011). Granted a further temporary consent until 2014. This has lapsed, however the applicant intends to remove the caravan as part of the wider development.
- 14/00253/PAN: This applicant made notification to the Council of Pre Application Consultation for construction of distillery including production/bottling plant, storage and visitor facilities, new access and associated landscaping in February 2014. This related to a different proposal and smaller site than the current application.
- 14/00487/FUL: External alterations, alterations to access road and parking area and associated works. The Council granted conditional approval for refurbishment of the Hotel for "Private corporate and domestic use". The house has been completely renovated and has been boarded up and heras fence encloses the immediate grounds.
- 15/00349/FUL: External alterations, alterations to access road and parking area and associated works. The applicant proposed for a formal landscaped garden, enclosed by stone gate piers, traditional parkland fencing and a haha wall. High stone walls, enclosing a paved courtyard on the east elevation, would complete the layout of the grounds. None of these proposals have been implemented.
- 16/00039/PAN: This planning application was preceded by a 12 week consultation undertaken by developer on a larger site registered 18/01/2016.

REPRESENTATION SUMMARY

Six neighbours were notified and advertisements were placed in local and national press. Re-consultation on amendments took place in October 2016.

Two objections were received highlighting the following issues;

1. Development outwith Development boundaries
2. Contrary to policy as there is surplus supply of land in Jedburgh and surrounding for industrial use
3. Increased size to 2 distilleries bottling plant, maturation and storage warehousing is excessive form proposed one.
4. The close proximity to residential neighbours will have a significant and adverse impact.
5. Detrimental to air Quality & Odour owing to topography of site. The shape of the roof will cause odour to linger for longer in Valley on predominant lighter winds.
6. SUDS pond is within floodplain which may compromise effectiveness and compensatory storage reduced in size.
7. Adverse impacts of noise, lighting and machinery movements from the construction phase for potentially 6 years.
8. As a result of the levels of immediate neighbours in relation to proposed building and car parking, the impact on privacy is significant owing to direct overlooking.
9. Light pollution from construction and internal lighting
10. Impacts of *Baudoinia Compniacensis* fungus (Whisky Black fungus)
11. Noise impacts on local residents. No respite from the site noise and disruption from 7 day operation. Disruption pronounced in night time from operations, when absence of background A68 traffic noise. Visitors, hospitality and entertainment has not been accounted from in calculations.
12. Transport statement. Reduced overtaking opportunities as this is one of few straight parts of road. No provision of bus stop.
13. Sewage and Waste Water system. Little on site provision and concerns about nitrogen levels on land from spent by-produce.
14. Water. No identified source. Private supplies are sensitive to change
15. Economic impact on Jedburgh - concern about the level of café / restaurant provision (café area with ~140+ covers/ restaurant with ~120 covers/ Jedhart
16. Distillery is proposed to have a 'dining experience' for 70 people-300persons) with potential detrimental impact on food providers and other small businesses within Jedburgh (a popular stopping off point for travellers). Existing food related businesses within Jedburgh can only operate locally and are highly dependent on the summer tourist trade, resulting in a shared benefit across a number of local businesses. Excessive facilities as planned would compete directly with the existing and developing food related businesses within and around Jedburgh rather than working synergistically with them.

A further comment was also received which was neutral in nature and highlighted serious concerns about the impact of abstraction of 500000l/hr of water on natural springs to supply water to his home and farming business.

APPLICANTS' SUPPORTING INFORMATION

The agent provided a Consultation Assessment report which details their findings from a 12 week public consultation exercise preceding the application.

CONSULTATION RESPONSES:

Jed Valley CC: Support offered on the grounds of employment tourism benefits provided the issues are in compliant with the assumptions of the application:

1. This is a special landscape area. The size scale and materials and not in keeping with landscape other buildigns and would be detrimental to the area.
2. Light pollution – Dark skies initiative and 24hr lighting.
3. Noise pollution – plant machinery pumps fans throughout production and bottling.
4. Noise pollution from visitor staff deliveries and operations
5. Noise pollution from 4-6 yr construction.
6. Flooding concerns – surface/ pollution
7. Sewerage and waste water – confirmation of systems
8. Water supply – reassurances for the protection of existing springs water supplies. Reassurances for mains supplies and already consented development.
9. Air pollution odour pollution assurances required
10. Security and privacy of neighbouring households
11. Protection of indigenous wildlife
12. Lack of coach parking
13. Safe accesses for bus request stop required
14. Impacts of Baudoinia Compniacensis
15. Access for general public
16. Amendments state an abstraction of 63333lts/hr compared to previous 50,000lt/hr.

Jedburgh CC: No objections

Southdean CC: Fully supports the application on the basis of additional direct job opportunities and potential increase in tourism. The CC wish to cooperate in exploring opportunities for businesses and individuals in Southdean. There are however errors in the Visitor Appraisal Study in terms of difference between paid and free attractions and the projected numbers which they wish clarified. The CC also note the Transport Statement and proposed construction traffic and wish to highlight the potential cumulative effects of potential wind farms in the area. The six year period of construction (2017 – 2023) overlaps with several wind farm proposals and construction traffic from this proposal must be considered as part of any wind farm planning consideration.

Oxnam CC: No response

Association For The Protection Of Rural Scotland: No response

Scottish Badgers: Badger casualties have been found nearby. No sett records were found within 1km of the site. Due to the records present of road casualties in the area, it would therefore be recommended that a survey be carried out to confirm the presence or absence of badgers from the proposed site by a professional person.

RSPB: No objection. Support is offered to the project (the development will not necessarily have a significant negative impact on biodiversity and nature conservation interests) and every effort should be taken to retain features of biodiversity and nature conservation interest. Retaining “Wildness” features and not manicuring the grassland and waterside components is key to ensure the development does not become manicured like a municipal park.

Habitat creation and management can enhance the site for wildlife specifically;

1. Screen planting round buildings and visitor facilities should be of native species as much as possible. All planting in the rest of the area should be of native species only.
2. The bund should not impact on existing riparian vegetation (alder trees etc) and should be positioned such that there is a wide, undisturbed buffer between it and the water’s edge
3. No non-native species should be planted away from the immediate vicinity of the infrastructure. Any non-native tree and shrub species in the meadow, along the terrace and riparian area should be removed, notably sycamores, which presently occur sparsely along the river bank.
4. SuDS ponds should have as wide a buffer as possible from hard development, and their margins should be allowed to develop naturally. RSPB guidance on the creation and management of such features for biodiversity interest may be referred to at:
 - a. http://www.rspb.org.uk/Images/SuDS_report_final_tcm9-338064.pdf
5. Interpretation and signage may be introduced to explain wildness and to enrich visitors’ experience and to ensure development aim to be an exemplar of environmental enhancement and management.
6. New paths should follow existing and a pond buffer should be retained. Only vegetation encroaching on paths should be removed.

EIA comments:

Appendix Ci: Birds: Recorded numbers is low and this may indicate a survey conducted not by an ornithologist. Further indication of this is the presence record of a reed warbler (extremely rare in the Borders with no know nesting since 2013). It is likely a case of mistaken identity being a sedge warbler. (A systematic breeding bird survey should have been carried out in spring/early

summer to accurately determine the species and density of nesting birds at the site.

This would have allowed a quantitative assessment of the potential impact of the development on the bird population to be undertaken.) Notwithstanding this inadequacy, the site is not likely to be of local or regional importance for species or population.

Annex Ci: ECIA. Native woodland is rated high and water margin very high. Both habitats should be retained and enhanced.

Annex Cii: Flora and Fauna survey. Retention of water margins of at least 10m along Jed Water is recommended. Avoid tree felling and extensive planting of natives (oak) should be undertaken to extend woodland component.

Scottish Wildlife Trust: No Response

Scottish Natural Heritage: *1st response:* Objection.

The scale of the development has increased since the scoping stage (14/01297/SCO), with an additional distillery and warehousing now forming part of the proposal.

1. Insufficient information presented in the ES accompanying the planning application to ascertain that there will be no adverse effect on the integrity of the River Tweed SAC.
2. Further information must be provided regarding impacts on otter, a European Protected Species (EPS) as well as a qualifying interest of the SAC.
3. Bats, also EPS, no relevant survey information has accompanied ES.

4. The proposed development will not impact on the nearby Jedwater Woodlands Site of Special Scientific Interest nor the Border Mires SAC.
5. Large warehousing and bottling buildings will present some degree of adverse landscape and visual impact, which is currently only partially addressed by landscape mitigation.

2nd response: Objection

Insufficient information has been presented in relation to the River Tweed SAC to ascertain that there will be no adverse effect on the integrity of the River Tweed Special Area of Conservation (SAC).

Insufficient information has been presented in relation to otters, a European Protected Species (EPS).

At 3 November, a revised Construction Environment Management Plan (CEMP) and a **species protection plan** for otter are still to be submitted.

A species protection plan for otter must be submitted to include two scenarios. It must account for potential that additional mitigation measures may be needed for breeding otter and the construction of additional artificial holts would be necessitated.

An outline Construction Environment Management Plan (CEMP) has to be submitted. It must adequately address the potential issues of construction on the qualifying interests of the River Tweed SAC and the issue regarding the bat boxes.

3rd response: Objection removed provided planning conditions to ensure CEMP and wildlife.

Scottish Water: No response.

The Tweed Foundation/ River Tweed Commission: Objection. The RTC are concerned with the effects of abstraction and discharge of water from water-courses and impact on ecology of those waters. Quantified evidence to be provided ;

- a. Abstraction of water for cooling and for production - source and the extent of any potential impacts on the aquatic ecology.
- b. The RTC requires details of the water management that will assure that any thermal change within the mixing zone of the Shaw Burn is such that the general ecology and fish populations are not compromised.
- c. Spent cooling water be discharged in such a way as to minimise flow turbulence, maximising mixing and ensuring water is at an appropriate temperature before entering the Jed water. The RTC requires more information on how this is to be achieved, that it will have insignificant impact on the Shaw Burn and specifically how ambient temperature will be achieved before the discharge water enters the Shaw Burn.
- d. That the riparian margin is not compromised by the development and that public access to it is possible, to fishermen and to others.

SEPA:1st response: Objection on the following grounds:

Flood risk.

To resolve the objection, the agent was encouraged to reposition of the development outwith the 0.5% annual probability flood extent as shown on figure 2-7. Finished floor levels are set 600mm above the predicted 0.5% annual probability. The proposed flood level with an

allowance for climate change and is supported. However, Land raising is not a sustainable approach to managing flood risk on an undeveloped site. The policy principle of avoidance should be promoted for all development in flood risk areas thereby protecting the role of the functional flood plain to store and/or convey water.

Waste and Pollution:

Objection to proposal until clarification on;

- a. pollution prevention control measures
- b. clarifications in regards to domestic foul drainage
- c. clarifications in regards to off-site trade effluent arrangements
- d. further information regarding process and cooling water abstraction and discharge Jed Water including details of source location, volume etc to help to determine the potential impacts on aquatic ecology.
- e. PPC - confirmation whether the development is likely to require regulation
- f. confirm whether the development is regulated by COMAH
- g. further information detailing the provision of safety features such as ethanol detectors and automatic shutdown control valves. This should give due consideration of LT COMAH.
- h. further details on options for waste management
- i. Submit site specific CEMP

2nd response:

Flood risk: Objection.

Drainage:

Domestic Foul Water: Foul water population equivalent of 300 and with an estimated flow of 38,500 litres/day with a discharge into the Jed Water after treatment. A discharge of this volume and based on river flow data provided by the applicant it would appear to be potentially consentable.

Cooling/Process Water Abstraction and Cooling Water discharge:

The preferred option appears to be for both abstraction water sources to be from the Jed Water and with the discharge of the cooling water into the Jed Water but upstream of the abstraction point(s). The applicant has now provided indicative volumes. If the temperature of the discharge could also meet at least the standards within WAT-SG-85 then this discharge into the Jed Water would appear to be potentially consentable (provided other restrictions around otter holts can be avoided). The design would need to also avoid the entrapment of fish, prevent trapping of sediment and allow the ongoing free passage of fish in the area. In light of this a new weir structure would not likely be acceptable.

Pollution Prevention Control (PPC) Regulations and COMAH

- Insufficient information in order to determine whether PPC regulations were likely to apply to this site.
- Site will require a hazardous substances consent application to be made and will be a lower tier COMAH site once fully developed
- Storage Capacities of Holding Tanks: Inaccuracy in supporting information.
- Firewater Calculation: SUDS ponds are increased in capacity. Calculations are required to confirm how volumes are derived.
- Isolation Valves on the Outlet if the SUDs Pond: clarify whether the smaller of the two SUDS ponds is also to be provided with an isolation valve.

Waste:

The applicant wishes to spread the material (spent lees and also possibly pot ale/draff) on land for agricultural benefit under a waste management exemption. There is likely to be a requirement to provide adequate storage during the winter period for material, especially spent lees. The storage arrangements should be designed and managed in line with good pollution prevention techniques.

Ecology:

Hydrology: Design will have to take into consideration the potential for entrapping fish (consideration must be given to mesh screen size in intake and outfall) and care needs to be taken on how the intake and outfall impacts the flow as this must not create preferential flow for migrating species in competition with the natural passage upstream or downstream and any return discharge must not cause hydrological change which causes erosion or sediment deposition. It will also have to be demonstrated that the temperature of the water being returned for cooling purposes meets with SEPA criteria. The Jed Water has spawning salmonids and it is therefore imperative that the returning water meets with the conditions of the Freshwater Fisheries directive.

Ground Water Dependent Terrestrial Ecology: Requirement for an National Vegetation Classification (NVC) survey can be removed, if there is no development on the area described as wetland within the Flora and Fauna survey. Marshy grassland is found by two target notes (14 and 18). Mitigation requirements for the protection of this wetland during the construction process will be requirement as it drains to the existing wildlife pond. The mitigation requirements must form part of the Construction Environmental Management Plan (CEMP).

3rd response:

Three areas of objection remain:

1. Flood Risk
2. PPC Calculations –clarification on discharge from SUDS and bunding.
3. Ecology – require clarification of no development on TN18.

Visit Scotland: Application for a distillery in this location would strengthen the visitor offer currently available in this area and also the wider Borders. The development would give a “reason to visit” that currently doesn’t exist and it would complement the tourism offer already available in the region.

Historic Environment Scotland: No heritage assets within our remit within the vicinity of the proposed development and are therefore content that our historic environment interests have been scoped out of the Environmental Statement

Transport Scotland: No objection

Conditions are required to secure the Construction of new junction with right turn lane. Seven conditions in all are required, the last of which seeks a further Parking Study. Discrepancies are identified within the Visitor Appraisal Study. Parking is based on visitor numbers and car occupancy which is stated as being assumed to be 2.7 people per car but Paragraph 2.7 in the same report states that Department of Transport figures indicate 1.51 people per car. This discrepancy must be resolved and the Parking Study should also include figures from similar development types to validate the assumed figures in the Transport Statement, based on the Visitor Appraisal Study.)

No objection is placed on these grounds therefore these details can be received prior to commencement.

Scottish Borders Council Consultees

Ecology Officer: 1st Response:

A Habitat Regulations Appraisal (HRA) has not been included. An HRA is required for the River Tweed SAC and SNH advise that Scottish Borders Council is required to carry out this appropriate assessment.

Otter: There is potential for disturbance during operation of the development.

Bats: Not submitted

Great crested newt: No evidence of great crested newt was recorded and no further surveys are required

Badger: No badger (*Meles meles*) activity was recorded in the site and survey area.

Water vole: No evidence of water vole (*Arvicola amphibius*) was recorded

Breeding birds: No breeding bird survey was carried out, records of seven species were recorded during other ecological surveys. Mitigation will be required to avoid impacts on breeding birds.

Aquatic invertebrates: Surveys indicated high water quality (6.4.20) although no details of this have been submitted.

Habitats: There are opportunities to compensate for loss of habitat and provide enhancements for biodiversity, through woodland creation and management and conservation management of grassland and wetlands, and provision of a scheme of bat and bird boxes. There are opportunities for access and interpretation to add value as the visitor attraction. A detailed Landscape and Habitat Management Plan should be required as a Planning condition.

2nd response: (23 November).

1. An HRA has been concluded. This Appropriate Assessment concludes there is unlikely to be a significant adverse effect on the River Tweed SAC for its qualifying interests.
2. The Ecologist is satisfied with the outline Construction Environmental Management Plan, which includes outline measures to protect the ecological interest including the River Tweed SAC and its qualifying interest. Further detail will be required, by planning condition for a full, detailed CEMP.

Further information was submitted by the applicants including an updated Water Supply Study (Nov 2016), a revised outline Construction Environmental Management Plan (Energised Environments, November 2016), a Drainage Outline Strategy (Blyth+Blyth 7/11/16) and a Species Protection Plan for Otter (Energise Environments, 4/11/16).

The Drainage Outline Strategy and Amended Landscape Masterplan identifies access routes around the pond at the north of the site but, critically, removes an additional access loop to the north of the pond, as SNH (09/11/16) had recommended.

The Species Protection Plan for otter is draft. The SPP for otter requires an exclusion zone of 200m in the worst-case scenario which, if required, may impact on the timetable for completion of the development.

SEPA in their response 22 November require additional mitigation to protect the pond and marshy grassland to ensure that banded water is not discharged into this area. This should also be included in the Pollution Prevention Control application.

Four planning conditions are recommended to be attached to any approval;

1. Appoint an Ecological Clerk of Works (ECoW)
2. Submit a Construction Environment Management Plan
3. Submit a Species Protection Plan.
4. Submit a Landscape and Habitat Management Plan.

Archaeology Officer: A Developer Funded Field Evaluation and Developer Funded Historic Building Survey are required. The Archaeologist accepts the intention to further record the built heritage of the site and agree with the approach outlined for a Basic survey per the ALGAO:Scotland guidance. Two conditions are required to deliver this. Given the scale of the development proposed, and the low to moderate potential within the site, an archaeological evaluation of the development area should be conducted in advance of development. This should include a 10% evaluation through trial trenching of the areas to be impacted by development.

Environmental Health Officer: Assessments have been undertaken in respect of Noise, Air Quality and Odour and these are within an Environmental Statement, which outlines the impacts that will be caused to other occupiers and the local environment.

Redevelopment and change of use of land, part of which previously operated as a filling station store is proposed. A condition is required to restrict development until a site investigation and risk assessment has been carried out, submitted and agreed upon by the Planning Authority.

Informatives are required to inform the agent of private drainage requirements (where connecting to existing systems) and Staff Accommodation. The Applicants should liaise with the Councils Licensing Section to establish whether or not the proposed staff accommodation requires to be licenced as a House in Multiple Occupation.

Air Quality Assessment

The Applicants have provided further confirmation that their conclusions have taken into account the local topography when assessing limits at receptors and the air quality assessment is supported.

Rights of Way Officer: No objection; no known Rights of way, Core Paths or Promoted paths on this site. Please note response from Roads Planning seeking consideration to access by Pedestrians, connectivity around (and to and from) the site including proposals for Public transport. There is a wide network of Promoted paths in the Jedburgh area. This extends to a wide network of paths in the Scottish Borders including Scotland's Great Trails, Borders Abbeys Way and St Cuthbert's Way as well as Paths around towns in the Scottish Borders.

There is an opportunity to include Jedburgh and the wider Scottish Borders in relation to walking and cycling in the marketing plan for this location (see economic Development response). There is scope for on-site Orientation Boards at the location to include information in the context of cycling and walking trails locally (focusing on Jedburgh Town Centre and the wider Scottish Borders). This may, for example, possibly include updated versions of Orientation Boards/ information at Visit Scotland Tourist information centre currently on view in Jedburgh town centre.

Flood Risk Officer: Part of the proposed site is within the SEPA flood hazard map flood extent of the 1 in 200 year flood from fluvial and surface water flooding. The FRA includes Hydraulic modelling to determine the full extent of flood risk to the site. This shows that the main area at risk of flooding is the south east corner of the site. The flood risk assessment proposes that land raising is undertaken and that the buildings and land at the eastern extent of the site are to be raised to a level of 114.5mAOD where the development is closest to the Jed Water. Site elevations further west from the Jed Water are proposed to increase to 118.5mAOD. The Hec-Ras model has been run pre and post land raising and shows an increase in flood levels adjacent to the site. The adjustment to the land elevation shows an increase in water level up to 0.05m for a 1 in 200 year flood event at cross section 1.077. The flood risk assessment also documents the effect of land raising on floodplain conveyance and channel velocity with the proposal resulting in a decrease to floodplain velocity and resultant increase in channel velocity and associated erosion (Table C-1-3).

The application site is considered to be undeveloped Greenfield and as a result we are unable to support land raising in this area. The Flood Risk Management (Scotland) Act 2009 does not consider land raising to be a sustainable approach to managing flood risk on an undeveloped site. In line with SPP, the principle of protecting the role of the functional flood plain to store and/or convey water should be adopted and it is recommended that the development be relocated out with the 0.5% annual probability flood extent as shown in Figure 2-7. Furthermore, Chapter 5.4.43 of the Environmental Statement 'Site Landscaping' refers to the creation of a flood bund to be created at the south eastern part of the site 'designed to direct water from the developed area....toward the created floodplain in the centre of the site'. We question why this is not referred to in more detail within the flood risk assessment and object to the creation of an informal flood defence.

Landscape Architect:

1st response

This is a substantial development and has potential to create significant impacts which could change the character of the locality. Topographic containment, mature trees and woodland provide some enclosure to the western boundary and the principal visual receptor of the A68. Much of the proposed development is designed with the intention that they create attractive "landmark" buildings that function as visitor attractions. The proposed Mossburn building would be built into the slope to conceal the mass and would intervene any views of the service area and tank farm on the lower eastern slope. The Jedhart proposal would be at a lower elevation and would be set back from the road, appearing as part of the building group with Jedforest Hotel and Cleathaugh Steading. The development would also include imaginative new landscape planting which building on some of the estate planting and should create a series of attractive new spaces.

The main landscape visual issue appears to be potential visual impact of the five storage warehouses to the south (rear) of the Jedforest Hotel. These are substantial industrial scale structures requiring screening to minimise visual intrusion. An area of woodland south west of the bottling, lying outwith the site boundary, is unstable and provides good enclosure at present. Its loss will create open views from the A68.

Detailed comments:

1. Public views of the warehousing will be had into the site from the A68.(VP1) There is scope to strengthen this screen planting by extending the area of planting down the hill to staff parking and south around the boundary. Maintaining a new hedge along the A68 roadside is needed and the applicant should provide details of an expanded planting scheme. Once fully established this planting should completely screen VP1.
2. Significant views of the warehousing will be had as they form a backdrop to the House.(VP22). Planting is specified to address this although it cannot be fully effective given the scale and area available. It may be argued that a visual impact "within the site is of lesser sensitivity.
3. Colour treatment can assist in reducing visual impact of warehouses and bottling buildings and this detail needs to be covered by condition with samples to be provided and approved.
4. Any bare root planting prescribed should be replaced for root balled, container grown or cell grown plants to reduce risk of failure.
5. The proposed SUDS pond is to be dry most of the time (detention basin) as its capacity is required for fire and pollution control measures. Over deepening these basins should be investigated to establish permanent ponds.

6. Establishment and ongoing maintenance is required for this ambitious planting scheme. Site inspections must be included to ensure establishment and an ongoing maintenance plan to be submitted for approval.

The adverse effect can be mitigated and the proposal, overall, will enhance the locality therefore development is supported. The over effect is considered acceptable in landscape and visual terms. It is a large development in a rural area however the river valley location and existing tree cover provides reasonable visual containment.

2nd response to amendments submitted on 03 October 2016;

1. Planting has been extended as shown on the Landscape Masterplan (Sheet 3) revision P02 dated 26/09/16 and this should, in time, provide full screening. A 'natural stone wall' appears to be proposed along the roadside. Subject to confirmation of details, this should be acceptable instead of the recommended hedge.
2. Observation – no response required.
3. Colour treatment – RAL details are still required
4. Planting specification – Confirmation of changes to specification to remove bare root stock – still outstanding.
5. SUDS pond or basin? - Details required with a strong preference for a pond beside the Jedhart distillery.
6. Maintenance plan - details still required. (This item can be covered by condition.)

Roads Planning:

No objections however concerns are raised as follows;

1. Bus facilities – The submitted transport statement does not include any visitors arriving by bus, either public or private. As there is only one public bus per day in each direction, it is accepted that no additional facility is required for public transport. However, such a development will attract private bus visitors and the proposed layout does not accommodate busses in terms of accessibility or parking. An existing bus stop on the A68 at the north end of the development which could be tied into the development if required.
2. Pedestrian facilities – There are no pedestrian facilities within the development, adjacent to the internal roads, which would allow visitors to travel directly between the two centres on foot. Neither is there facility to allow pedestrians to travel from the A68 to the site on foot, should they arrive by public transport.
3. The submission indicates an existing access is to remain for fire/emergency vehicles, however this is in contradiction to the requirements of Transport Scotland who require the access to be closed off prior to development commencing. Details of how the access is to be closed off should be submitted for approval, after consultation with Transport Scotland. The exact timing of the closure of this access will rely on the extent of construction within the development.
4. Road Construction Consent (RCC) is likely to be required for the widening of the road. This will be considered and issued by Transport Scotland as the A68 is a Trunk Road. I note that the submission indicates that the widening is to be to the western side of the road and that this land is out with the site boundary and appears to be out with the ownership of the applicant. Any submission for RCC may require the provision of positive drainage and street lighting for the improvement.

5. Development such as this will generate specific traffic (not all of the 60 – 70,000 visitors will be passing trade, as implied within the submission.) However, as the road serving the development is a trunk road, any improvements will be for Transport Scotland to determine (who require provision of a ghost island) as part of the new entrance.
6. Bus provision and submission of a parking study (which reconciles the Visitor Appraisal Study figures) is required for prior approval in line with the condition requested by Transport Scotland. (Final proposed parking levels should be consistent with the guidance within the SEStrans Parking Standards document.)

Economic Development: No objection. The Department are fully supportive which fits with the Scottish Borders Tourism strategy 2013-2020 by:

1. Strategic Aim - Improving the customer journey:

Ensure visitor offer capitalises on the excellent provenance of the regions food and drink.

2. Strategic Targets – increase level of visits to Visitor Attractions and venues, increase demand through extension of season and utilising intelligence to align our tourism offer with visitor’s interests – presenting them as authentic experiences.

(Scottish Borders Tourism Strategy 2013-2020)

3. Whisky data:

- a. 20% of research participants of the Scotland Visitor Survey stated they visited a whisky distillery on their holiday, making it one of the top activities for overnight tourists on their trip to Scotland.
- b. 43% of visitors from Germany visited a whisky distillery whilst in Scotland, the 2nd most popular activity for visitors from this market.

(Whisky Tourism –Facts and Insights March 2015)

4. Trunk road traffic to Scotland:

- a. Ferry traffic from Newcastle – German/lowland Europe data from Ferry operator 90% traffic leaving ferry terminal come North to Scotland using trunk road network. *(2016 DFDS passenger survey)*
- b. 1 in 5 visitors to Scotland arrive by Ferry to Newcastle/ Dutch visitors predominantly arrive by ferry and 2 in 5 German visitors to Scotland also arrive by ferry to Newcastle, *(Taken from Visit Scotland Campaign evaluation pan Europe 2015)*

5. Employment for Visitor experience

Visitor Services Manager 1; Retail Supervisor 1; Reception/shop staff 2.5; Chef / Cook 1.5; Catering staff 3.5 = Total FTE 9.5

6. Business plan. Jedforest BV has been account managed through Scottish Enterprise.

Conclusion.

Economic Development seeks to work with the applicant and the trunk road authority on improved Tourism signage on the A68 North and South. Submission of a full marketing

plan is recommended to identify key customers and target markets for the new development within the locality. Emphasis should be placed on increasing visitors all year round (out-with summer months). This plan should ensure that Jedburgh Town centre and businesses are included in the Distillery marketing plan, perhaps for additional retail presence, in print and online.

DEVELOPMENT PLAN POLICIES:

SES Plan Strategic Development Plan 2013

Policy 1B Jedburgh is identified within the Central Borders Strategic Development Area as (one of the principal towns) for future growth. It identifies a challenging future with the continued erosion of employment base in farming and manufacturing, especially textiles. However opportunity is identified in the superior environmental quality and providing the right conditions for economic prosperity is cited as “a key priority”. Food, drink and tourism are identified as being of strategic importance to economy growth of the SESplan area.

Policy 2 (SUPPLY AND LOCATION OF EMPLOYMENT LAND) specifically directs the supply and location of strategic employment land to identified sites.

Policy 15 identifies Flood Risk and protects against deterioration of the water environment.

Scottish Borders Local Development Plan 2016

PMD1 Sustainability

PMD2 Quality Standards

PMD4 Development outwith Development Boundaries

HD3 Protection of Residential Amenity

ED7 Business, Tourism and Leisure Development in the Countryside

EP1 International Nature Conservation Sites and Protected Species

EP2 National Conservation sites and Protected Species

EP3 Local Biodiversity

EP5 Special Landscape Areas

EP8 Archaeology

EP10 Gardens and Designed Landscapes

EP13 Trees, Woodland and Hedgerows

EP15 Development Affecting the Water Environment

EP16 Air Quality

IS2 Developer Contributions

IS4 Transport Development and Infrastructure

IS5 Protection of Access Routes

IS6 Road Adoption Standards

IS7 Parking Provision and Standards

KEY PLANNING ISSUES:

Appropriateness of a large scale development in a rural location.

Direct and indirect effects on the built and natural environment.

Neighbouring residential amenity, including in relation to noise, odour, lighting and privacy.

Implications of proposed development on flood risk.

ASSESSMENT OF APPLICATION:

Changes occurring throughout the course of application

The application was submitted and validated in June, following a formal pre-application consultation process with both the community and the Council.

Changes have occurred to the development as a result of objections from SEPA and SNH. A second full re-consultation was undertaken on amended plans and additional documents which were submitted in October.

Sustained objections were received from SNH and SEPA in November. Third amendments to plans and further additional documents (including an updated Water Supply Study, a Drainage Outline Strategy, an Outline CEMP and an Otter Species Protection Plan) have been made, and were all submitted in November. A selective consultation has been undertaken in response to the issues raised by the changes (SNH, SEPA, the Landscape Architect, the Ecologist and Roads Planning Officer).

Changes to design which have arisen to the scheme between this 2nd and 3rd consultation are considered to be non-material to overall design and layout. They result in a reduction in development to provide a full 10m naturalised buffer on the Jed Water. Crucially, the additional documents that have been consulted on have confirmed the specific proposals for abstraction and discharge methods. Owing to the non-material nature of these changes, full public consultation has not been necessary.

Principle

Policy ED7 supported proposals for business, tourism or leisure development. Furthermore, where the Council is satisfied that there is an economic and/or operational need (including employment generation uses) for the particular countryside location, development will be supported provided it could not be reasonably be accommodated within the Development Boundary of a settlement.

Consideration has been had to;

- a) amenity and character of the Jedforest Valley,
- b) impact on nearby uses, particularly housing,
- c) evidence that no appropriate existing building or brownfield site is available,
- d) the impact of use and scale on the rural character of the area,
- e) siting and design criteria in accordance with Policy PMD2
- f) accessibility considerations in accordance with Policy IS4.

Appropriateness of Site for Development

One of the key considerations of Policy ED7 is the consideration of existing buildings and infrastructure, specifically in this instance, relating to Policy PMD4, Development Outwith Development Boundaries. PMD4 rigorously defends development boundaries and seeks to cluster development on allocated sites. Only exceptional approvals may be granted. In this instance, the development of warehousing and distillery is considered to be job-generating with an economic justification underpinned by Policy ED7.

Policy ED7 recognises that some tourism related developments may not be able to be easily accommodated within settlements and may be satisfactorily located in certain countryside locations subject to compliance with environmental policies. In such situations, decision making will be guided by reference to the VisitScotland Tourism Development Plan as well as the Scottish Borders Tourism Strategy and Action Plan which require all tourism developments to be of high quality, sustainable and customer focussed; as well as where appropriate by advice from VisitScotland Borders.

It is worth giving consideration to siting of Distillery operations throughout Scotland. Many malt Whisky operations are sited in countryside locations and many rely on this setting in marketing their brand and even rely on the unique location to characterise the product. The choice of location is also dependent upon a significant supply of water production and cooling, which will be provided by the Jed Water which runs alongside the application site. The rural countryside setting is important in providing a draw for tourists, who would come to see and learn about the production process but also to enjoy the proposed landscaped grounds. There are many comparable examples of tourism/ distillery and associated warehousing throughout Scotland which form an important sector to the rural economy both through direct labour and tourism revenue. The success of the proposed operation is dependent upon a range of factors, and the tourism potential derived from the site's location is significant among these.

It is acknowledged that warehousing and bottling elements could equally be sited within an allocated industrial site within a town boundary (such as Jedburgh) rather than a countryside site however there are various arguments which may come to the fore when making these suggestions. For example, these proposed buildings and infrastructure are purpose designed for fire/ environmental protection and many other sites may not be suitable (or large enough even) for such large scale development. Vehicle movements and ease of access are also factors. Having the distillery/ warehousing bottling all on one site will reduce vehicle movements, specifically HGV movements. Although it is true that there are potential amenity benefits of having industry on an allocated site close to transport and readily available workforce, it is not considered that these outweigh the benefits of having all facilities for production on one rural site. This site is adjacent to the A68 Trunk Road whilst being predominantly rural and largely disparate from neighbours which will ensure protection of neighbouring amenity.

There will be an increase in vehicle movements and activity at this site however the proposal offers benefits supported by PMD4 and in accordance with ED7.

In short, this is a relatively unique proposal, certainly for the Scottish Borders, which represents a considerable investment into the region, and whose site specific requirements are acknowledged and not easily accommodated within existing employment land allocations. The nature of the development, in principle at least, justifies the choice of location, and provided that the detail of the scheme can address some of the challenges proposed by the rural location, it is considered that there is exceptional justification for the proposed development at this site in planning policy terms.

Impact on Borders Economy

The views of Economic Development and Visit Scotland have been sought in regard to the impact on jobs; the local economy; the business plan; the impact on Jedburgh and indirect effects on the wider economy.

VisitScotland specifically highlight that the proposal would give a "Reason to Visit" and complement the tourism offer in the region.

The Council's Economic Development section highlight that this development fits with Scottish Borders Tourism strategy 2013-2020 and the business plan for the Company is said to be being managed through Scottish Enterprise. It is estimated that 43% of visitors from Germany visited a whisky distillery whilst in Scotland, the 2nd most popular activity for visitors from this market. Furthermore, it is estimated that visiting a whisky distillery is one of the top activities for overnight tourists to Scotland (20% of participants in the Scotland Visitor Survey had taken a visit in 2015).

Employment is estimated to be 9.5 FTE in the visitor-focussed elements of the proposal; the ES also estimates employment across the site at 70 full time equivalents with emphasis on skilled staff with experience in spirit production; however there is no further information on the composition of this staffing.

Construction employment is estimated to be between 200 personnel with up to 1500 different personal required across the construction period.

One third party objection has highlighted concern of potential for retail/ hospitality leakage from Jedburgh, which is an establish trade and tourism centre. The supporting ES identifies the local economy and socio-economic issues as having medium sensitivity with a positive change anticipated which does not require any mitigating measures.

Consultants acting on behalf of the applicant anticipate a visitor rate that is split between paying and non-paying. For phase 1, this paid attraction is put at 29k visits per annum or 46k free visits per annum. For phase 2, a higher rate of 44.5k paid visits or 53k non-paid visits are identified in the Visitor Market Appraisal. However, Operation Activities identified in the ES makes provision for 60-70k visitors per annum in anticipating traffic flows.

The proposal clearly raises the potential for wider economic benefits, although no direct mitigation of impacts on existing offer is identified in the ES. Economic Development suggest that the Distillery Marketing Plan should consider additional retail presence, in print and online, which would allow mutual tourism and business promotion for the area. This should positively improve the wider effect of this development on Jedburgh. There is otherwise no reason to suggest that the proposed operation could not complement existing offer in Jedburgh and beyond, given the additional visitors that may be attracted to the area by a new distillery.

The Access Officer has highlighted possibilities which should be explored for onsite Orientation and Interpretation of Jedburgh town. There are a variety of cycling and walking trails locally which attract tourists. Tourism linkages should be made (in promotional materials) to encourage visitors to Jedburgh Town and likewise in return to the Distillery.

Future onsite interpretation and promotion of Jedburgh Town should be part of the Distillery Marketing Plan and on this basis, a development of this nature can complement and publicises the Town's attractions.

Impact on Landscape

A Landscape and Visual Impact Assessment has been submitted in support of the proposed design at this location. To avoid significant effects a landscape mitigation plan has been re-designed to which the Planning Authority is supportive.

Siting

PMD2 seeks to ensure development is high quality, sustainable (policy PMD1), and integrate with the landscape surroundings. As noted by the Landscape Architect the site topography lends itself to the proposed development. It is proposed to be set within the Valley floor to enclose and contains view. Warehousing, bottling and cased goods sheds have been sited to the south of the site, to the rear of Mossburn House, where they will be more discreet and shielded by existing landforms and vegetation. The scale of proposed sheds is large and the Landscape Architect sought two further cross sections of the site (VP21 and VP22) to demonstrate visual relationships between the House and the proposed backdrop and views to the warehousing site from the A68.

The Landscape Architect has provided commentary on the potential effects on the character of the Special Landscape area, EP5. The main concerns are with the proposed substantial scale of the warehousing however amendments to the proposed landscaping (specifically making more robust proposals for planting to intervene views from the A68) have been successful in demonstrating that any adverse effect can be mitigated. A whinstone dyke is now proposed in these amendments to form a boundary with the A68. This is an appropriate, high quality structure appropriate to the rural setting, and is consistent with PMD2.

Design

The proposed visitor buildings are unashamedly modern “landmark” visitor attractions; however topographic containment (siting Mossburn Distillery on the escarpment and Jedforest Distillery in the Valley floor) ensure that both distillery buildings can be accommodated without recourse to the landscape character.

The mass of the Mossburn building will largely be concealed from view while the Jedforest building will appear only in distant views therefore the large scale will appear acceptable for the larger landscape surroundings and wooded backdrop of the Jedforest Valley.

Given that the warehousing is set to the rear (south) of Mossburn House, and well enclosed by the surrounding valley, the impact on the character of the Special Landscape Area will be minor and not be adversely affected by these industrial buildings. Partial views of the warehouse roofs will be visible from public areas, but not significantly so. They would appear above and behind the House; however, it is considered that the size, scale and design is not incompatible with surrounding agricultural vernacular. The five warehouses would be staggered in the hillside and interconnected, sharing valley gutters, 7.5m to eave and 10.5m to pitch. The steel portal frames would be 10° in pitch and 33m in width with 5 bays creating buildings almost 31m in depth. The hipped pitch on the north elevation should ensure that the mass of the gables do not overly dominate the backdrop of the house.

The exact colour and finish of the steel profile sheeting will need to be reserved by condition to ensure that it is appropriate for this rural site however it is agreed that a dark, non-reflective finish is essential to ensure the buildings appear subservient to the House and Distillery. The colour choice is essential to ensure the build settles back into the landscape dominated by natural hues.

The industrial element (to the east) of Mossburn distillery will largely be hidden from receptors on the A68 and will largely only be seen from internal views. Landscaping is intended to surround the four storage tanks; three fin heat exchanges; further storage containers for grain wheat/ rye and water; and yet further storage containers for effluent, spent lees, pot ale and draff co-products. The location and siting of these features is therefore acceptable.

The proposals are large in scale and include an ambitious planting scheme which the Landscape Architect supports and relies on to ensure that the development is compatible with the rural setting, PMD2. The landscape planting to the north western boundary would intervene views to the site from a neighbouring residential receptor.

The Landscape Architect has sought for the SUDS ponds to be wetland features. These are displayed on the amended drawings with a blue render which might suggest water, although it has been confirmed that these would not be wetlands but dry basins. They are designed as dual purpose lined attenuation basins for grey water and also function as liquid storage for Pollution Prevention and Control in the event of an emergency. The agent has been

clear that these cannot become naturalised wetland features, if the wider site is to remain in compliance with pollution and fire regulations.

The landscaping scheme is now considered satisfactory. Noting RSPB and SNH comments, the pond to the far north of the site must be retained as a wild/ naturalised environment for the protection and the Amended Landscape Masterplan plans show removal of a proposed path which is welcomed in order to retain its habitat potential.

It is agreed that effects on landscape and character will be minor to moderate and not significant however planning conditions are required to ensure the phasing and planting and establishment of an appropriate landscaping scheme are all in accordance with EP13 and the wishes of SNH and RPSB.

Impact on nearby uses

The current land use is a redundant Hotel and petrol filling station and this context must be considered with regard to potential impacts and perceived adverse impacts on the surrounding uses. Neighbouring land uses are predominantly agricultural with a scattering of residential neighbours. Nearby Mossburnford Caravan Park offers holiday accommodation, which may benefit from the tourist potential of this development.

Impact on the amenity of residential properties

Policy HD3 seeks to protect neighbouring residential amenity and Policy EP16 seeks to protect against damage to the air quality which could be harmful to human health and the natural environment. Human health and integrity of the natural environment are both considered in the supporting Environmental Statement, which include mitigating measures to avoid significant effect on nearby receptors.

There has been objection from one of the neighbouring residents who primarily cites amenity concerns. Their concerns are heightened owing to the increased scale of proposal to two distilleries from the original one, proposed and scoped for EIA in 2014. However, owing to the large site and large intervening distance from the main centre of operations (in the south of the site) it is contended that the impact on amenity will not be significantly adverse and will be in accordance with Policy HD3. Care has been taken with levels and creation of screen planting at the northern edge of the site, which assists in further minimising impacts. There have been no other representations. There have been no representations from neighbouring residents at the Lodge or Hill Tree View.

The Environmental Health Officer (EHO) identifies that a planning condition will be required to deliver a site investigation and risk assessment in relation to the former filling station. This will ensure protection of human health and is a requirement of policy EP13 concerning potentially Contaminated Land.

Air quality

An air quality assessment was submitted in support of development and this identified all surrounding nearby receptors. The Environmental Health Officer scrutinised this and, after amendments, this has been resubmitted to demonstrate the effects of local topography. The conclusions have now been supported by the EHO and we are now satisfied that development can meet Policy EP16.

Nuisance and Noise

Noise and odour have both been given due consideration in the ES which was submitted in support of the application. The EHO requires a planning condition to be applied to ensure

that noise will not exceed Noise Rating Curve (during evening hours at NR20 and daytime at NR30). This condition should ensure that the amenity of nearby properties is protected.

With this safeguard, it is considered that the development will not harm the amenity of neighbours in term of noise and a further planning condition will be applied to the application to ensure that plant and machinery is maintained and serviced to comply with acceptable limits.

Private Drainage

A further planning condition is sought by the EHO to ensure that private drainage systems will be maintained. This is considered appropriate and consistent with the views of both SEPA and SNH, who have both accepted the locations, designs and capacities of the private systems being designed.

Waste

The EHO recommends another condition to ensure that the waste occurring from production (Druff, Pot Ale and Weak Waste Waters) will all be handled and disposed of as described in the ES. In a supporting statement by the Agent (SAC Consulting, 30 September) confirmation has been offered that distillery co-products can be spread to fields in the locality (after application of a waste exemption licence from SEPA). SEPA have given their support to these proposals, although details will need to be provided to them for soil and waste analysis, including metals such as copper. The applicant is aware of the requirement to provide adequate storage during the winter period for material, especially Spent Lees.

It is now confirmed that the proposals can address this issue and this condition is appropriate to ensure that waste is treated in appropriate manor to avoid detrimental effects on public health.

Impact on ecology of the Jed Water riparian environment

This site's eastern boundary is derived from the Jed Water which is part of the River Tweed Special Area of Conservation (SAC). The river is an important habitat for Otter, a European Protected Species.

SNH objected to the initial proposals, on the grounds that:

1. They were unable to confirm whether there would be no adverse effect on the integrity of the River Tweed Special Area of Conservation (SAC).
2. Insufficient information was presented in the ES in relation to otter, a European Protected Species (EPS).

Further information has now been provided; a Water Supply Study (Nov 2016), a revised outline Construction Environmental Management Plan (Energised Environments, November 2016), a Drainage Outline Strategy (Blyth+Blyth 7/11/16) and a Species Protection Plan for Otter (Energise Environments, 4/11/16).

On 23 November, SNH removed their objection, principally because the applicant has made changes to the scheme, as follows;

1. To ensure that a 10m buffer corridor is maintain undeveloped between the cased goods/ bottling hall/ canopied pallet, cask and skip store. The amended plans display the edge of the warehousing, cased goods and bottling hall, tank farm and

associated road layout all out-with this undeveloped zone which would be landscaped with willow.

2. The revised outline CEMP now clearly includes mitigation measures to address the requirements of the River Tweed SAC.
3. A species protection plan for otter has been submitted. This adequately addresses the issues arising from the presence of otter at the development site as far as is possible at this stage in the planning process. Any European Protected Species licence issues arising from the development will be addressed post-consent.
4. The revised outline CEMP adequately addresses the issue regarding bat boxes put up as mitigation for work carried out under an SNH Species Licence at the Jedforest Hotel.

The removal of the SNH Objection allows the Ecology Officer (representing the Council as Competent Authority for the purposes of legislation) to finalise a Habitat Regulations Appraisal. Such appraisal is required to ensure that there are no significant adverse effects on the Tweed SAC whilst also protect local biodiversity from harm (Policy EP3). The Council's Ecologist has conducted the Habitat Regulations Appraisal (HRA) and this Appropriate Assessment was concluded on 23 November. It concludes that there is unlikely to be a significant adverse effect on the River Tweed SAC for its qualifying interests.

Four planning conditions are required. Conditions would be attached to ensure the appointment of an Ecological Clerk of Works (ECOW); Submission of a Construction Environment Management Plan; Submission of a Species Protection Plan; and Submission of a Landscape and Habitat Management Plan.

EP13 seeks to protect and enhance the contribution trees, woodlands and hedgerows. Both Ecologist and SNH were concerned with potential loss of local biodiversity value of this habitat, specifically for Bats. The Ecologist and SNH have now confirmed that the outline CEMP adequately addresses the issue of existing bat boxes (which were subject of an earlier SNH Licence).

Ground Water Dependent Terrestrial Ecology (GWDTE)

SEPA objected to this proposal owing to the unknown impacts on Ground Water Dependent Terrestrial Ecology identified as Marshy grassland. Marshy Grassland had been identified in the pond to the far north of the site (TN14) and also in a small Cleugh, directly under where Mossburn Distillery is proposed (TN18).

This objection is sustained in SEPA's 3rd response of 22 November. While SEPA now appear supportive of the Outline CEMP and proposed mitigations for TN14, they will require a National Vegetation Classification for TN18 (which is proposed to be lost as part of this development).

It is necessary to take a proportionate and risk based approach to this objection. This is a small area of Marsh Land which the Agent has addressed with a submission on 03 October (This area is argued to be very small topographic indentation which is surface water fed and not groundwater dependent. This is qualified by the fact that the bedrock is weakly permeable and not a groundwater source.) Owing to this supporting statement it is intended that Officers should use delegated powers to resolve this issue, and in the event that this small area is groundwater dependent, that measures should be put in place to compensate for its loss at TN14.

Officers are now confident that development can proceed in accordance with Policies EP1 and EP2 which are both designed to protect the integrity of European designated sites (Tweed SAC), European Protected Species (EPS) and national important species.

Planning conditions will ensure that a final CEMP is concluded which will include mitigation measures. These conditions will ensure that the measures are implemented as intended during the construction of the development.

Impact on the Jed Water and other regulatory issues

SEPA have objected to these proposals on several grounds. The first (Flood risk) is handled below while a separately body of objection concerned;

- a. pollution prevention control measures
- b. clarifications in regards to domestic foul drainage
- c. clarifications in regards to off-site trade effluent arrangements
- d. further information regarding process and cooling water abstraction and discharge Jed Water including details of source, location, volume etc. to help to determine the potential impacts on aquatic ecology.
- e. PPC - confirmation whether the development is likely to require regulation
- f. confirm whether the development is regulated by COMAH
- g. further information detailing the provision of safety features such as ethanol detectors and automatic shutdown control valves. This should give due consideration of LT COMAH.
- h. further details on options for waste management
- i. Submit site specific CEMP

Officers hosted meetings at Council Headquarters to align development proposals with local and national Planning Policy.

Drainage

Information submitted in October confirmed Domestic Foul Water proposals (population equivalent of 300 and with an estimated flow of 38,500 litres/day with a discharge into the Jed Water). Based on this volume and river flow data, SEPA considered this to be potentially consentable.

It is therefore considered that these amended plans are now in accordance with Policy IS10 concerning best practices in waste water treatment and SUDS design.

Cooling/Process Water Abstraction and Cooling Water discharge

Since scoping in 2014, SEPA have consistently sought more detailed information than that included within the application's ES. Material to producing Whisky is a requirement for a source of water both for the product itself and in the process of cooling.

The Applicant and agent had been keen to use the Shaw Burn as a source of water for the development. This Burn runs from a source which is indicated on the early OS maps as being the former Jedburgh town water supply. SEPA objected outright to this being used as a proposed location for abstraction and discharge without supporting information. SEPA have suggested that this Burn has been recorded to run dry in a summer month during the 1990s.

In October the agent proposed four alternative methods, locations and included proposed volumes for abstraction and discharge. Temperature of the discharge is also a material consideration to protection of this fragile ecosystem. SEPA confirmed that they were unlikely to consent to any proposal for a weir and the Agent was again sought to provide clarity on designs and locations.

SEPA now support the abstraction and discharge (upstream) proposals, set out in the applicant's Water Supply Final Report V2, received 02 November. This document details an abstraction of around 130m³/d for process and 1390m³/d for cooling which would be non-consumptive and discharged upstream, in equivalent amounts. Discharge is recommended to be by bankside outfall upstream of the site and abstraction by a submerged screened structure. However the interaction of Otters (ecology) was identified as a potential limit to this option and other options are also given further discussion (groundwater springs/ Willowford Burn/Shaw Burn). These alternatives would all require further modelling and studies in discussion with SEPA.

Policy EP15 seeks to protect the water environment from pollution or harmful changes to the natural or physical characteristics of water bodies and only after supplying this Report have SEPA confirmed that the proposals are potentially consentable.

There is now confidence that abstraction and discharge proposals can be achieved in accordance with Policy EP15 concerning protecting the water environment. SEPA caveat their response with hydrology informatives "that the applicant will have to provide strong evidence that the cooling water can achieve the required temperature during spawning conditions, which is not higher than 10°C. The design will also have to demonstrate that there will be no trapping of fish at the intake and that there will be no change in preferential flow."

However, it is now considered that these are SEPA Licencing issues and not planning issues.

Pollution Prevention Control (PPC) Regulations and Control of Major Accident Hazards Regulations (COMAH)

The Council will need to receive a Hazardous Substances Consent Application, if approval is granted, although SEPA will also have a regulatory responsibility. It is not yet clear to SEPA whether this development falls under PPC regulations. The agent has made several attempts to explain this position however SEPA are left with uncertainty;

1. potential applicability of PPC Part A Section 6.8 (d) (ii) the applicant should confirm the finished product production capacities of both distilleries (how much alcohol will be produced per day in relation to the 300t per day threshold). It is currently unclear whether the two distilleries would be regarded as a single installation under PPC. However if the distilleries have a technical connection (i.e. shared services) then this may well be the case.
2. In relation to the potential applicability of PPC Part B we require confirmation from the applicant of whether a dark grains plant will be on site to convert by products from the distilling process into animal feed. If this is the case then the presumption will be that such an activity would fall within the scope of PPC Part B Section 6.8 Part B (d) even although the purpose of the larger site is for the manufacture of drink for human consumption.

However, there is no reason why this detail could not be supplied at a later date and it is recommended that Officers are given delegated approval to agree these details (and any

design amendments that may be necessary) with SEPA to ensure environmental objectives of EP15.

Control of Major Accident Hazards Regulations (COMAH)

Total quantity of spirit to be stored on site will be 8749 tonnes therefore COMAH will apply. COMAH notification forms will have to be submitted to the COMAH Competent Authority (HSE and SEPA in Scotland). This can be addressed outside the planning process.

Firewater Calculation

The proposed SUDS ponds are designed to accept and contain the volume of firewater which might be anticipated to arise from a 2 hour single cell warehouse fire. The berms/kerbs and groundwater all feed to SUDS ponds which would have automatic isolation valves to contain any Spillages/firewater.

However, again SEPA have objected to this aspect of the proposal, on the grounds that “it is still unclear where bunded water is being discharged to. We require **clarification** of where it is being discharged to”.

It appears that SEPA do not object in principle but wish clarification on what would happen to liquids in the event of a spillage/ fire scenario as there is no alternative outlet proposed for the SUDS Pond, other than to the Jed Water. On the basis of proportionality and risk, delegated approval is sought from Committee to agree these details (or any amendments) with SEPA. This would allow further details to be submitted by Agent for consideration of SEPA. On receipt of sufficient information, to their satisfaction, a final decision could then be issued by Officers, under delegated powers.

It is Officers understanding that (in event of approval) the applicant has to in any case submit a Pollution Prevention Control application to SEPA.

The Tweed Foundation/ River Tweed Commission had objection to the application on the basis of the impact on ecology of these waters. No further response has been received from either, although, on the basis that the statutory agencies (above) are now supportive of the proposals in principle, following revisions and submission of additional information, the objections raised by the Foundation and Commission have been resolved, as follows;

1. Abstraction and cooling sources and extents have been bottomed out with SEPA.
2. Thermal changes within the mixing zone have been provided and are acceptable in principle with SEPA.
3. Spent cooling water method and temperatures have been agreed with SEPA.
4. A full 10m buffer has been maintained on the riverside for public access, fishermen and others owing to requirements of SNH.

Impact on Flooding

Policy IS8 concerns taking a precautionary principle to flood risk and SEPA have been consulted in this regard. SEPA object as the development proposes land raising on a greenfield site. The Council's Flood Risk Officer has objected on similar grounds. Neither considers the development to represent a sustainable approach to managing flood risk on an undeveloped site and Scottish Planning Policy principle of avoidance should be promoted for all development in flood risk areas thereby protecting the role of the functional flood plain to store and/or convey water.

A small area of development site lies within the 0.5% annual probability (1:200) flood extent and compensatory storage has been proposed by the Agent, to be sited on the floodplain north of the Mossburn House.

Finished floor levels of Jedforest Distillery are set at 600mm above the predicted 0.5% annual probability with an allowance for climate change and these heights are supported by SEPA.

There have been no amendments to address this concern since this first objection was received by SEPA, despite a request to remove a road which protrudes into this 1:200yr zone. The road is stated to be a necessity for fire tenders to have full 360° access to the Jedforest Building in event of fire.

SEPA's planning policy position is clear in this case despite the Agent relying heavily on an engineering consultant's design of compensatory storage which it is claimed would offset encroachment of the flood zone. The Flood Risk Officer goes further and objects to the creation of an informal flood defence (a small bund or berm) that is necessary for Pollution Prevention and Control Measures, which is sited to protect the river in the event of spillage or fire incident.

Flooding is clearly a material planning consideration. However, appropriate weight must be apportioned to the potential wider social and economic benefits of this proposal and cognisance must be given to the efforts of the Agent and their engineering consultants to design mitigating measures. Given, also, the relatively small proportion of flood plain affected, combined with the relative isolation from centres of population, it is considered that while the risk must be acknowledged it is not considered so great as to warrant refusal of the scheme.

In event of approval, the Council would be obliged to refer the case to Scottish Ministers for approval, under Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 owing to this being contrary to SEPAs response and holding objection.

Impact on cultural heritage

The Archaeologist has confirmed that any impacts on cultural heritage can be addressed through the addition of two appropriately worded conditions. There may be unrecorded archaeology on the site and proposed mitigation measures (in the ES) of recording and evaluating any surviving archaeology will ensure that the effects will be minor and not significant. Historic Environment Scotland were consulted and have confirmed that there are no heritage assets within their remit affected by this proposal.

Provided a funded field evaluation and Historic building survey (Cleethaugh steading) are suspensive conditions ensure protection of any archaeology of local or national archaeology, this development is in accordance with EP8.

Impact on traffic and road safety

Policy IS6 is a material consideration. Transport Scotland and the Roads Planning Officer have made comment on the transport plan, access requirements and the suitability of the site and design.

Transport Scotland have confirmed that proposals for a ghost island and new bellmouth access to the A68 are acceptable in principle. To ensure road safety there are a number of conditions to be attached to any permission for approval. These conditions seek;

1. To close the existing road leading to the site;
2. A traffic management plan for construction traffic to be submitted;

3. Wheel washing facilities
4. Traffic bollards
5. A parking study

Implementation of works shown on drawing, dated 9 May 2016 (Drg No EC21062:95:001), showing a bell mouth and turning lane, would be required prior to operation.

The Roads Planning Officer has consulted on the proposals and highlights inaccuracies in projected visitor numbers that have been provided. The supporting Visitor Appraisal Study bases parking on visitor numbers and car occupancy (stated as being assumed to be 2.7 people per car) in conflict with Department of Transport figures of 1.51 people per car. Transport Scotland similarly required a Parking study to be conducted (and comparable visitor numbers from other distilleries/attractions sought to augment this research) with the view of providing adequate capacity in the road and parking layouts. Neither consultee objects to the proposals therefore it is recommended that these studies be provided as a pre-commencement conditions.

The Roads Planning Officer suggests the A68 Bus Stop, and access to it by pedestrians, (at the north end of the development) should be integrated to the development and Planning Officers comfortable that this is appropriate and reasonable expectation and something to be a condition of approval.

The Agent has confirmed that the existing road serving the site needs to be retained for fire appliance access to the Jedforest development. Details of how this road is to be closed will need to be submitted, whether it is a barrier or some other form of treatment to prevent occasional/ habitual and continued public use. This detail will need to be received as a planning condition.

The Roads Planning Officer raises concern about the absence of footways for pedestrians to travel between the two distilleries. He also raises concern at the absence of bus parking provision. In terms of the pedestrian footway, it is considered that such a feature is left to the discretion of the owner – there is no intention to adopt the roads or light them. The Agent has confirmed that the applicant wants to discourage large coach parties from visiting the site and the visitor parking is deliberately designed to discourage this type of mass tourism. In effect, these are operational matters that are contained within the site and would not represent reasons to object to the proposal.

One objection cites increase in vehicular movements affecting residential amenity however officers find that the proposals are in accordance with IS6 in terms of safety and sufficiency. With condition of a further study being submitted, (to accurately forecast parking levels) IS4 (significant travel demand generation), can similarly be met.

Other issues highlighted in representations

1. Whisky Black fungus
2. Noise, lighting and machinery in construction for 6 years.
3. Lighting
4. Water Supply

The subject of *Baudoinia Compniacensis* (Whisky Black fungus) is not a material planning issue and has not been highlighted by the Environmental Health Department or statutory agencies as a concern. It is likely that, if this were to become an issue, it would be one requiring assessment beyond the remit of the planning process.

A planning condition will seek for a construction programme and detail of construction location and layout to be submitted prior to development commencing. A further condition

will be used to minimise potential disturbance and on nearest noise sensitive properties, by limiting the hours of work.

In response to concerns for the “Dark Sky initiative” (shown in interpretation on the Carter Bar), a condition has been provided which will seek to mitigate any neighbouring amenity issues as well as any landscape issues by requiring the applicant to submit a lighting plan in accordance with The Institution of Lighting Engineers; "Guidance Notes for the Reduction of Obtrusive Light" prior to development commencing.

It is considered that statutory agencies have now addressed the outstanding issues raised by JedValley Community Council and SouthDean Community Council's concerns for transport generation will be picked up by future traffic surveys being requested by condition.

Water supply has been a concern of a neighbouring owner (a farmer who relies on water springs for their business); however SEPA have given the proposals their approval as being potentially consentable on the Jed Water.

CONCLUSION

The proposed development represents a significant economic investment and, through the application process has been revised and supplemented to demonstrate that any impacts on the natural and built environment can be satisfactorily mitigated.

Policy ED7 of the Local Development Plan makes provision for the establishment of commercial developments that require a countryside location. This proposal is considered acceptable and in compliance with Local Development Plan Policy ED7 in that the proposal, which represents a significant economic and tourism investment, has provided sufficient justification for its location. Environmental have been addressed through the submission of amended plans and supporting studies, which have now satisfied the requirements of Scottish Natural Heritage. There remains outstanding Objection from SEPA on the basis that the proposal is for land raising on a greenfield site which could adversely affect flooding. A small proportion of the development site is within the flood zone, contrary to local policy IS8 and Scottish Planning Policy. The agent's supporting studies have made compensatory flood storage available to offset this land-take and it is considered that, on balance, having regard to the relative isolation of the application site combined with the proportionately small impact on the flood plain, the proposal is acceptable when considering economic and employment benefits of business and growth.

RECOMMENDATION BY CHIEF PLANNING OFFICER

I recommend that the application is approved in principle by the Committee, subject to the approval of the Scottish Ministers on flooding matters, and to the following conditions.

Committee is requested to issue delegated authority to Officers, to allow the Agent time to resolve further Regulatory matters of detail with SEPA concerning Groundwater Dependent Terrestrial Ecology (GWDTE) issues and Pollution Prevention and Control measures.

Conditions

1. No development shall commence until details have been submitted to and approved by the Council, as Planning Authority regarding the following:
 - a. A detailed construction programme and projected timetable for implementation of the development, to include proposals for the phasing of the development,

- including phasing of the landscaping plan, and provision of all building and associated infrastructure including access roads, parking and drainage;
- b. the location, design and layout of any temporary construction compound(s), to include (but not limited to) areas for staff welfare accommodation and areas for storage of construction materials and plant and machinery, etc., the positioning of any static plant as far as practicable from site boundaries, the location orientation and size and height of all site compound buildings to be stationed on the site, (and positioned so as to act as a sound barrier) and the location and design including height of any barriers to be erected around the site to reduce the level of noise, etc.
 - c. notwithstanding the specification indicated on the submitted drawings, which are not hereby approved, detailed specifications and/ or samples of the external finishing materials for all buildings to be erected on the site, to include the use of dark coloured external materials for the warehouse buildings.

Thereafter, the development shall be carried out in accordance with the approved details.

Reason: To ensure an acceptable form of development and to mitigate the landscape and visual impact of the development (as recommended in the applicant's submitted ES) in the interests of the landscape and visual appearance and amenity of the development upon the surrounding Special Landscape Area.

2. All landscaping works including tree and shrub planting, hedgerows; grass and hard landscaping features to be undertaken in accordance with the drawings hereby approved. Notwithstanding changes;
 - a. Changing specification of River birch *Betula nigra* in 'Riverside Trees' since this is not native.
 - b. Using cell grown or pot grown stock as opposed to bare root stock.
 - c. Further details of hard landscaping features
 - d. Further details of Landscape Art Feature

and no part of the development shall commence until details have been submitted to and approved in writing by Council, as Planning Authority, regarding the timescale for undertaking all planting and seeding works which form part of the approved landscaping works together with a programme for the long-term management and maintenance of all landscape areas within the site. This timetable shall be informed by the construction and phasing programme as required by condition 1 above and include provision for early establishment of all planting following earth works around the site boundary, including the vehicular access

Thereafter, all landscaping shall be provided and implemented in accordance with the approved details.

Reason: Details of the timetable for implementing the proposed/required landscaping arrangements are lacking from the submission and in order to ensure that the approved landscaping works are carried out timeously, including boundary treatments, to ensure the development is screened and absorbed into the landscape and to reduce the landscape and visual amenity impact of the development upon the Special Landscape Area.

3. Any trees, shrubs and seeding/ turfing which within a period of 5 years from planting, are removed or become damaged or desiesed shall be replaced no later than by the end of the first planting season with others of similar size, number species and or seeding mix, unless otherwise agreed in writing with the Council, as Planning Authority.

Reason: To ensure that all approved landscaping works are timeously carried out and properly maintained in a manner which will not adversely affect the character, appearance and amenity of the development and the surrounding areas.

4. Construction works associated with the development, audible at any point on the boundary of any noise sensitive dwelling, shall be permitted between 0700-1900 hours, Monday to Friday and 0700-1600 hours on Saturday only, and at no other times outwith these permitted hours shall construction works be undertaken except where previously agreed in writing with the Council, as Planning Authority and where so demonstrated that operational constraints require limited periods of construction works to be undertaken outwith the permitted/ stated hours of working.

Reason: To minimise the potential disturbance and impact from construction operations occurring within the site upon the amenity of the surrounding area including the nearest noise sensitive properties.

5. No development shall commence until a proposed lighting plan for limited unidirectional lighting to avoid large illumination in the rural site has been submitted to and approved in writing by the Planning Authority. This lighting plan should be designed by a qualified lighting designer in accordance with the The Institution of Lighting Engineers; "Guidance Notes for the Reduction of Obrusive Light". Thereafter development to only be undertaken and lit in accordance with this plan.

Reason: To protect neighbouring residential amenity and protect the rural character and appearance of the surrounding landscape.

6. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work and reporting in accordance with a Written Scheme of Investigation (WSI) outlining an Archaeological Field Evaluation. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) If significant finds, features or deposits are identified by the attending archaeologist(s), all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for verification. The discovery of significant archaeology may result in further developer funded archaeological mitigation as determined by the Council.
- c) Limited intervention of features, or expansion of trenches will only take place if approved by the Council's Archaeology Officer
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works. These shall also be reported to the National

Monuments Record of Scotland (NMRS) and Discovery and Excavation in Scotland (DES) within three months of on-site completion.

- e) Further development work shall not take place until the Planning Authority has determined the potential for further archaeological impacts and, if required, a further requirement for mitigation.
- f) Development should seek to mitigate the loss of significant archaeology through avoidance by design in the first instance according to an approved plan.
- g) If avoidance is not possible, further developer funded mitigation for significant archaeology will be implemented through either an approved and amended WSI, a new WSI to cover substantial excavation, and a Post-Excavation Research Design (PERD).

The results of additional excavations and an appropriately resourced post-excavation research design shall be submitted to the Council for approval within 1 year of the final archaeological works, and published in an appropriate publication within 3 years.

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

- 7. No development shall take place until the applicant has secured and implemented an approved programme of archaeological work in accordance with a Written Scheme of Investigation outlining an Historic Building Survey. This will be formulated by a developer contracted archaeologist(s) and approved in writing by the Planning Authority. Development and archaeological investigation shall only proceed in accordance with the WSI.

The requirements of this are:

- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA) approval of which shall be in writing by the Planning Authority.
- b) Historic Building Survey will be in accordance with the ALGAO:Scotland guidance as requested by the Planning Authority.
- c) In accordance with the WSI, access shall be afforded to the nominated archaeologist(s) to allow archaeological investigation, at all reasonable times.
- d) Initial results shall be submitted to the Planning Authority for approval in the form of a Historic Building Survey Report (HBSR) within one month following completion of all on-site archaeological works.
- e) Once approved the site archive and HBSR shall also be reported to the National Monuments Record of Scotland (NMRS) via the OASIS system within three months of on-site completion.
- f) Results will be summarised in *Discovery and Excavation in Scotland* (DES) within one year of on-site completion.
- g) The results of the DSR will be used by the Council's Archaeologist to make recommendations to the Planning Authority for further archaeological investigations, reporting and dissemination of results as required. The developer will be expected to fund and implement all further archaeological work.

Reason: To preserve by record a building of historical interest.

- 8. Prior to the development commencing a new access to the site shall be constructed and the existing access closed off. The new access to the development shall substantially match the part of the new junction which accesses the site as detailed in the drawing (Drg No EC21062:95:001) submitted by Blyth + Blyth dated 9 May 2016, in support of the application, but excluding the right turn lane. The access shall be constructed in

accordance with details that shall be submitted and approved by the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority, before any part of the development is commenced.

Reason: To ensure that the use of the existing access is discontinued and the safety of traffic on the trunk road is improved. To maintain safety for both the trunk road traffic and the traffic moving to and from the development

To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

9. Prior to the development commencing, a Traffic Management Plan for construction traffic shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland, as Trunk Road Authority.

Reason: To maintain safety for both the trunk road traffic and the traffic moving to and from the development

10. The full junction as detailed in the drawing dated 9 May 2016 (Drg No EC21062:95:001), submitted by Blyth + Blyth in support of the application, shall be constructed prior to the occupation of the development .

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

11. The gradient of the access road shall not exceed 1 in 40 for a distance of 15 metres from the nearside edge of the trunk road carriageway, and the first 15 metres shall be surfaced in a bituminous surface and measures shall be adopted to ensure that all drainage from the site does not discharge onto the trunk road.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished. To maintain safety for both the trunk road traffic and the traffic moving to and from the development. To ensure that vehicles entering or exiting the access can undertake the manoeuvre safely and with minimum interference to the safety and free flow of traffic on the trunk road and ensure that water run-off from the site does not enter the trunk road.

12. Wheel washing facilities shall be provided within the site.

Reason: To ensure that material from the site is not deposited on the trunk road to the detriment of road safety

13. Traffic bollards (Glasdon Admiral bollard or approved equivalent) to be erected within the trunk road verge on either side of the access at locations to be approved by the Planning Authority , after consultation with Transport Scotland, as the Trunk Roads Authority.

Reason: To ensure that road safety is improved by highlighting the location of the access.

14. Prior to the development commencing a Parking Study shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority.

Reason: To ensure that sufficient parking spaces are provided within the development. (The Applicant should be advised that the Parking Study is required due to discrepancies within the Visitor Appraisal Study. Parking is based on visitor numbers and car occupancy which is stated as being assumed to be 2.7 people per car but Paragraph 2.7 in the same report states that Department of Transport figures indicate 1.51 people per car. This discrepancy must be resolved and the Parking Study should also include figures from similar development types to validate the assumed figures in the Transport Statement, based on the Visitor Appraisal Study.)

15. Prior to the development commencing plans shall be submitted to show;
- a. Pedestrian connections to and from the nearest bus stop on the A68.
 - b. Plans to demonstrate replacement of the nearest bus stop on the A68
 - c. Plans to demonstrate how the existing access road will be physically stopped up. These shall be submitted and approved by the Planning Authority, in consultation with Transport Scotland as Trunk Road Authority. Thereafter development to be undertaken in accordance with these approved plans.

Reason: To ensure sufficient access to the development by sustainable transport methods and in the interests of road safety.

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

Reason: To protect the residential amenity of nearby properties.

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

Reason: To protect the residential amenity of nearby properties.

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

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

19. Waste arising from the development shall not be disposed of other than in accordance with Chapter 2 Section 5.5 of the Environmental Statement, without the written agreement of the Planning Authority.

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

20. 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 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

- a) 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.
- b) 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).
- c) 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.
- d) 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.

21. Prior to the commencement of works an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys, to inform a Construction Environmental Management Plan and to oversee compliance with the Construction Environment Management Plan (CEMP) and Species Protection Plan, (“the ECoW works”). The terms of the appointment shall be submitted for the approval in writing by the Council, as Planning Authority, in consultation with SEPA and SNH. The terms shall include the requirement to

- a. Impose a duty to monitor compliance with the ecological and hydrological commitments provided in the Environmental Statement and other information lodged in support of the application, the Construction Environmental Management Plan and other plans; and
- b. Require the ECoW to report to the Company’s nominated construction project manager, the Planning Authority, SNH and SEPA any incidences of non-compliance with the ECoW works.

Reason: To ensure the protection of the Tweed SAC and European protected species.

22. Prior to the commencement of works a Construction Environment Management Plan shall be submitted for the approval in writing by the Planning Authority. The CEMP shall include
- a) Risk assessment of potentially damaging construction activities,
 - b) Identification of "biodiversity protection zones".
 - c) Method Statements to avoid or reduce impacts during construction, to include the location and timing of sensitive works to avoid harm to biodiversity features, the times during construction when specialist ecologists need to be present on site to oversee works, include the use of protective fences, exclusion barriers and warning signs.
 - d) A Drainage Management Plan
 - e) A Site Waste Management Plan
 - f) An Accident Management Plan
 - g) Responsible persons and lines of communication
 - h) The role and responsibilities on site of an ecological clerk of works (ECoW)

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

Reason: To ensure the protection of the Tweed SAC and European protected species.

23. Prior to the commencement of development a Species Protection Plan (including measures for bats, otter, badger, breeding birds and amphibia as appropriate) is to be submitted to for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the protection of the Tweed SAC and European protected species.

24. Prior to the commencement of works, a Landscape and Habitat Management Plan, including measures to compensate for habitat loss and enhance existing habitats including through woodland creation and management, conservation management of grassland and wetlands, provision of a scheme of bat and bird boxes, an artificial otter holt and provision of appropriate access and interpretation, to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To ensure the protection of the Tweed SAC and European protected species.

ADVISORY NOTES

1. Transport Scotland:

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Trunk Road and Bus Operations. Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges. Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement

2. Environmental Health:
 Private drainage systems often cause public health problems when no clear responsibility or access rights exists for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.
 The Applicants should liaise with the Councils Licensing Section to establish whether or not the proposed staff accommodation requires to be licenced as a House in Multiple Occupation. liquorandlicensing@scotborders.gcsx.gov.uk

Approved by

| Name | Designation | Signature |
|------------|------------------------|-----------|
| Ian Aikman | Chief Planning Officer | |

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

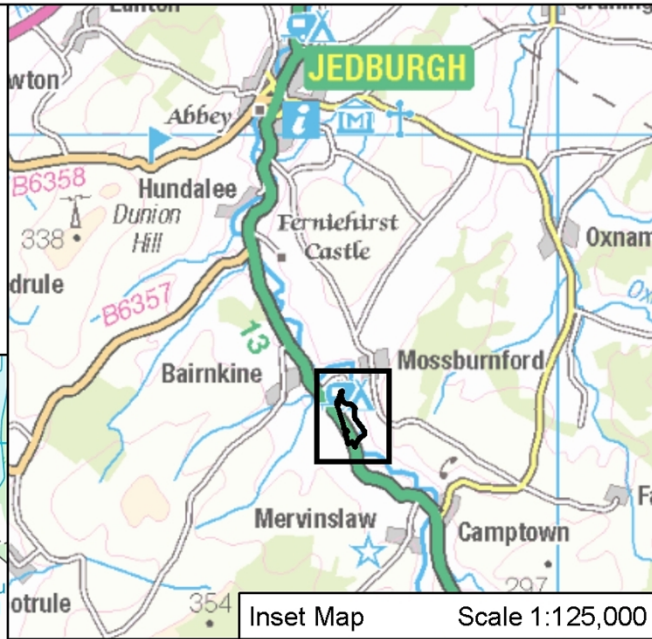
Author(s)

| Name | Designation |
|--------------|------------------|
| Euan Calvert | Planning Officer |

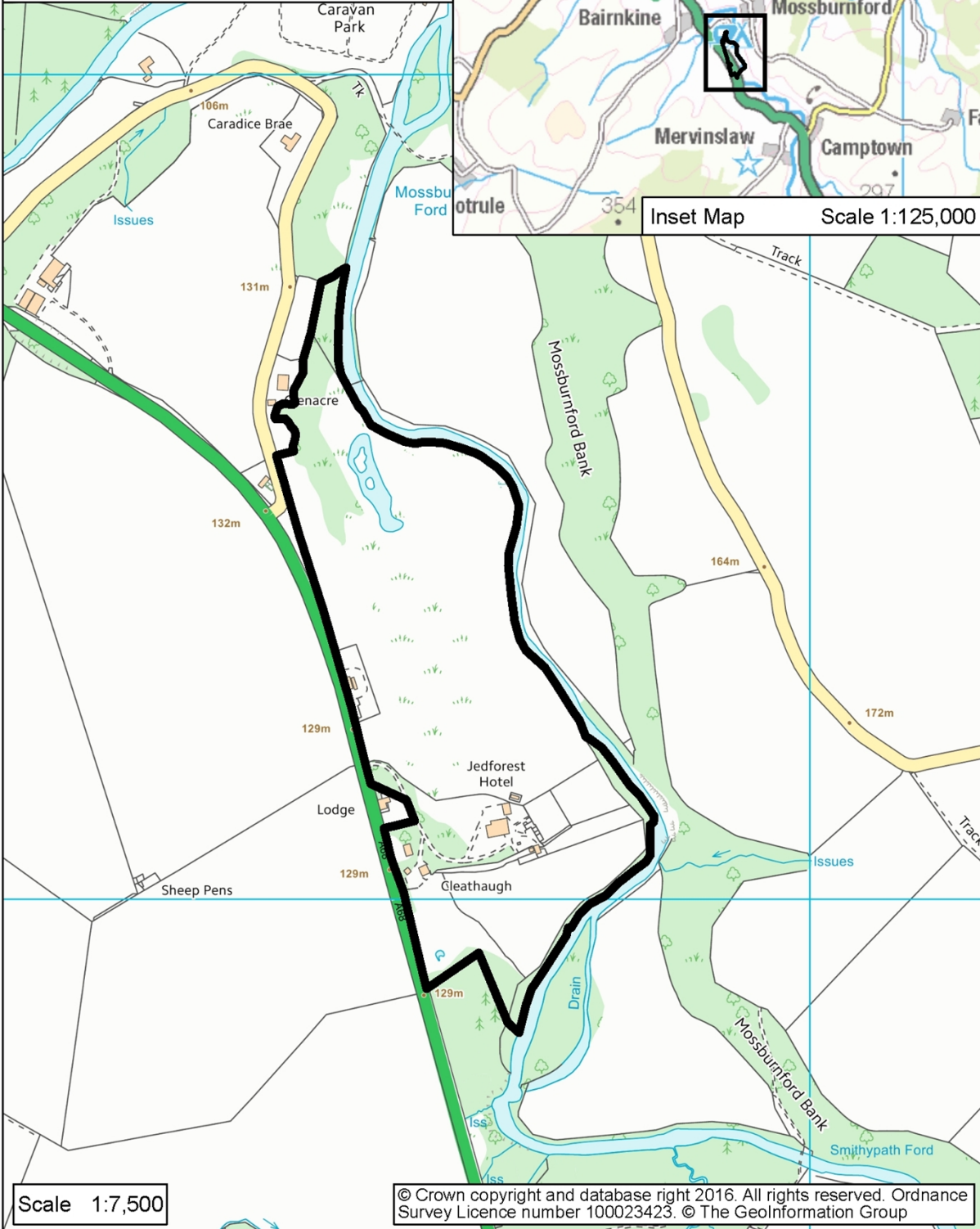


16/00744/FUL

Land North Of Former Jedforest
Hotel And Jedforest Hotel (now
Known As Mossburn House)
Jedburgh



Inset Map Scale 1:125,000



Scale 1:7,500

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