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Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100028008-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	54
Telephone Number: *	01896 668 744	Address 1 (Street): *	Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1NU
Email Address: *	tim@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="JM & R Bayne"/>	Building Name:	<input type="text" value="C/O Ferguson Planning"/>
First Name: *	<input type="text"/>	Building Number:	<input type="text"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Shiel House"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="54 Island Street"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Galashiels"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="TD1 1NU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="Scottish Borders Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing

Easting

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of two 5* holiday cottages, car park, 2.5kw solar array, plant room, access and associated infrastructure works at Rink Farm, Galashiels, TD1 3PS.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Appeal Statement

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to Appendix 1 of Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

16/00844/FUL

What date was the application submitted to the planning authority? *

12/07/2016

What date was the decision issued by the planning authority? *

23/09/2016

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant? *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 07/11/2016

FERGUSON
PLANNING



LOCAL REVIEW BODY – STATEMENT OF APPEAL

PLANNING REF: 16/00844/FUL

ERECTION OF TWO 5* HOLIDAY COTTAGES, CAR
PARK, 2.5KW SOLAR ARRAY, PLANT ROOM,
ACCESS AND ASSOCIATED INFRASTRUCTURE
WORKS

RINK FARM, GALASHIELS, TD1 3PS



CLIENT: J M & R BAYNE

NOVEMBER 2016

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Appendix 1: Appeal Document List

Appendix 2: Sequential Site Plan

Appendix 3: Visuals from A707

Ref: BAY1
LPA Ref: SBC
Author: TF/GF
Telephone: 01896 668 744
Date of Issue: November 2016

1. Introduction

- 1.1 This statement of appeal has been prepared by Ferguson Planning on behalf of our client, JM & R Bayne, who seek to erect two 5* holiday cottages on their land at Rink Farm some 3 miles south of Galashiels.
- 1.2 The proposal (16/00844/FUL) for the holiday cottages was lodged on 12th July 2016 with a decision, via delegated powers, to refuse the application received on 23rd September 2016. As such, we now seek to appeal the decision via the Local Review Body.
- 1.3 This statement responds to the reason for refusal and, where appropriate, cross referring to the delegated officer's report, Development Plan and material considerations. The relevant documentation is listed within Appendix 1.

2. Reason for Refusal

2.1 Within the 'Decision Notice' the single reason for refusal was that:

"By virtue of the elevated, isolated and visible location of the proposed holiday lets and associated works, the proposed development will result in unacceptable landscape and visual impacts and will adversely affect the landscape quality of the Tweed, Ettrick and Yarrow Confluences Special Landscape Area within which the site is located. This is contrary to Policies PMD2, ED7 AND EP5 of the Scottish Borders Local Development Plan 2016. The potential economic benefits of the development are not considered to outweigh the adverse landscape and visual impacts".

Representations

2.2 There was a total of 5 consultee representations to the proposal.

2.3 **Roads Planning Service** had **no objections** to the proposal. They have raised a number of points that will be incorporated into the final design.

2.4 **Economic Development** support the application as it fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target by:

- Increasing the volume of overnight visitors
- Increasing overnight visitor spend
- Ensure the regions accommodation offerings meet consumer demands and where opportunities are available can act as an attractor of demand in themselves.
- Ensure a relevant range of types of accommodation is available across the region to meet evolving market demand and expectations.
- Identify opportunities where better quality and new products can lead and generate new demand and continue to raise average quality quotient across all forms of accommodation.

2.5 The **Landscape Architect** could not support the development for the following reason.

"The site is part of the larger Tweed/Gala Ettrick Confluences LCA and is deemed as having High Visual Sensitivity given the dense and widespread network of road routes on valley floors and lower valley sides". I consider contemporary style development in the countryside can contribute to the vibrancy of an area, if it can be shown that it will not detract from the wider landscape setting, I consider the two holiday cottages in this particular location would be seen from a short section of the minor road (B7060) immediately to the south, breaking the skyline, as seen from Viewpoint 3 (fig 7) but is more likely to be seen from locations across the valley and from elevated locations in the

area. From the A707 there will be stretches of the road that will have visibility of the cottages on the hillside across the valley as a built feature on the side of a largely bare hillside, and at certain times of the day, the glazed elevation will make the cottages more noticeable and this is a concern to me.

I have the following additional concerns:

- 1) *The track improvements, and especially the entrance/exit improvements including visibility splays, will alter the character of this road and may require the felling of a number of roadside trees to the west to improve visibility.*
- 2) *The almost flat roofed form of both these cottages will contrast with the rolling hillside landform. This is seen in the visualisation.*
- 3) *The effort to create a landform into which the cottages would fit has not addressed the impact of the car parking which could be very prominent when seen across the valley.*
- 4) *I would be concerned if it was envisaged that even more cottages of this style could be accommodated in this location. I consider that due to the visual sensitivity of the site the proposal is not acceptable and would not safeguard landscape quality of this part of the SLA.*

2.6 The **Archaeology Officer supports** the principle of the proposal and feels impacts on cultural heritage can be mitigated by the following:

- A suitably worded condition to facilitate open access and interpretation of the Rink Fort from the development area. This can be negotiated at a later date with myself and our Access Officers.
- A suitably worded informative that seeks a proposal to emphasise the heritage elements within the site itself.
- No development shall take place until the applicant has secured a programme of archaeological work in accordance with an approved Written Scheme of Investigation outlining a Watching Brief.

2.7 **Environmental Health** agrees with the proposal in principle subject to the following conditions:

- No development should commence until the applicant has provided evidence that the site will be serviced by a wholesome supply of drinking water of adequate volume. The supply should not have a detrimental effect on other private water supplies in the area.
- 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.

- 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.
 - All plant and machinery shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.
- 2.8 Further to the Council responses the applicant received a letter from **Visit Scotland** and who strongly **supported** the proposal. They outlined that the Borders is a predominantly leisure tourism destination and that this proposal could contribute to the area becoming a sustainable year round destination. They stated that sustainability is a key theme in the national tourism strategy and stated that the proposal *"has the potential to compliment the built and cultural heritage priorities through the creation of a business which would safe guard a rural farm business securing its future"*.

Planning Considerations and Policies

- 2.9 The key planning policies in the determination of this application is **Policy ED7 Business, Tourism and Leisure Development in the Countryside, Policy PMD2 Quality Standards, Policy PMD4 Development outwith Development Boundaries, Policy ED9 Renewable Energy Development and Policy HD2 Protection of Residential Amenity.**
- 2.10 A key material consideration is **Scottish Planning Policy (SPP)**. Paragraph 77 states that in rural areas the emphasis should be on *"maintaining and growing communities by encouraging development that provides suitable sustainable economic activity, while preserving important environmental assets such as landscape and wildlife habitats that underpin continuing tourism visits and quality of place"*.
- 2.11 Paragraph 93 states the planning system should:
- *"promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
 - *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
 - *give due weight to net economic benefit of proposed development"*

- 2.12 The **'Role of the Planning System in delivering the Visitor Economy' Visit Scotland (2013)** is referred to as a key document within the SPP and is the first Tourism Development framework for Scotland.
- 2.13 Paragraph 2.75 states that there are some gaps in the higher quality end of the self-catering tourist accommodation market in Scotland.
- 2.14 Visit Scotland encourages development planning authorities to encourage investment in new self-catering accommodation in rural areas (where deficiencies are identified) (Action, Paragraph 2.75).
- 2.15 Another strong material consideration is the **Scottish Borders Tourism and Strategy Action Plan** whose vision is:
- "To grow tourism visits and spend in The Scottish Borders, through positioning and promotion as, a sustainable, year-round destination, which capitalises on its unique geography, heritage, natural environment and people"*
- 2.16 **"The Borders Railway Maximising the Impact: A Blueprint for the Future"** (2014) aims to realise fully the economic benefits of the Borders Railway and outlines the Borders as a great destination to visit.
- 2.17 It states that The Borders Railway *"is a fundamental part of delivering our Tourism Scotland 2020 strategy and promoting growth in Scotland's visitor economy to 2020". "It will inspire more visitors to spend time in the Scottish Borders".*

3. Planning Context

3.1 Within the 'Report of Handling' the Planning Officer has focussed the determination of the application on **Policy ED7 Business, Tourism and Leisure Development in the Countryside, Policy EP5 Special Landscape Areas and Policy PMD2 Quality Standards.**

3.2 Policy ED7 states:

Proposals for business, tourism and leisure development in the countryside **will be approved** and rural diversification initiatives will be **encouraged** provided that:

- a) The development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or
- b) The development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the Scottish Borders Tourism Strategy and Action Plan.

In addition the following criteria will also be considered:

- a) The development must respect the amenity and character of the surrounding area,
- b) The development must have no significant adverse impact on nearby uses, particularly housing,
- c) Where a new build is proposed, the developer will be required to provide evidence that no appropriate existing building or brownfield site is available, and where conversion of an existing building of architectural merit is proposed, evidence that the building is capable of conversion without substantial demolition and rebuilding,
- d) The impact of the expansion or intensification of uses, where the use and scale of development are appropriate to the rural character of the area,
- e) The development meets all other siting, and design criteria in accordance with Policy PMD2, and
- f) The development must take account of accessibility considerations in accordance with Policy IS4.

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal **will be required to be submitted as part of the application process.**

3.3 Policy EP5 states:

In assessing proposals for development that may affect Special Landscape Areas, the Council will seek to safeguard landscape quality and **will have particular regard to the**

landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.

- 3.4 **Policy PMD2** ensures that all new development is of a high quality in accordance with sustainability principles, designed to fit with Scottish Borders townscapes and to integrate with its landscape surroundings.
- 3.5 In response to the reason for refusal we will now outline our clear grounds of appeal and to why the application merits approval.

4. Grounds of Appeal

Reason for Refusal

- 4.1 The reason for refusing the application is outlined in chapter 2. It centres on the belief that the application fails to comply with Policies PMD2, ED7 and EP5 of the Scottish Borders Local Development Plan 2016 in that it would have an unacceptable landscape and visual impact and will adversely affect the landscape quality of the Tweed, Ettrick and Yarrow Confluences SLA within which the site is located. It is taken that the proposal complies with all other related policy matters.
- 4.2 Our response to the reason for refusal forms the Grounds of Appeal and which are now listed below.

Grounds of Appeal (GOA)

GOA 1

- 4.3 We would like to emphasise the concept of this unique proposal. Whilst there is undoubtedly high quality holiday accommodation in the Borders, there is a distinct lack of one-bedroom 5-star accommodation like this. The proposal has been designed with exactly this market in mind and has the aspiration to be amongst the very best in the whole country let alone the Scottish Borders. One would refer to the positive impact the Blue Reef Cottages have done for Harris and they themselves located in a prominent coastal landscape (<http://www.stay-hebrides.com/>) in addition to the Croft 103 cottages in Durness, Sutherland (<http://www.croft103.com/hill-cottage/>).
- 4.4 The proposal will give guests uninterrupted views and will offer complete privacy for couples seeking the ultimate rural escape. The client's vision is to create a feeling of serenity and space for their guests where they can completely unwind and escape from the pressures of modern life in an oasis of calm.
- 4.5 The location of the proposal is quite stunning, offering unrivalled views of the surrounding Borders countryside yet only an hour from the city by rail or car. The location and view are absolutely central to the wow factor of the overall development but it is also vital that the building is in complete harmony with its natural surroundings too.
- 4.6 We stress that if this development is not located in this stunning location the business case or ethos is lost. As it will lose pivotal aspects such as the view and the privacy that this target market is looking for (and which is not being catered for currently in the Scottish Borders). We have undertaken a sequential review of the farm buildings and adjoining lands. Appendix 2 clearly shows that no suitable brownfield site exists within or near Rink Farm.

GOA 2

- 4.7 The Economic Development Service of the Council supports the application as *"it fits with the Scottish Borders Tourism Strategy 2013-2020 strategic target"*.
- 4.8 This strategy is to increase the volume of overnight visitors in the Scottish Borders from a 50% room occupancy in 2011 to circa 62% by 2020. This aims to increase visitor overnight expenditure by 10-15% by 2020.
- 4.9 A business plan has been lodged and is supported by a feasibility study outlining significant economic benefits that this proposal would bring.
- 4.10 The Report of Handling acknowledges that the proposal is supported by a business plan, is supported by the Economic Development Service of the Council and also notes *"the support provided in principle from the regional director of Visit Scotland"*. The case officer states that the current location could be possible for a tourist development but the site in question is described as *"elevated, and is sensitive in landscape and visual terms"*.

GOA 3

- 4.11 The application is supported by Visit Scotland. They stipulate that tourism is a major contributor to the economy of the Scottish Borders and that, overall, *"visitors to Scotland spend 21% of their holiday budget on eating and drinking. Overnight visitors are spending £800m on food and drink"*.
- 4.12 They outlined that the Borders is a predominantly leisure tourism destination and that this proposal could contribute to the area becoming a sustainable year round destination. Sustainability is a key theme in the national tourism strategy and stated that the proposal *"has the potential to compliment the built and cultural heritage priorities through the creation of a business which would safe guard a rural farm business securing its future"*.
- 4.13 They acknowledge the vision *"to establish and offer additional bed stock in an area with limited provision and the new infrastructure of the borders railway means that the demand for exceptional nature based tourism assets and adventure tourism assets has increased from both the UK and international markets. This in turn could generate an additional economic impact to the wider visitor economy"*.
- 4.14 The proposal will be able to take advantage of the vision set out in the 'Borders Railway, Maximising the Impact: A Blueprint for the Future' by offering visitors to the Borders high quality accommodation in close proximity to the railway.

GOA 4

- 4.15 We appreciate the sites sensitivity and elevated nature. It is for this reason why we produced a Landscape and Visual Impact Assessment (LVIA) and great lengths were made in the design as shown below.



- 4.16 We believe that each application should be determined on their own merits. The determination of this application should not be whether it's within a SLA designation but whether it will have a **significant** impact on the local landscape. The LVIA clearly finds that this is not to be the case.
- 4.17 A total of six viewpoints were assessed with the visual effects ranging from **none to moderate** adverse effects. The majority of receptors have limited views towards the proposed site due to the areas of distinct mature woodlands resulting in **None/Minor** adverse effect. Where visible the proposed developments siting into the hill, low height, colouring and embankments will further help to reduce the prominence of the new buildings and parked cars.
- 4.18 It found that the setting of the proposal will have a **minor/moderate** adverse effect upon the characteristics of the Upland Fringe Valley with Settlements Landscape Character Type (LCT).

- 4.19 The greatest effects on the existing sites features will come from permanent changes to the landform and change of use from agricultural land to leisure will result in a **moderate/minor** adverse effect.
- 4.20 It was also found that there will be a **moderate/minor** adverse effect on the Tweed, Ettrick and Yarrow Confluences Special Landscape Areas (SLA).

GOA 5

- 4.21 The Landscape Architect (Refer to Appendix 1) considers the two holiday cottages in this location would be seen from a "short" section of the "minor road" (B7060) immediately to the south, "*breaking the skyline, as seen from Viewpoint 3 (Fig 7 in the LVIA)*".
- 4.22 The proposed cottages have been intentionally set down within the field so not to appear against the skyline. This is acknowledged within the report of handling;
- "The LVIA addendum sets out that these dwellings have been positioned lower down the slope of the hillside so as to not appear against the skyline. Whilst this is correct, and the development would not be considered against the skyline, I would contend that the location is still highly visible from the A707, and a much lower location than is proposed would reduce the impact."*
- 4.23 Furthermore, the LVIA finds that Viewpoint 3 (fig 7) is determined as having **None to Minor** adverse visual effect upon road users.
- 4.24 We have outlined why other locations closer to the farm steading are not feasible or viable but beyond this it is the significance of any impact that this application hinges, according to the landscape officer. For reasons clearly shown in the Planning Statement, LVIA and this statement the impacts will be in no way significant.

GOA 6

- 4.25 The report of handling states that the greatest area of concern is the stretch of road of the A707 with open views of the site.
- "The site is not screened from the roadside and it is in this area that the development will be visible. There is no mitigation possible to reduce the impact of the view at this location to an acceptable level. The LVIA addendum identifies that the proposed development would be experienced transiently by road users along this 600m. This area of road is not just experienced by passing motorists however. There is a forestry commission car park towards Yair Bridge, and the road is well used by horse riders and cyclists as well as passing motorists"*.
- 4.26 The LVIA acknowledges that the site is visible from a small section of the A707. It is understood it would not only be motorised vehicles using this road. Road users would

imply all forms of transport. The site cannot be seen from the Forestry Commission Car Park towards Yair Bridge (See Visual in Appendix 3).

- 4.27 The LVIA determined that there would be a **Moderate to Moderate/Minor** adverse effect upon the transient views of road users at this point in the road. We strongly relate that any glimpses from this area, as shown in Appendix 3, not to be significant in landscape impact terms.

GOA 7

- 4.28 The Landscape Architect also raised concerns regarding the glazed elevation which *“will make the cottages more noticeable”*.
- 4.29 As stated in the LVIA addendum, this is not expected to cause significant adverse effects on the users views. The length of glass panels are divided up with several dark coloured frames which together with the shading cast by the overhanging roof and side walls will help to reduce any potential glare from the sun.
- 4.30 In addition, the embankment will minimise the views. Should a further natural boundary is needed, much like that proposed in front of the car park, it could be put in place.

GOA 8

- 4.31 The visual effects regarding the construction phase on the site is short lived and would be undertaken using best practice. The majority of construction material is sourced from the farm and thus construction traffic would be minimal.

GOA 9

- 4.32 The Report of Handling mentions that *“the proposed development will add two distinct new built features into this distinct rural view. Views will contain full front profiles of the two proposed holiday cottages sited within the slope of the site and partial views of the proposed energy features and pathway from this point”*.
- 4.33 The main frontages will be formed with natural whin stone dry bedded collected from the farm. All timber will be sustainably harvested from local woodlands on our client’s land, milled and seasoned on site.
- 4.34 The frontage is fully designed to reduce any impact to the frontage, with additional dry stone walling to shield external sitting areas, all visible faces will be green roofed and finished with recycled turning from site to ensure minimal impact from any view point.
- 4.35 We do not consider that proposal will impinge upon any views from identified key receptors for reasons previously outlined. The cottages will largely go unnoticed and bed into the landscape much like the Blue Reef Cottages in Harris shown below.



GOA 10

- 4.36 The Landscape Architect stated that the proposal did not address the issues of the impact of the car parking which *"would be very prominent when seen across the valley"*.
- 4.37 It is clearly shown on the site plan that car parking will be hidden by a grass bank and thus will have no significant impact from key receptors.
- 4.38 We note that the officers report further states that *"views of the main parking area will be partially contained by the shaped embankments around it"*.
- 4.39 Again, we stress that the car parking will be largely hidden from any viewpoint.
- 4.40 The image below provides a current view of a car parked in front of the site without the proposed bank. It is clear that there is a low visual impact.



GOA 11

- 4.41 The council's landscape architect states that the proposed development would not "*safeguard landscape quality of this part of the SLA*" due to the visual sensitivity of the proposed site"
- 4.42 However, the LVIA has already determined that effects on the Tweed, Ettrick and Yarrow Confluences SLA will be confined by its lower scale and the SLA characteristic areas of woodland and valley sides which restrict its visibility. Where visible the proposed development will result in localised **Moderate/Minor** adverse effect upon user's experience of the SLA.
- 4.43 The relatively small scale of the proposed holiday dwellings and their siting on the western flanks of Rink Hill will mean it will have limited visibility from within the SLA and any potential visual receptors.

GOA 12

- 4.44 The roofing aspect of the proposal will again not be visible from key public receptor points. It will also be screened from the sides by grass banks. Further to this stone walling and douglas fir obtained on the farm will ensure a clear synergy with the local landscape.
- 4.45 In relation to Viewpoint 3 (Fig 7 LVIA) and other related commentary we do not consider that the roofline of the lodges will be that visible on skyline from this point on B7060 once they are dug back into the hillside.
- 4.46 The position of the cottages has been chosen so as not to break any hill skylines. The development is built into the hillside – not rising above it.

GOA 13

- 4.47 A sequential site analysis was undertaken as part of the application which found that no suitable brownfield site exists within or near Rink Farm where available or viable. Our analysis can be found within **Appendix 2**.
- 4.48 We consider that there is not a full understanding of the proposal development. The report of handling states that "*an option for a lower lying site was not pursued*". It also states it is "*desirable*" by the agent for the holiday cottages to be located away from the farm operations.
- 4.49 We stress that is not only desirable, but paramount. One of the major selling points of this proposal are the views, sceneries and tranquil setting that are on offer. Placing holiday cottages next to farm operations, existing buildings and/or closer to the road would significantly diminish the value of these cottages.
- 4.50 The landscape and officers report, in our opinion, does not take full regard of our consultation response dated 19th September. It clearly outlines that any associated visual

impacts on the landscape are low to moderate and thus cannot be deemed as being significant.

GOA 14

- 4.51 Policy EP5 states that proposals that will have a significant adverse impact could still be permitted *"where the landscape impact is clearly outweighed by social or economic benefits of national or local importance"*.
- 4.52 The LVIA has demonstrated that there will be no significant adverse impacts and the case officer states that *"it is accepted that **significant** economic benefits would arise from this proposed development"*.
- 4.53 Therefore, we believe that the proposal is in accordance with Policy EP5 – Special Landscape Areas.

GOA 15

- 4.54 The Landscape Architect expressed concerns with the track improvements *"including the exit/entrance improvements including visibility splays will alter the character of this road and may require a felling of a number of roadside trees to the west to improve visibility"*.
- 4.55 The design and layout of the track is a result of dialogue with the Council's Road Department. The proposal will make the entrance/exit onto the B7060 much safer for existing farm traffic and lodge users and create an entrance that feels as though it has not changed.
- 4.56 The specification will ensure that the path is largely as is today when looking at it from a visual impact point of view.
- 4.57 The initial 20m tarmac finish will be largely hidden from view with only light hardcore improvements to the existing farm track meaning that there will be a near zero visual change to this area. Drystone dyke will be reinstated where possible which will help screen the curve of the new entrance. The old entrance onto the B7060 will be blocked off. The overall proposal is an enhancement to what currently exists.
- 4.58 We clearly stated in our Planning Statement that no trees will be felled as part of the improvements by the proposal (Paragraph 5.9).
- 4.59 Therefore, the proposal will not conflict with Policy EP13 Trees, Woodland and Hedgerows contrary to that stated in the report of handling.
- 4.60 However, the report of handling mentions that a condition requiring a detailed plan plotting the tree locations to BS:5837 should be submitted. We question the necessity of this as we have already demonstrated that no trees will be effected by the proposal and this is why the officer's report deems it in accordance with Policy EP13.

GOA 16

- 4.61 Archaeology support the application in principle and states that impacts to cultural heritage can be mitigated.

GOA 17

- 4.62 The proposal will not cause any privacy, visual impact or noise issues on residential areas and therefore complies with Policy HD3 of the Scottish Borders LDP.
- 4.63 The officer's report acknowledges this; *"the proposal will not affect the daylight to neighbouring properties, or the privacy of neighbours and are considered to comply with Policy HD3"*

GOA 18

- 4.64 The officer's report states that the proposals make "modest" provisions of renewable energy technology.
- 4.65 We question the term "modest" as the proposal is completely off-grid.
- 4.66 The officer's report further states "Policy EP9 along with PMD1 supports the development of small scale renewable energy developments which include micro-scale photovoltaic/solar where they can be satisfactorily accommodated into their surroundings whilst ensuring that impact on the natural and built environment and upon the amenity of neighbouring properties is not significant. The cutting into the slope to accommodate the panels reduces their visual impact, and they will be screened by the proposed holiday lets".
- 4.67 One could argue that it is contradictory to find that the cutting into the slope for solar panels "reduces their visual impact" while the proposed holiday lets is considered to have an adverse landscape and visual impact.

GOA 19

- 4.68 The officer's report states that water and drainage services would require confirmation in due course.
- 4.69 We have provided information regarding the water and drainage within the planning application form and the proposed site plan (Drawing No. P415-SK-003B), however, will be happy to be conditioned in these aspects.

GOA 20

- 4.70 The officer's report refers to the Landscape Architects concerns regarding further development on the site.

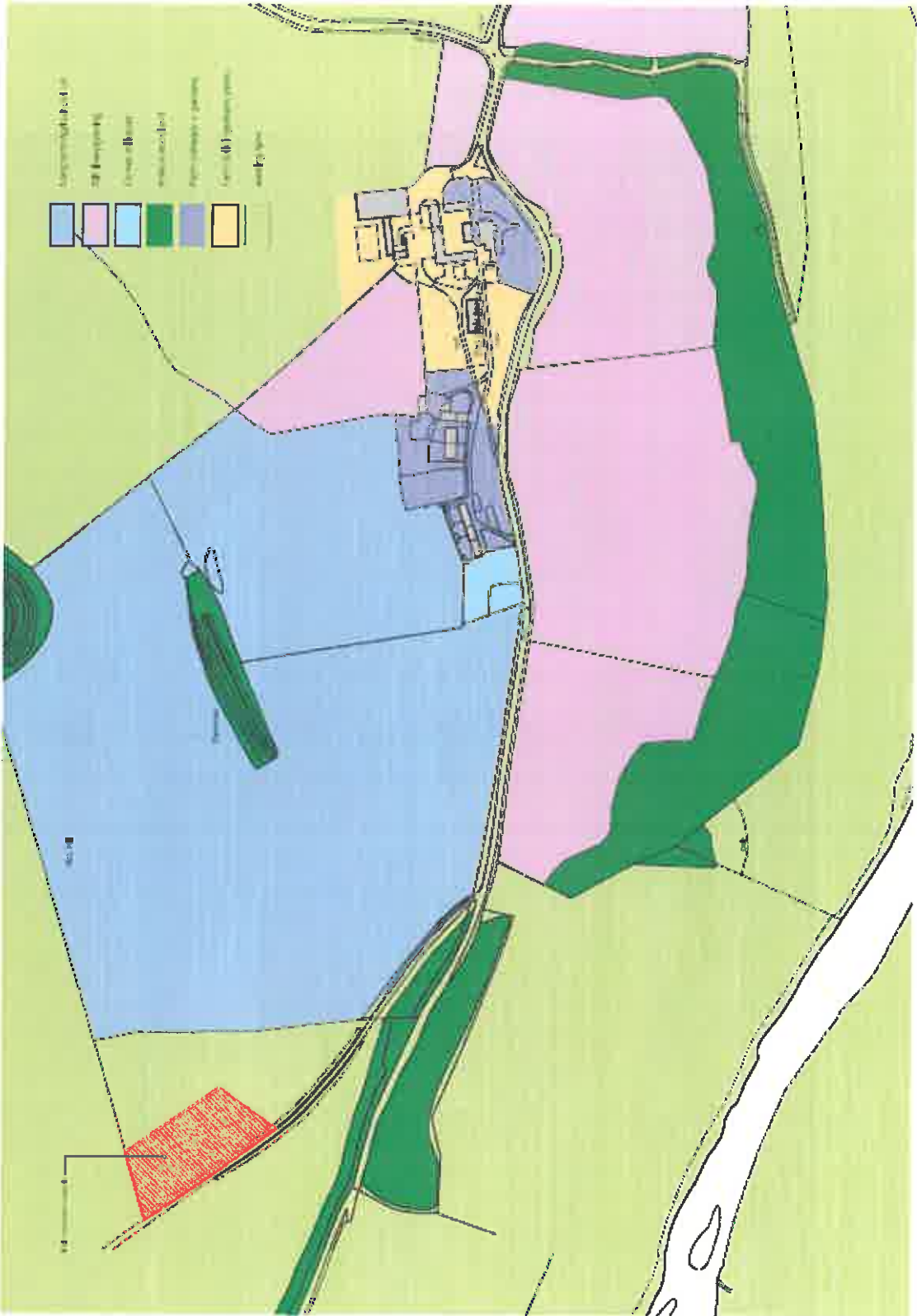
- 4.71 It requires to be made clear that the proposal for two modestly scaled lodges on this site is the maximum proposed. Such comments have no relevance to this application.
- 4.72 The nature of the higher end luxury cottage market means that privacy and isolation for guests is paramount.

5. Conclusion

- 5.1 We believe that the proposed site offers a unique opportunity for the first 5-star one-bedroom holiday accommodation in the Scottish Borders.
- 5.2 The application is supported by a business plan, by *Visit Scotland* and the Council's Economic Development. It will improve tourism in the Borders and offer high quality accommodation in the region and as a result play an important role in the future of the Borders tourism economy and in the vision of the Borders Railway as set out in 'Borders Railway, Maximising the Impact: A Blueprint for the Future'.
- 5.3 One of the major selling points of holiday getaways are the views and sceneries that are on offer. The location was carefully chosen to offer visitors spectacular views of the River Tweed, Tweed Valley and surrounding hills while not impeding or breaking the skyline.
- 5.4 A stress free and tranquil environment is also paramount to holiday getaways and this is why the proposal is the maximum proposed and is located away from the farm operations. In saying this, the sequential plan shows that there is no existing building or brownfield site available for the proposed development as all buildings on the farm are currently being used for various operations. As is the land that neighbours them.
- 5.5 A Landscape and Visual Impact Assessment was undertaken and reveals that there will be no significant adverse effects on the surrounding environment or local SLA, thus complying with Policy EP5.
- 5.6 Taking the 'Grounds of Appeal' noted within Chapter 4 we therefore respectfully request that this appeal be allowed.

Appendix 1: Appeal Document List

1. Appeal Form
2. Appeal Statement
3. Planning Application Form
4. Planning Statement
5. Location & Site Plan
6. Plant Room and Solar Plans & Elevations
7. Plot 1 Plans & Elevations
8. Plot 2 Plans & Elevations
9. Proposal Visuals
10. Archaeological Desk Based Assessment
11. Landscape and Visual Impact Assessment + LVIA Addendum
12. Access Drawing/Visibility Splay
13. Access Longitudinal Sections
14. Access Statement
15. Landscape Architect Representation - *included in Item 4 (d)*
16. SDA Design Statement
17. Bright Light Marketing Economic Statement (September 2016)
18. Ferguson Planning Response to Landscape Architect Comments (19th Sep 2016)
19. Sequential Site Plan (Also shown in Appendix 2)
20. Viewpoints Plan (Also shown in Appendix 3)
21. Report of Handling - *included as Item 4 (c)*
22. Decision Notice - *included as Item 4 (a)*
23. Feasibility Study and Business Plan (sent to Council on 14 July 2016 under private cover)



Appendix 3: Visuals from A707



To Rink Hill from A707 electric substation entrance



To Rink Hill from A707 entrance to Yair Forest Track



Looking east along A707 from Yair Forest Car Park (Lindinny)





Newtown St Boswells Melrose TD6 0SA Tel: 01835 825251 Fax: 01835 825071 Email: ITSystemsAdmin@scotborders.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100019356-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of two 5* holiday cottages, car park, 2.5kw solar array, plant room, access and associated infrastructure works

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes - Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Tim	Building Name:	Shiel House
Last Name: *	Ferguson	Building Number:	
Telephone Number: *	01896 668 744	Address 1 (Street): *	54 Island Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	UK
		Postcode: *	TD1 1HR
Email Address: *	tim@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	C/O
First Name: *	JM & R	Building Number:	
Last Name: *	Bayne	Address 1 (Street): *	54 Island Street
Company/Organisation:		Address 2:	
Telephone Number: *		Town/City: *	Galashiels
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	TD1 1NU
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Nothing

Easting

Pre-Application Discussion

Have you discussed your proposal with the planning authority? * Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-Application received noted the need to address policy ED7, consider the visual impacts and archaeological implications associated with the proposal. Advice was also given regarding access and drainage.

Title:	<input type="text" value="Mr"/>	Other title:	<input type="text"/>
First Name:	<input type="text" value="Carlos"/>	Last Name:	<input type="text" value="Clarke"/>
Correspondence Reference Number:	<input type="text" value="16/00139/PREAPP"/>	Date (dd/mm/yyyy):	<input type="text" value="22/02/2016"/>

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

0.85

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Agricultural rough grazing land

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

What private arrangements are you proposing for the New/Altered septic tank? *

- Discharge to land via soakaway.
 Discharge to watercourse(s) (including partial soakaway).
 Discharge to coastal waters.

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Drainage to treatment tank with outfall from tank passing under access road and transferring to soakaway system. Please see drawing no: PK415-SK-003A.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Storage areas are to be incorporated to the rear of the cottages (See drawings pk415-sk-001a/002a). Waste will be brought down to main road on collection days.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

2

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Do you have any agricultural tenants? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate E

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate E

I hereby certify that –

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are no agricultural tenants

Or

(1) – No person other than myself/the applicant was the owner of any part of the land to which the application relates at the beginning of the period 21 days ending with the date of the application.

(2) - The land to which the application relates constitutes or forms part of an agricultural holding and there are agricultural tenants.

Name:

Address:

Date of Service of Notice: *

(4) – I have/The applicant has taken reasonable steps, as listed below, to ascertain the names and addresses of the other owners or agricultural tenants and *have/has been unable to do so –

Signed: Tim Ferguson

On behalf of: Mr JM & R Bayne

Date: 14/07/2016

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Transport: General Access Arrangement (A097556-001), Longitudinal Sections (A097556-701-702), Visibility Splay (A097556-002). Solar Array and Plant Room Elevations/Plans.

Provide copies of the following documents if applicable:

- | | | |
|--|------------------------------|---|
| A copy of an Environmental Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Planning Supporting Statement, Access Statement

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Ferguson Planning Tim Ferguson

Declaration Date: 14/07/2016

FERGUSON
PLANNING



PLANNING STATEMENT

ERECTION OF TWO 5* HOLIDAY COTTAGES, CAR
PARK, 2.5KW SOLAR ARRAY, PLANT ROOM,
ACCESS AND ASSOCIATED INFRASTRUCTURE
WORKS

RINK FARM, GALASHIELS, TD1 3PS



CLIENT: J M & R BAYNE

Main Office:

Shiel House
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Appendices:

Appendix 1: Location Plan

Appendix 2: Plans/Elevations

Appendix 3: Visit Scotland Letter

Appendix 4: Proposal Visuals

Appendix 5: Access Route

Ref: BAY1

LPA Ref: SBC

Author: TF/GF

Telephone: 01896 668 744

Date of Issue: July 2016

1. Introduction

- 1.1 This statement has been prepared by Ferguson Planning on behalf of our client, J M & R Bayne, who seek to erect two 5* holiday cottages on their land at Rink Farm some 3 miles south of Galashiels.
- 1.2 The Rink' farm is a family owned farm extending to approximately 530 acres and currently operates in cereals, grazing, DIY livery and cottage lets. Michael and Fiona Bayne are keen to diversify their business further and seek to lead the way in the Scottish Borders for five star one-bedroom holiday cottages.
- 1.3 The purpose of this statement is to provide details of the proposal and set out the key material considerations in the determination of this application. The remainder of this statement is structured as follows:
 - Section 2: Site Context
 - Section 3: The Proposal
 - Section 4: Planning Policy
 - Section 5: Policy Compliance
 - Section 6: Conclusion

2. The Site

- 2.1 Rink Farm is located approximately 3 miles south of Galashiels. The subject site extends to approximately 0.85 ha and is accessed via the A7/B7060.
- 2.2 The land is used as agricultural rough grazing which notably slopes from north to south. It is bound on the west by an access track and on the north side by a drystone wall with some post and wire fencing. The B7060 runs in a north westerly to south easterly direction approximately 50m to the south of the application site. A Location Plan is contained within **Appendix 1** and which puts the site in context with the wider Rink Farm operation.

3. The Proposal

- 3.1 The proposal is to erect two one-bedroom 5* holiday cottages that are of the highest quality, sustainable and address an identified gap in the provision of bespoke holiday accommodation.
- 3.2 Pre-application advice was received from the council on 22nd February 2016 and to which we have sought to take on board when finalising the proposal.
- 3.3 In this section we seek to provide an overview of design, access and parking, the landscape and visual impact, archaeology and the overall economic benefits of the proposal.

Design

- 3.4 The cottages will be environmental friendly with renewable technologies used at every opportunity. The fascia will be finished in semi dressed Douglas Fir and scots pine sourced from the farm, with an insulated sandwich panel roof finish in mid grey.
- 3.5 To make most of the spectacular views there will be glass framed frontage which will consist of an anthracite grey aluminium folding door screen. Either side of the front glazing will be a free standing whinstone wall, which will again be sourced from the farm and which will mirror the nearby field stone walling.
- 3.6 The bank at the rear of the cottages will be cut back and turfed before completion ensuring it sympathetically blends back into the local landscape. A 2.5kw solar array will be erected behind each cottage providing electricity off grid. They have been designed so they go largely unnoticed from key visual receptors. **Appendix 2** and **4** provide layout plans and visuals of the proposal for further design context.

Access and Parking

- 3.7 The pre application enquiry outlined that detailed consideration would have to be given to the position of the junction onto the B7060.
- 3.8 The existing access will be upgraded with a new access junction 35m to the east of the existing field access which will become redundant. This will enable significantly improved visibility and ensure a safer environment for users of the access and drivers on the B7060.
- 3.9 The first 20m of the proposed access track will be finished in a bituminous surface and will incorporate two intervisible passing places (Refer to **Appendix 5**). A surface water filter trench running along the length of the track will outfall into a soakaway.

- 3.10 The track between the access junction and the proposed parking area for the cottages will be less than a 1 in 8 in gradient (12.5%). The maximum gradient at any point on the track is 11.6%.
- 3.11 To the west of plot 1 a new parking area will be cut into the bank with ridged face to front which will create a visual barrier and 4 spaces in total will be provided. A path to the rear of the cottages will link them with the parking area.

Landscape and Visual Impact Assessment (LVIA)

- 3.12 An LVIA has been undertaken as part of this application with the key receptor points agreed with the council. The results of this exercise are as follows:
- Six viewpoints were assessed with the visual effects ranging from **none to moderate adverse** effects. The majority of receptors have limited views towards the proposed site due to the areas of distinct mature woodlands resulting in None/Minor adverse effect. Where visible the proposed developments siting into the hill, low height, colouring and embankments will further help to reduce the prominence of the new buildings and parked cars.
 - It found that the setting of the proposal will have a **minor/moderate adverse** effect upon the characteristics of the Upland Fringe Valley with Settlements Landscape Character Type (LCT).
 - The greatest effects on the existing sites features will come from permanent changes to the landform and change of use from agricultural land to leisure will result in a **moderate/minor adverse** effect.
 - There will be a **moderate/minor adverse** effect on the Tweed, Ettrick and Yarrow Confluences Special Landscape Areas (SLA).
- 3.13 Figure 1 below provides a photomontage of the proposal from a key receptor point. As can be seen it goes largely unnoticed. This is as a result of it being built into the bank and from not breaking the top of the hill.



Figure 1: Photomontage: Along the A707 at Yair Hill Forest

Archaeology

- 3.14 Due to Rink Hill Fort and Picts' Work being some 0.3km from the site an Archaeology Assessment has been undertaken as part of this application. It found that there is a small chance of encountering archaeological remains during construction works and this can be mitigated through an archaeological watching brief.
- 3.15 The appraisal found that the proposal will have **low to negligible** potential to directly or indirectly impact on designated or non-designated assets within the surrounding area, and has a low potential to disturb archaeological remains within the application site.
- 3.16 Therefore, no specific mitigation is expected or needed.

Economic Benefits of Proposal

- 3.17 Bright Light Marketing have put together a business case for the development and finds that there is a strong market demand for this proposal.
- 3.18 One-bedroom holiday rentals are popular in Northern Scotland, Western Isles and Skye, and despite their inaccessibility from major markets, have high levels of occupancy all year round. However, currently there is little to no provision of 5* one-bedroom holiday cottages in the Scottish Borders and it is this gap in the market the proposal seeks to address.
- 3.19 The Rink Farm has a major advantage that the Western Isles and Skye do not have. That being easily accessible to major cities such as Edinburgh, Newcastle and Glasgow with excellent transport links. While being rural in nature the site is only c. 4 miles from Tweedbank and Galashiels train and bus stations.

- 3.20 The Borders Railway which opened in 2015 has the potential to provide significant opportunities for local businesses in the Scottish Borders and due to the close proximity to the railway our client hopes to make the most of these opportunities. As a result, they will offer their guests a pick-up and drop-off service at the stations.
- 3.21 A key selling point of the proposed development will be the incredible views. It is in a unique location with spectacular views of the River Tweed and The Three Brethren and no other sites in the area are capable of offering such a unique setting for visitors. Significant support to this proposal has been received from Visit Scotland. Refer to **Appendix 3**.
- 3.22 This proposal will promote the use of local services and shops. Our client will showcase the best of local arts and crafts within the properties and inform their guests where they can buy these products for themselves. They will also offer hampers upon arrival which will showcase the best of local food produce from local suppliers and encourage the use of local shops and restaurants. They will also seek to use local trades as part of the construction process.
- 3.23 An economic/market appraisal has been lodged with this application and provides further financial justification lodged under separate/private cover.

4. Planning Policy

- 4.1 The development plan is made up of the SESplan Strategic Development Plan 2013 and the Scottish Borders Local Development Plan 2016. Further material considerations being Scottish Planning Policy and related Supplementary Planning Guidance.

Scottish Borders Local Development Plan (2016)

- 4.2 The following policies are considered key in the determination of this application:
- ***Policy ED7 – Business, Tourism and Leisure Development in the Countryside***
 - ***HD2 – Housing in the Countryside***
 - ***PMD4 – Development outwith Development Boundaries***
 - ***PMD2 – Quality Standards***
 - ***EP5 – Special Landscape Areas***
 - ***IS4 – Transport Development and Infrastructure***
 - ***IS6 – Road Adoption Standards***
 - ***IS7 – Parking Provision and Standards***
- 4.3 ***Policy ED7 Business, Tourism and Leisure Development in the Countryside states that proposals for business, tourism and leisure development in the countryside will be approved and rural diversification initiatives will be encouraged provided that:***
- a) *The development is to be used directly for agriculture, horticulture or forestry operations, or for uses which by their nature are appropriate to the rural character of the area; or*
 - b) *The development is to be used directly for leisure, recreation or tourism appropriate to a countryside location and, where relevant, it is in accordance with the **Scottish Borders Tourism Strategy and Action Plan.***

If the development falls into this category, then the following criteria will be considered;

- a) *Must be respectful to the amenity and character of surrounding area*
- b) *Have no significant adverse impacts on nearby uses*
- c) *Evidence that no appropriate existing building or brownfield site is available*
- d) *Impact of expansion/intensification of uses to rural character of area*

- e) *Meets design and siting criteria in accordance with PMD2 – Quality Standards*
- f) *Take account of accessibility issues in accordance with Policy IS4*

Where a proposal comes forward for the creation of a new business including that of a tourism proposal, a business case that supports the proposal will be required to be submitted as part of the application process.

- 4.4 As the proposal represents development of housing, albeit holiday housing, ***Policy HD2 Housing in the Countryside*** is also a material consideration. Regarding the economic requirement this policy states that housing that is located for business needs may be acceptable if:
- a) *The housing development is a direct operational requirement of an agricultural enterprise which is itself appropriate to the countryside and is for a worker employed in the enterprise with that worker located on site to operate the enterprise efficiently, and*
 - b) *The housing development would help support a business that results in a clear social or environmental benefit to the area, and*
 - c) *No appropriate site exists within a building group, and*
 - d) *There is no suitable existing house or other building capable of conversion for the required residential use.*
- 4.5 As the proposed development is located outside development boundaries ***Policy PMD4 Development outwith Development Boundaries*** applies. This states that development may be granted if it is "a *job-generating development in the countryside that has an economic justification under Policy ED7 or HD2 or a development that offers significant community benefits*".
- 4.6 ***Policy PMD2 Quality Standards*** is relevant regarding the quality of the development. The development will be expected to be of high quality in relation to sustainability, accessibility and design.
- 4.7 ***Policy EP5 Special Landscape Areas*** states that the council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact.

Material Considerations

- 4.8 Other material considerations include SPP, SESplan, Placemaking and Design SPG and the Scottish Borders Tourism and Strategy Action Plan.

SPP

- 4.9 The SPP provides policy information with regards to promoting rural development (linked to tourism and leisure) and supporting business and employment with key paragraphs mentioned below.

- 4.10 Paragraph 75 states that the planning system should:

- *In all rural areas promote a pattern of development that is appropriate to the character of the particular rural area and the challenges it faces; and*
- *Encourage rural development that supports prosperous and sustainable communities and businesses whilst protecting and enhancing environmental quality*

- 4.11 Paragraph 93 states the planning system should:

- *promote business and industrial development that increases economic activity while safeguarding and enhancing the natural and built environments as national assets;*
- *allocate sites that meet the diverse needs of the different sectors and sizes of business which are important to the plan area in a way which is flexible enough to accommodate changing circumstances and allow the realisation of new opportunities; and*
- *give due weight to net economic benefit of proposed development*

- 4.12 Paragraph 105 states that planning authorities should consider the potential to promote opportunities for tourism and recreation facilities in their development plans.

SESPlan (Strategic Development Plan)

- 4.13 The region is within one of the four Strategic Development Areas (SDAs) outlined in SESPlan.

- 4.14 It states that the Scottish Borders faces a challenging future with the continued erosion of its employment base in farming and there is a continued challenge to improve the area's connectivity.

- 4.15 The aim of the SDP is to support the continued economic growth of the area since it is

of key importance to delivering the overall SDP strategy. The quality of the natural and built environment is one of the key assets of the Scottish Borders and an opportunity to help achieve this strategy.

Scottish Borders Tourism and Strategy Action Plan

4.16 The vision of the Scottish Borders Tourism and Strategy is:

“To grow tourism visits and spend in The Scottish Borders, through positioning and promotion as, a sustainable, year-round destination, which capitalises on its unique geography, heritage, natural environment and people”

4.17 A key aim is to encourage responsible custodianship of the region’s built and natural environment, scenic and wildlife assets by supporting government, local government, agencies, land owners and managers to manage and protect the region’s landscape and wildlife assets in a manner that maintains and improves the qualities of beauty, remoteness, wildness, peace and tranquillity.

4.18 Furthermore, it aims to maximise the opportunities to be gained from raising and improving destination profile, awareness, market penetration, and economic benefit using events as a vehicle for change.

4.19 With regards to accommodation, it aims to ensure the regions accommodation offerings are in direct relation to consumer demands and where opportunities are available can act as an attractor of demand in themselves.

Place Making and Design SPG

4.20 A final key consideration for this proposal is the Supplementary Planning Guidance (SPG) Place Making and Design (2010).

4.21 This provides guidance on the importance of achieving well designed places which can improve the social, economic and environmental well-being of our communities.

4.22 It sets out the key sustainable placemaking objectives that any new development in the Scottish Borders should strive to achieve.

4.23 The key place making and design principles include: siting of development, built character, infrastructure and access, views, sustainable development, energy efficient design, materials and the scale, massing and form, amongst others.

5. Policy Compliance

- 5.1 The purpose of this section is to reflect on how the proposal complies with the relevant planning policies that have been outlined in Section Four.
- 5.2 *Policy ED7* is one of the key policies in the overall determination of this application and we consider the proposal meets all development criteria.
- 5.3 The land is classified as permanent pasture which our client is keen to diversify their on-site farm business and to promote tourism in the Scottish Borders and lead the way in 5-star one-bedroom holiday rentals.
- 5.1 The Borders Railway Tourism Audit highlighted the demand/need for more five-star accommodation in the Scottish Borders. This development will address this and is supported by *Visit Scotland* as a result (refer to **appendix 3**).

Design/Environment

- 5.2 A key aim of this proposal and in accordance with SPG Place Making and Design is to achieve a high quality well designed place.
- 5.3 It will use on-site local materials and environmental friendly technology wherever possible. It seeks to use Douglas Fir, Scots Pine and Whinstone sourced from the farm. The intention is to use an off-grid power system and a 2.5kw solar array will be sensitively erected to the rear of each cottage. Our client intends to apply and are confident in delivering a Gold Green Tourism Award when operational.
- 5.4 The cottages are a truly unique proposal that will be built sensitively into the landscape. As the drawings contained within **Appendix 4** show it will respect and enhance the environmental quality, amenity and character of the surrounding countryside. The development will be dug into the hillside and with clever use of grass and stone walling, as like that used to divide the field, will go largely unnoticed.
- 5.5 In accordance with *Policy PMD2*, the proposal will protect, promote and enhance the green network and can satisfactorily be accommodated on site. We feel that the cottages scale, massing, height and density are appropriate to the surrounding landscape.
- 5.6 As the site is located within a Special Landscape Area (Policy EP5) an LVIA has been undertaken examining key visual receptors and has found that the proposed development will have no prominent adverse effects upon the characteristics of the surrounding area or views of various visual receptors.
- 5.7 The Strategic Development Plan outlines that the quality of the natural environment is one of the key assets of the Scottish Borders. We feel that this proposal will not adversely affect this key asset but instead enhance the use of it.

Transport/Access

- 5.8 The site is in a very accessible location and has excellent transport links with Galashiels and Tweedbank Train and Bus Stations less than four miles away. Our client will encourage the use of the Borders Railway and will offer a pick-up and drop-off service from both stations. The Tweed Cycle Way which is part of the National Cycle Network Route 1 passes through the farm. Bikes will be provided at each of the properties.
- 5.9 In accordance with *Policies IS4, IS6 and IS7* the access junction and track will be designed to comply with the requirements of Scottish Borders Council Roads Planning as identified during the pre-application discussions. The existing access will be upgraded with a new access junction 35m to the east of the existing field which will ensure a safer environment for users of the access and drivers on the B7060 (Refer to **Appendix 5**). No trees will be effected by the proposal. Further detail on the gradient, parking and passing places is found within the appended access statement and drawings.

Economy/Tourism

- 5.10 A business case has also been submitted as part of this application and emphasises our client's vision of attracting more visitors to the Scottish Borders, promoting the use of local businesses, events and festivals.
- 5.11 This proposal will help achieve the objectives of the Tourism and Strategy Action Plan and it can itself attract and improve visitor numbers to the Scottish Borders.
- 5.12 *Visit Scotland* state that food is essential to the visitor's experience and their research has found that visitors to Scotland spend 21% of their holiday budget on food and drink with overnight visitors contributing £800million on food and drink. Therefore, our client will offer visitors on arrival with hampers showcasing the very best of local produce.
- 5.13 *Visit Scotland* describe the Scottish Borders as a leisure tourism destination and states that this development can contribute to the area becoming a sustainable year round destination and safeguard a rural farm business securing its future. It can offer visitors exceptional nature based tourism assets (e.g. walking, cycling, festivals, heritage pursuits) which will in turn could generate additional economic impact to the wider visitor economy.

Sequential Analysis

- 5.14 One of the key selling points of these cottages will be the spectacular views along the Tweed. The setting is key to provide that 5-star holiday experience.
- 5.15 However, we appreciate the need to provide evidence that no other built form at Rink Farm is viable, suitable or available for this proposal. The map and table below

provides confirmation that existing buildings and associated yard areas are fully utilised by the farming operations and livery business.

- 5.16 There is no existing building or brownfield site available or suitable for the proposed development. All farm buildings are currently being used for various operations and therefore cannot be converted for holiday cottages. Beyond this the proposal seeks tranquillity from noise and is a further reason why it must be set away from the main farm operations and must be set in a location befitting of its 5* status.

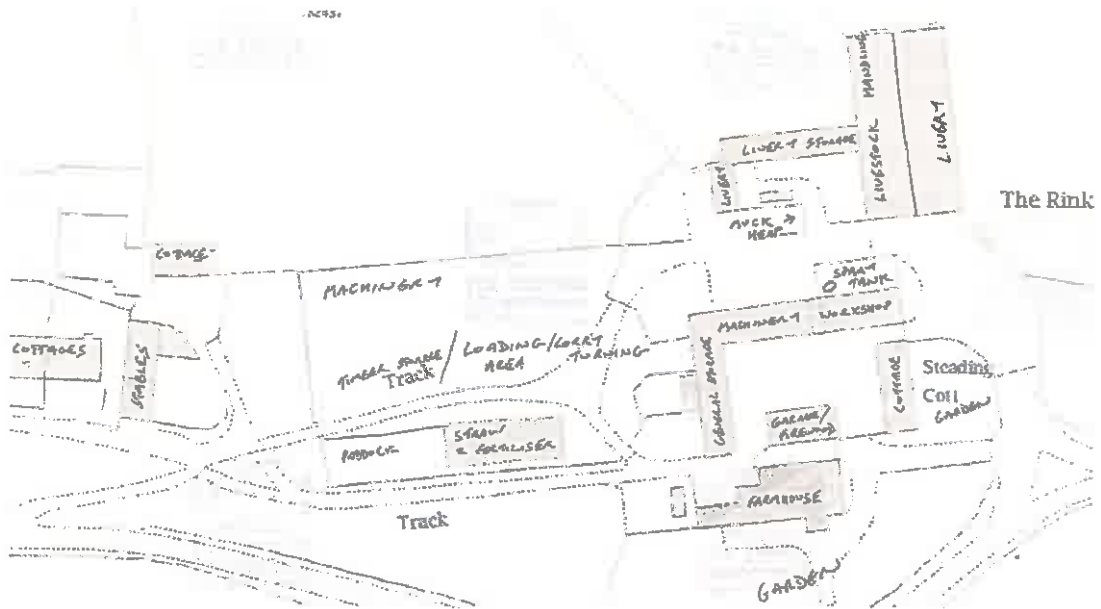


Figure 2: Farm Building Plan and Schedule

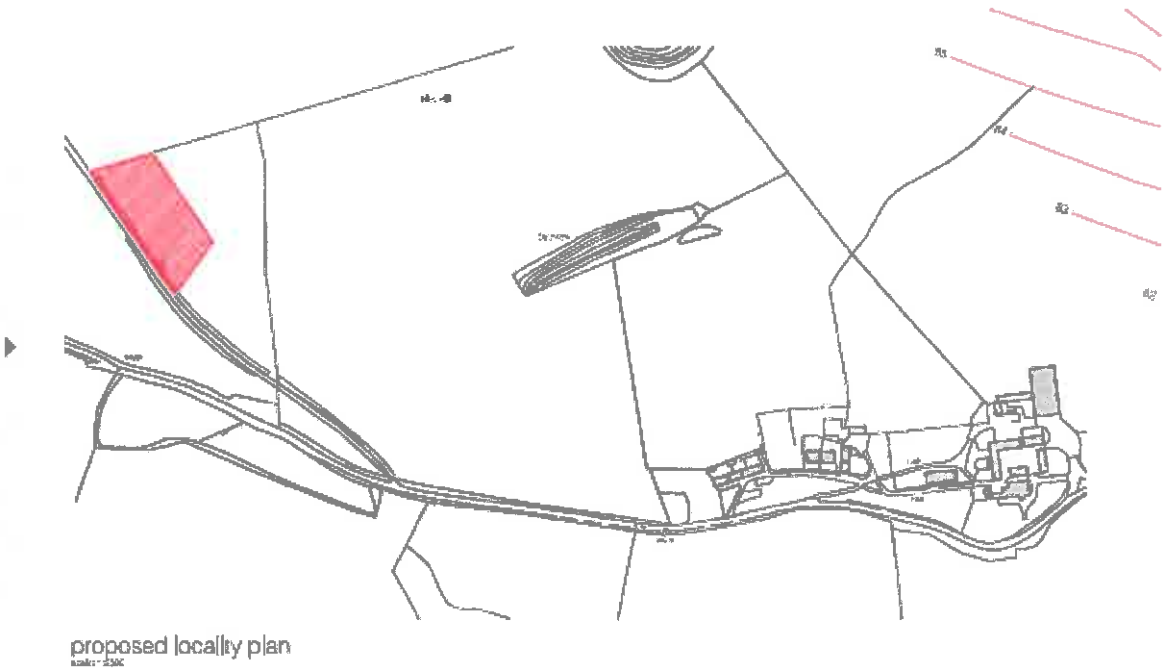
Cottages	Stables
Machinery	Timber Storage/Loading/Lorry Turning
Paddock	Straw & Fertiliser
Farmhouse	Livestock Storage
Machinery	Garages/Firewood
Spray Tank	Workshop
Cottage	Livery
Livery Storage	Livestock Handling
Livery	

- 5.17 For the reasons outlined in this section we feel that this proposal complies with the relevant policies within the 2016 Local Development Plan and material considerations such as SESPlan, SPP and the Scottish Tourism Strategy and Action Plan.

6. Conclusion

- 6.1 We believe that the proposed site offers a unique opportunity for the first 5-star one-bedroom holiday accommodation in the Scottish Borders.
- 6.2 The opening of the Scottish Borders Railway is a “game changer” in that it is now very accessible from major markets and cities. The site is in close proximity to the two Borders Railway Stations and therefore can tap into the lucrative Edinburgh visitor market and beyond. While the potential target market is likely to be those living within the central belt it is expected that visitors will come from across Scotland, the UK and further afield.
- 6.3 One of the major selling points of holiday getaways are the views and sceneries that are on offer. The Rink offers visitors spectacular views of the River Tweed, Tweed Valley and surrounding hills. In short it will provide a significant boost to tourism in the Borders and lead the way in design and quality.
- 6.4 There is no existing building or brownfield site available for the proposed development as all buildings on the farm are currently being used for various operations. Beyond this the steadings would not be appropriate for holiday cottages which require the appropriate tranquillity.
- 6.5 Finally, this proposal is supported by *Visit Scotland*. It will improve tourism in the Borders and offer high quality accommodation which is severely lacking in the region and as a result play an important role in the future of the Borders local economy.
- 6.6 It is respectfully requested that this application be approved for the reasons outlined within this statement.

Appendix 1: Location Plan



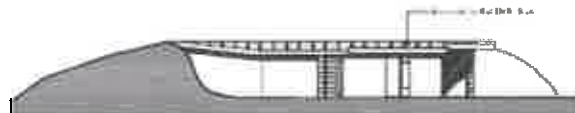
Appendix 2: Plans/Elevations



proposed north westerly elevation
page 76



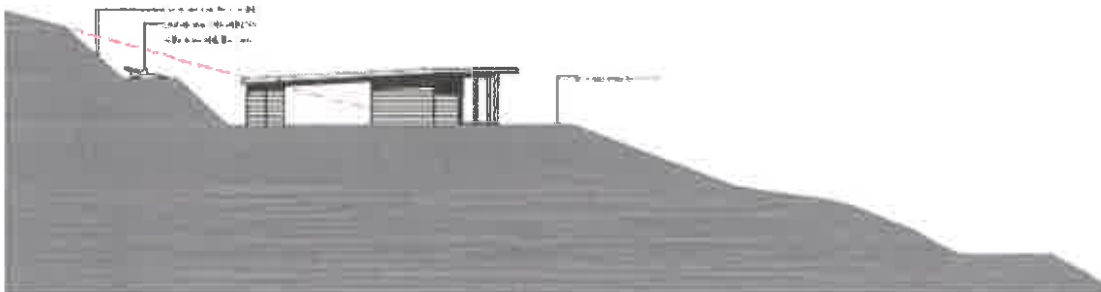
proposed north westerly elevation
page 76



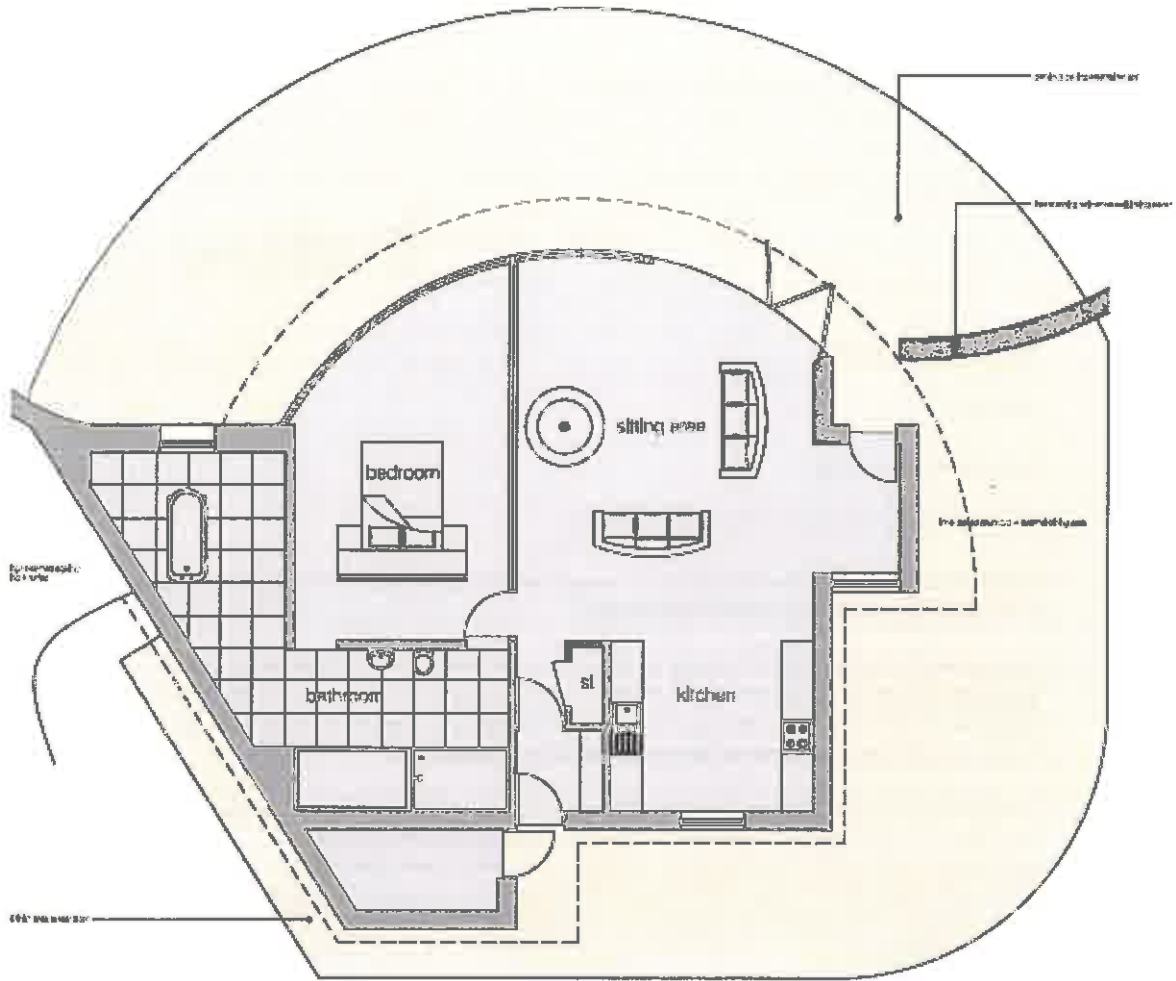
proposed north easterly elevation
page 76



proposed south easterly elevation
page 76



proposed sectional elevation
page 76



Appendix 3: Visit Scotland Letter

Friday, 12th March 2021 10:58 AM



Michael & Fiona Bayne
The Rink
Galashiels.

Dear Michael and Fiona

The Rink - Capital Investment Planning Application

I am writing on behalf of the national tourism organisation, VisitScotland, to express support in principal for the above proposed development.

Tourism is a key sector which is a major contributor to the economy of the Scottish Borders. The industry strategy for growth has been built around a number of key areas, of which capital investment is crucial. Any development adding to growth would be of benefit to the visitor economy within the immediate local and wider regional area.

The National Strategy: *Tourism Scotland 2020* was launched in June 2012. The strategy was developed to target those markets that offer us the greatest growth potential, to collaborate within and across Scotland's tourism destinations and to develop the authentic memorable experiences today's visitors seek, delivered to the consistently high quality they expect. Based on the information provided regarding the increase in capacity and the attention to the quality it would seem fair to assume that a quality experience would be a focus for this development.

The Scottish Borders is predominantly a leisure tourism destination and this development could contribute to the area becoming a sustainable year round destination. The vision to establish & offer additional bed stock in an area with limited provision and the new infrastructure of the Borders Railway means that demand for exceptional nature based tourism assets and adventure tourism assets (walking, cycling, festivals, events and heritage pursuits) has increased from both the UK and International markets. This in turn this could generate additional economic impact to the wider visitor economy.

I would urge Michael and Fiona to take advantage of the incredible local larder within the Scottish Borders by showcasing local produce through the option to pre-order welcome hampers on arrival for visitors. This would immediately showcase local Food and Drink from the Scottish Borders and create a sense of place through authentic products. This could be factored into the "guest services" Food is essential to the overall visitor experience and research has shown that people will pay a premium for locally sourced produce that adds to the sense of place. Latest reports show that, overall, visitors to Scotland spend 21% of their holiday budget on eating and drinking. Overnight visitors are spending £800million on food and drink.



Should the planning application be successful I would recommend The Rink engage with our Quality Assurance scheme which could assist by offering advice, guidance and a framework to achieve 5star status. This could ensure that the customer experience remains at the heart of everything they do.

Sustainability is a key theme in the The National Strategy: *Tourism Scotland 2020* and concern among tourists regarding the impact a holiday has on the environment has risen and visitor expectations are changing. Environmental sustainability is being addressed in a number of ways and the long term benefits, we believe, are profound. As well as encouraging continued tourism growth, sustainable tourism will ensure that Scotland's key tourism assets, our natural heritage, built heritage and our communities, will survive and thrive. This project has the potential to complement the built and cultural heritage priorities through the creation of a business which would safeguard a rural farm business securing its future.

We appreciate the range of different factors that need to be considered in such an application and we are supportive of a full and transparent process. Within this process we hope that our views can be taken into account.

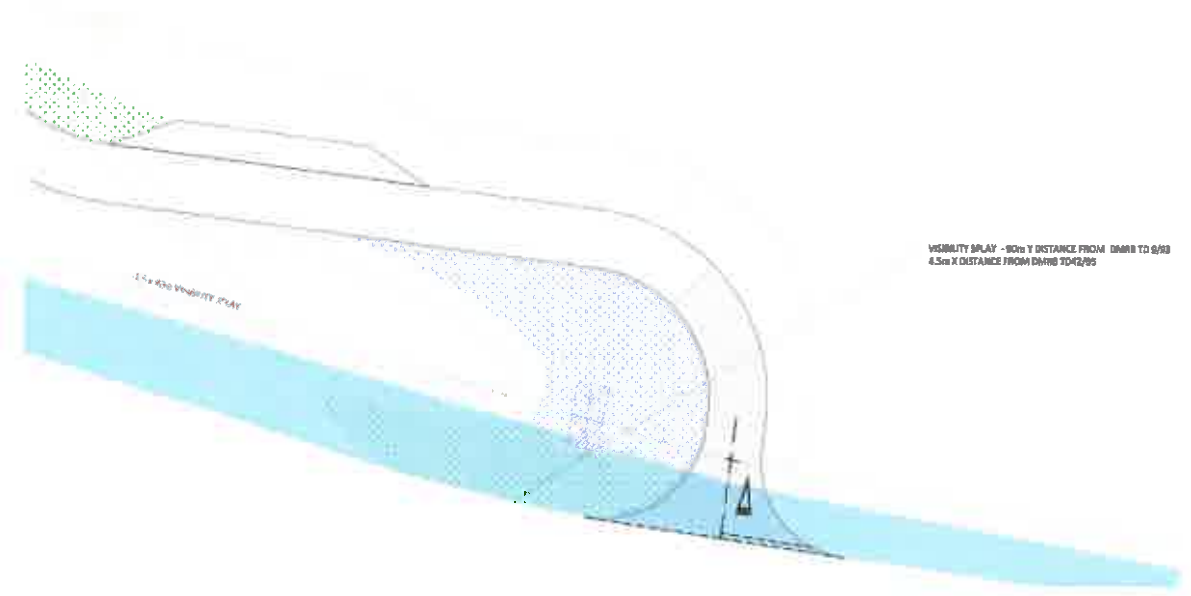
A handwritten signature in black ink that reads "Paula McDonald".

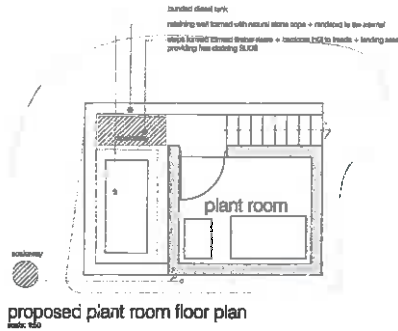
Paula McDonald
Regional Director

Appendix 4: Proposal Visuals

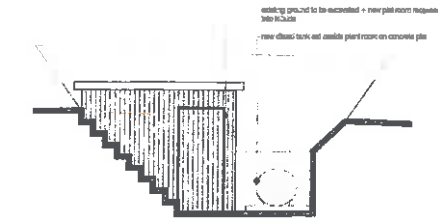


Appendix 5: Access Route

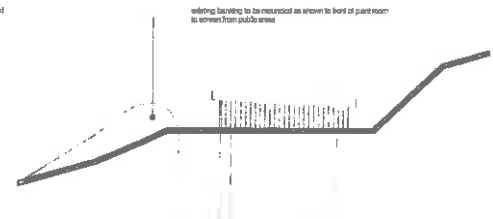




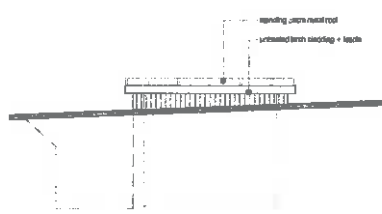
proposed plant room floor plan
scale: 1:50



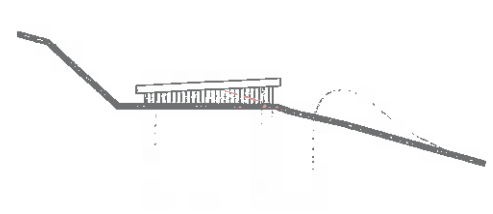
proposed front elevation
scale: 1:50



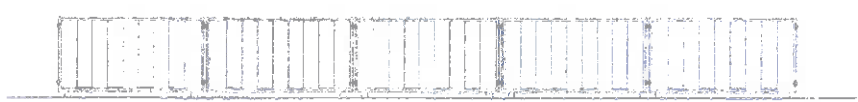
proposed side elevation
scale: 1:50



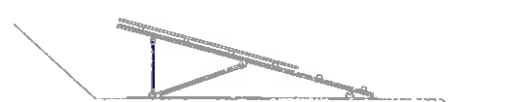
proposed rear elevation
scale: 1:50



proposed side elevation
scale: 1:50



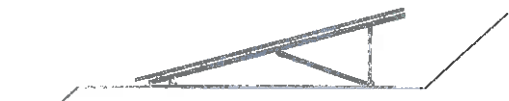
proposed solar panel front elevation
scale: 1:50



proposed solar panel side elevation
scale: 1:50



proposed solar panel rear elevation
scale: 1:50

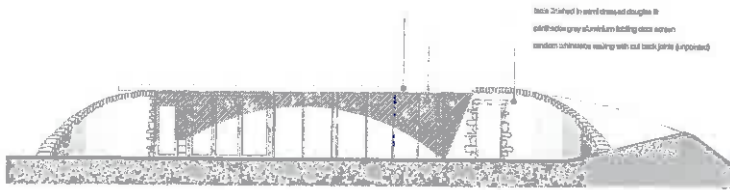


proposed solar panel side elevation
scale: 1:50



proposed locality plan
scale: 1:500

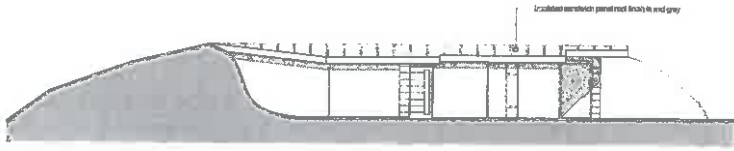
proposed plant room/solar panel details



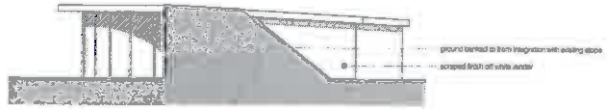
proposed south westerly elevation
Scale: 1:100



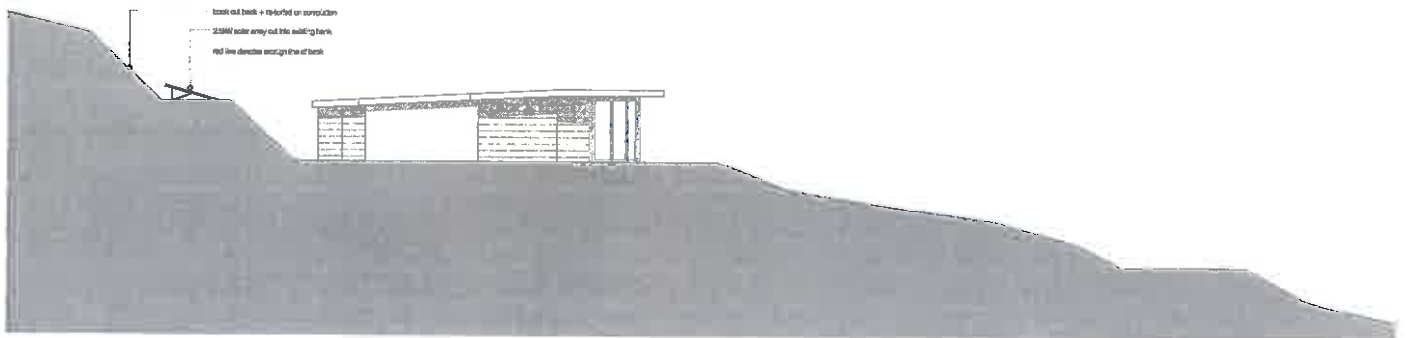
proposed north westerly elevation
Scale: 1:100



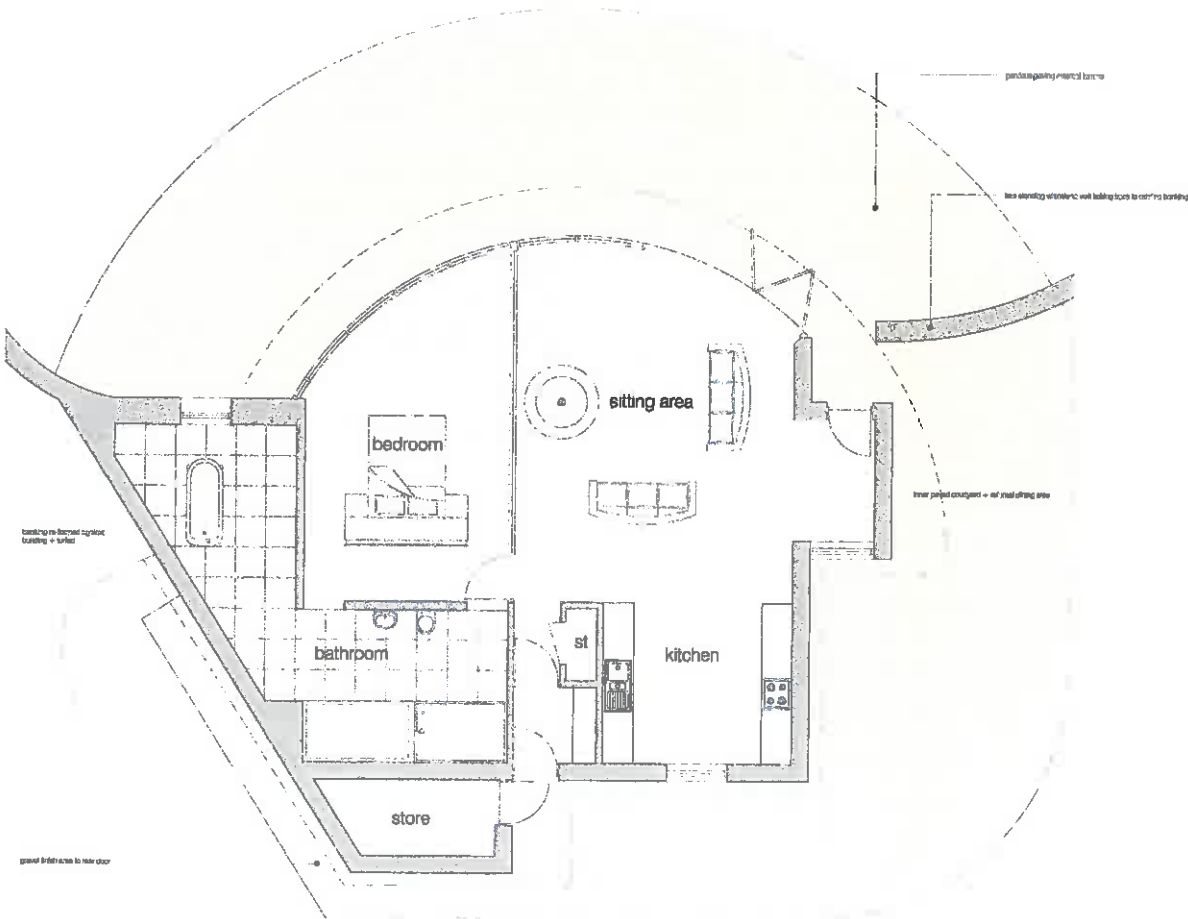
proposed north easterly elevation
Scale: 1:100



proposed south easterly elevation
Scale: 1:100



proposed sectional elevation
Scale: 1:100



proposed floor plan
Scale: 1:100

plot 2 proposals

formation of 2 holiday let dwellings at the rink farm, galashiels
for mr m bayne

drawing no: P415-BK-032A scale: 1:50/1:100 @ A1





Archaeological Desk Based Assessment

Rink Farm

10/05/2016



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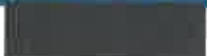
Ferguson Planning



Prepared By:

Michael Briggs BSc (Hons), MSc, ACIFA



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	Name	Signature
Approved By	Paul Neary	

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1. INTRODUCTION

SITE DESCRIPTION

- 1.1. This Archaeological Desk Based Assessment is being submitted to Scottish Borders Council (SBC) in support of the planning application for a proposed residential development centred at National Grid Reference (NGR) 347650 632576, within land at Rink Farm, Galashiels, TD1 3PS.
- 1.2. The area of the proposed development, herein known as 'the application site', contains an area of c. 8,500m² and lies at an elevation ranging between 165 – 187m AOD on agricultural land which notably slopes from north to south and is bound on the west side by its access track and on the north side by a drystone wall with some post and wire fencing. The B7060 runs in a northwest to southeast direction c. 50m to the south of the application site.

SCOPE OF THE ASSESSMENT

- 1.3. The assessment has been produced to evaluate the archaeological potential of the application site as well as the potential direct and indirect impacts upon surrounding heritage assets. Designated sites, including Scheduled Ancient Monuments (SAMs), Listed Buildings, Conservation Areas, Historic Battlefield Sites, World Heritage Sites and Gardens and Designed Landscapes (GDLs) have been assessed within a 1km study zone of the proposed development. Where appropriate, sites outside the study zone have been assessed for their sensitivity to the proposed development. Non-designated sites identified in the Historic Environment Record (HER) of SBC have been assessed within a 500m study zone. The aims of the assessment are as follows:
 - To identify all known heritage assets within the study zone based on all available public resources.
 - To identify the potential for both unrecorded above ground remains and, where possible, sub-surface remains.
 - To determine what if any level of recording will be required for any extant remains.
 - To assess the significance of any direct or indirect effect of the proposed development on heritage assets and their settings within the study zone, from construction through to decommissioning.
 - To identify mitigation measures where possible and aid in the design process to reduce the potential impacts of the proposed scheme.

- To provide recommendations for any further archaeological/heritage assessment work that should be undertaken as part of the proposed development.

1.4. The report is supported by the following Figures and Technical Appendices:

- Figure 1 – Site Location
- Figure 2 – Heritage Assets
- Figure 3 – Thomson 1832 Map
- Figure 4 – Historic Map of 1863
- Appendix A: Figures
- Appendix B: Tables
- Appendix C: Plates

2. LEGISLATION AND PLANNING POLICY CONTEXT

LEGISLATION, POLICY AND GUIDANCE

2.1. This Cultural Heritage Impact Assessment has been considered with regard to all relevant national, regional and local planning policy and guidance:

- Scottish Planning Policy (2014)¹
- Scottish Historic Environment Policy (SHEP) (2011)²
- Planning Advice Note 2/2011 (PAN 2); Planning and Archaeology³
- Historic (Environment) Scotland: Managing Change in the Historic Environment: Setting (2010)⁴
- Ancient Monuments and Archaeological Areas Act (1979)⁵
- Planning (Listed Buildings and Conservation Areas)(Scotland) Act (1997)⁶
- Town and Country Planning (General Development Procedure)(Scotland) Order (1992)⁷
- Scottish Borders Consolidated Local Plan (Adopted 2011)⁸

¹ The Scottish Government (2014) *Scottish Planning Policy*. Edinburgh.

² Historic (Environment) Scotland (2011) *Scottish Historic Environment Policy*. Edinburgh.

³ The Scottish Government (2011) *Planning and Archaeology — Planning Advice Note 2/2011*. Edinburgh.

⁴ Historic (Environment) Scotland (2010) *Managing Change in the Historic Environment: Setting*. Edinburgh.

⁵ HMSO (1979) *Ancient Monuments and Archaeological Areas Act 1979*. London (Reprinted 1996).

⁶ HM Government (1997) *Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997*.

⁷ HM Government (1992) *The Town and Country Planning (General Development Procedure) (Scotland) Order 1992*.

⁸ SBC (2011) *Scottish Borders Consolidated Local Plan: Vol 1 Policies*. SBC.

SCOTTISH PLANNING POLICY 2014

- 2.2. Scottish Planning Policy (SPP) was published on the 23rd of June 2014. It sets out the national planning policies which reflect Scottish Ministers' priorities for the operation of the planning system and for the development and use of land. The SPP promotes consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. Policies relevant to this impact assessment are located within the "Valuing the Historic Environment" section of the SPP. These policies define the various categories of heritage assets that will be assessed in this report.

Designated Heritage Assets

Paragraph 141 — Listed Buildings

"Change to a listed building should be managed to protect its special interest while enabling it to remain in active use. Where planning permission and listed building consent are sought for development to, or affecting, a listed building, special regard must be given to the importance of preserving and enhancing the building, its setting and any features of special architectural or historic interest. The layout, design, materials, scale, siting and use of any development which will affect a listed building or its setting should be appropriate to the character and appearance of the building and setting. Listed buildings should be protected from demolition or other work that would adversely affect it or its setting."

Paragraph 143 — Conservation Areas

"Proposals for development within conservation areas and proposals outwith which will impact on its appearance, character or setting, should preserve or enhance the character and appearance of the conservation area. Proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance. Where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution the presumption should be to retain it."

Paragraph 145 — Scheduled Monuments

"Where there is potential for a proposed development to have an adverse effect on a scheduled monument or on the integrity of its setting, permission should only be granted where there are exceptional circumstances. Where a proposal would have a direct impact on a scheduled monument, the written consent of Scottish Ministers via a separate process is required in addition to any other consents required for the development."

Paragraph 147 — World Heritage Sites

“World Heritage Sites are of international importance. Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value.”

Paragraph 148 — Gardens and Designed Landscapes

“Planning authorities should protect and, where appropriate, seek to enhance gardens and designed landscapes included in the Inventory of Gardens and Designed Landscapes and designed landscapes of regional and local importance.”

Paragraph 149 — Battlefields

“Planning authorities should seek to protect, conserve and, where appropriate, enhance the key landscape characteristics and special qualities of sites in the Inventory of Historic Battlefields.”

- 2.3. This impact assessment will identify all of the designated heritage assets defined in policies 141, 143, 145, 147, 148 and 149 that are within the locality of the proposed development and assess their significance and the level of impact that the proposed development will have upon them. More detail on how this is done is found in the Methodology section. It is understood that the proposed development has the potential to directly and indirectly impact upon local heritage assets and that views to and from a heritage asset, as well as any meaningful intervisibility shared with the surrounding landscape, can be significant.

Non-Designated Heritage Assets**Paragraph 150 — Archaeology**

“Planning authorities should protect archaeological sites and monuments as an important, finite and non-renewable resource and preserve them in situ wherever possible. Where in situ preservation is not possible, planning authorities should, through the use of conditions or a legal obligation, ensure that developers undertake appropriate excavation, recording, analysis, publication and archiving before and/or during development. If archaeological discoveries are made, they should be reported to the planning authority to enable discussion on appropriate measures, such as inspection and recording.”

- 2.4. This policy highlights the potential need for addressing any archaeological remains that may be affected by development. This impact assessment will therefore consider the potential for, and the significance of, any archaeological remains that may be impacted as a direct result of the proposed development and assess whether it can be justified to preserve these remains in situ. If not, then provisions for appropriate excavation and recording will be considered where required.

Paragraph 151 —Other Historic Environment Assets

“There is also a range of non-designated historic assets and areas of historical interest, including historic landscapes, other gardens and designed landscapes, woodlands and routes such as drove roads which do not have statutory protection. These resources are, however, an important part of Scotland’s heritage and planning authorities should protect and preserve significant resources as far as possible, in situ wherever feasible.”

- 2.5. An assessment of the SBC HER identifies the known archaeological and historical assets within the locality of the proposed development that are not designated. This process enables non-designated assets to also be assessed for their significance and any potential impacts upon them as a result of the proposed development.
- 2.6. Under this policy document archaeological sites, buildings, GDLs, conservation areas, battlefields or other aspects of the historic environment that have significance because of their historic, archaeological, architectural or artistic interest are considered heritage assets. These heritage assets include both designated sites and non-designated sites identified by the LPA and must be a consideration in the planning process due to their heritage interest. This impact assessment will consider all heritage assets defined in this document in detail in order to comply with the above policies.
- 2.7. The proposed holiday home development has been sensitively designed to reflect the special characteristics of all identified heritage and cultural assets and this assessment will set out any necessary mitigation measures to ensure that any impact is minimal.

HISTORIC (ENVIRONMENT) SCOTLAND: MANAGING CHANGE IN THE HISTORIC ENVIRONMENT 2010

- 2.8. This document mainly offers guidance and advice regarding consideration of the setting of heritage assets. It is contextualised by the SHEP and SPP.
- 2.9. There are useful concepts regarding setting illustrated in the document, and it lays out the recommended procedure for assessing the effects a development proposal may have on the surrounding assets and their settings. The document defines setting as the surroundings in which an asset is experienced, and discusses the effects that developments can have on the different types of setting heritage assets have.

“The setting of a historic asset can incorporate a range of factors, not all of which apply to every case. These include:

- *Current landscape or townscape context;*
- *visual envelope, incorporating views to, from and across the historic asset or place;*

- *key vistas, framed by rows of trees, buildings or natural features that give an asset or place a context, whether intentional or not;*
- *the prominence of the historic asset or place in views throughout the surrounding area;*
- *character of the surrounding landscape;*
- *general and specific views including foregrounds and backdrops;*
- *relationships between both built and natural features;*
- *aesthetic qualities;*
- *other non-visual factors such as historical, artistic, literary, linguistic, or scenic associations, intellectual relationships (e.g. to a theory, plan or design), or sensory factors;*
- *a 'Sense of Place': the overall effect formed by the above factors."*

- 2.10. The document relates the setting of heritage assets to their importance within the requirements of environmental assessments for developments and suggests that the impact of change upon a setting should be assessed in three stages:

"Stage 1: identify the historic assets that might be affected by a proposed change.

Stage 2: define the setting by establishing how the surroundings contribute to the ways in which the historic asset or place is understood, appreciated and experienced.

Stage 3: assess how any change would impact upon that setting."

- 2.11. Therefore this assessment takes into account the setting of all identified heritage assets and determines the impact that the proposed development may have on them. It is understood that views to and from the heritage asset, as well as any meaningful intervisibility that it shares with its surrounding landscape, can constitute significance.

"Key viewpoints to, from and across the setting of a historic asset should be identified. Often certain views are critical to how a historic asset was approached and seen, or understood when looking out. These views were sometimes deliberately manipulated, manufactured and/or maintained. Depending on the historic asset or place in question these could include: entrances, specific points on approaches, routeways, associated farmland, other related buildings, monuments, natural features, etc."

- 2.12. Historic Environment Scotland, therefore, are not seeking to ensure that heritage assets do not preclude development and their protection should not prevent change. However, the more important a heritage asset is the greater the weight should be given to its conservation. This assessment will identify the significance of designated and non-designated heritage assets and apply appropriate weight to the potential impact on them.

SCOTTISH BORDERS CONSOLIDATED LOCAL PLAN

- 2.13. There are four specific policies within the SBC Consolidated Local Plan that are relevant to this impact assessment. Like the SPP, they are structured around the categories of heritage assets and contain specific regulations designed to achieve the broader goals of protection and conservation within the SPP

Policy BE1 – Listed Buildings

1. *“The Council will support development proposals that protect, maintain and enhance active use and conservation of Listed Buildings.*
2. *All Listed Buildings contained in the statutory list of Buildings of Special Architectural or Historic Interest will be protected against all works which would have a detrimental effect on their listed character, integrity or setting.*
3. *Internal or external alterations and extensions to Listed Buildings, or new developments within their curtilage, must meet the following criteria:*
 - i) *Must be of the highest quality*
 - ii) *Must respect the original structure in terms of setting, scale, design and materials, whilst not inhibiting contemporary and/or innovative design*
 - iii) *Must maintain, and should preferably enhance, the special architectural or historic quality of the building*
 - iv) *Must demonstrate an understanding of the building’s significance. Applications for Listed Building Consent or applications affecting the setting of Listed Buildings may be required to be supported by Design Statements.*
4. *New development that adversely affects the setting of a Listed Building will not be permitted.*
5. *The demolition of a Listed Building will not be permitted unless there are overriding environmental, economic, social or practical reasons. It must be satisfactorily demonstrated that every effort has been made to continue the present use or to find a suitable new use.*
6. *Decisions on proposals for any alterations or demolition of a Listed Building will be made in accordance with the advice contained within the Scottish Historic Environment Policy (SHEP) produced by Historic Scotland and in consultation with the appropriate heritage bodies.”*

Policy BE2 – Archaeological Sites and Ancient Monuments

“Where development proposals impact on a Scheduled Ancient Monument, other nationally important sites not yet scheduled, or any other archaeological or historical site, developers will be required to carry out detailed investigations to ensure compliance with Structure Plan policies N14, N15 and N16.

Structure Plan Policy N14

Development proposals, which would destroy or adversely affect the appearance, fabric or setting of Scheduled Ancient Monuments or other nationally important sites not yet scheduled will not be permitted unless:

- (i) the development offers substantial benefits, including those of a social or economic nature, that clearly outweigh the national value of the site,*
- (ii) there are no reasonable alternative means of meeting that development need, and*
- (iii) the proposal includes a mitigation strategy acceptable to the Council.”*

Structure Plan Policy N15

“Development proposals which will adversely affect an archaeological site of regional or local significance will only be permitted if it can be demonstrated that the benefits of the proposal will clearly outweigh the archaeological value of the site or feature.”

Structure Plan Policy N16

“Where there is reasonable evidence of the existence of archaeological remains, but their nature and extent are unknown, the Council may require an Archaeological Evaluation to provide clarification of the potential impact of a development before a planning decision is reached. Where development is approved which would damage an archaeological site or feature, the Council will require that such development is carried out in accordance with a strategy designed to minimise the impact of development upon the archaeology and to ensure that a complete record is made of any remains which would otherwise be damaged by the development. Such a strategy might include some or all of the following:

- (i) the preservation of remains in situ and in an appropriate setting,*
- (ii) surface or geophysical survey,*
- (iii) archaeological excavation,*
- (iv) study of the excavated evidence and publication of the results.*

The preferred solution will be influenced by the value of the site in national, regional or local terms.”

Policy BE3 – Gardens and Designed Landscapes

“Development will be refused where it has an unacceptable adverse impact on the landscape features, character or setting of:

- 1. sites listed in the Inventory of Gardens and Designed Landscapes,*
- 2. any additional sites that may be included in any revised Inventory in course of preparation by Historic Scotland or other designator bodies, or*
- 3. historic gardens and designed landscapes recorded in the Council’s Sites and Monuments Record.*

Where development is approved, it should enhance the design and setting of the garden or designed landscape. All development should be carefully sited, of the highest standards of design using appropriate finishing materials and planting, to fit in with the existing landscape structure and boundary enclosures.”

Policy BE4 – Conservation Areas

- 1. “Development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused.*
- 2. All new development must be located and designed to preserve or enhance the special architectural or historic character of the Conservation Area. This should accord with the scale, proportions, alignment, density, materials and boundary treatment of nearby buildings, open spaces, vistas, gardens and landscapes.*
- 3. Conservation Area consent, which is required for the demolition of an unlisted building within a Conservation Area, will only be considered in the context of appropriate proposals for redevelopment and will only be permitted where:*
 - i) the building is incapable of reasonably beneficial use by virtue of its location, physical form or state of disrepair, and*
 - ii) the structural condition of the building is such that it cannot be adapted to accommodate alterations or extensions without material loss to its character, and*
 - iii) the proposal will preserve or enhance the Conservation Area, either individually or as part of the townscape.*

In cases i) to iii) above, demolition will not be permitted to proceed until acceptable alternative treatment to the site has been approved and a contract for the replacement building or for an alternative means of treating the cleared site has been agreed.

4. *Full consideration will be given to the guidance given in the Scottish Historic Environment Policy (SHEP) in the assessment of any application relating to development within a Conservation Area.*
 5. *The Council may require applications for full, as opposed to outline, consent. In instances where outline applications are submitted, the Council will require a 'Design Statement' to be submitted at the same time, which should explain and illustrate the design principles and design concepts of the proposals. Design Statements will also be required for any application for major alterations or extensions, or for demolition and replacement."*
- 2.14. This impact assessment will therefore consider all designated and non-designated heritage assets identified within the above policies in order to ensure that the proposed development does not substantially harm any assets or their settings, in order to comply with policies in both the SBC Consolidated Local Plan and the SPP.

3. METHODOLOGY

DESK BASED ASSESSMENT

- 3.1. The desk based assessment was conducted to ascertain all historical and archaeological information relevant to the application site and the local area. A search of high grade heritage assets including Listed Buildings, SAMs, Conservation Areas, Historic Battlefield Sites, World Heritage Sites and Gardens and Designed Landscapes (GDLs) was conducted within a 1km study zone around the proposed development location. A search of non-designated assets within the HER to 500m from the application site. The National Monuments Record of Scotland (NMRS) and the HER were consulted in order to identify both designated and non-designated heritage assets. The size of the study areas ensure that comprehensive and informative data can be collated to characterise the direct and indirect impacts that the proposed development may have on historical and archaeological assets within the local area.
- 3.2. Historical databases and various archives were consulted in order to undertake the DBA. The main sources which were consulted include:
- The National Monuments Record of Scotland (NMRS)
 - The Historic Environment Record (HER) accessed via Canmore, run by Historic Environment Scotland
 - Published sources available in the SBC HER
 - Historic Maps
 - Web based resources

PROFESSIONAL GUIDANCE

- 3.3. The assessment has been conducted in accordance with the appropriate professional guidance, which includes:
- Code of Conduct, Chartered Institute of Field Archaeologists (CifA) (2015)⁹
 - Standards and Guidance for Archaeological Desk Based Assessment, CifA (2015)¹⁰

⁹ CifA (2014) *Code of Conduct*. Chartered Institute for Archaeologists.

¹⁰ CifA (2014) *Standards and Guidance for desk-based assessment*. Chartered Institute for Archaeologists.

ASSESSMENT OF EFFECTS

Direct Impacts

- 3.4. Potential direct impacts during the construction phase are considered as physical disturbance of known or associated archaeological remains. These impacts can be caused through the construction processes within the footprint of the development, including any ancillary works. Direct impacts can affect both above ground and subsurface remains.

Site Visit

- 3.5. A walkover survey was conducted at the application site on the 17th March 2016. The primary aims of the survey were to identify any archaeological or historical features within the ownership boundary of the project that were previously unknown or not recorded within the HER, as well as assessing the conditions and potential for any sub-surface archaeology. The land and fields at the ownership boundary were documented photographically along with any possible features identified. The results of this survey will be considered alongside other information on the known designated and non-designated sites within and close to the application site.

Indirect Impacts

- 3.6. This section assesses the potential visual impact the proposed development may have on the setting of a heritage asset. A monument or building's setting can generally be assessed by how its surroundings contribute to the ways in which it is understood, appreciated and experienced.

Assessment Limitations

- 3.7. The HER is a record of known archaeological and historic features. The record is not an exhaustive record of all surviving historic environment features and does not preclude the possible existence of archaeological remains of significance within the study zone, which are at present unknown. It is assumed that official data provided by public bodies is accurate and up-to-date. Views and effects are carefully assessed, but restrictions due to accessibility because of private land ownership or issues regarding Health and Safety may limit assessment.

The Importance of Setting

- 3.8. Setting can be important to the way in which historic assets or places are understood, appreciated and experienced.

- 3.9. Where development is proposed it is important to identify and define the setting of the heritage asset and to assess how development might impact upon this resource. Setting often extends beyond the property boundary, or 'curtilage', of an individual historic asset into a broader landscape context. Less tangible elements can also be important in understanding the setting. These may include function, sensory perceptions or the historical, artistic, literary and scenic associations of places or landscapes. In the light of this guidance, development proposals should seek to avoid or mitigate detrimental impacts on the settings of historic assets.

CONSULTATION

- 3.10. Consultation with Dr Christopher Bowles, the archaeology officer at SBC, has highlighted that the main archaeological and heritage concerns are regarding the potential effects on the setting of Rink Hill Farm as well as direct impacts upon the former route of the Picts' Work boundary. The Picts' Work boundary has some discernible remains located to the east of the application site and historic mapping identifies the former route to project across the current and proposed access to the site. The boundary is likely to originate from the Iron Age or early historic period and may therefore share a relationship with the Rink Hill Fort, although there is currently no evidence for this. Impacts upon the setting of Rink Hill Fort SAM to the northeast may also be a concern, although it was thought that the proposed development does not appear to be of a scale which will impact significantly upon the current setting of the monument. Particular consideration will therefore be given to these impacts as well as potential wider impacts.

4. BASELINE CHARACTERISATION

- 4.1. The following section outlines the historical and archaeological background within the extent of the study zone and the local area. This will provide a clear depiction of the context and significance of the heritage assets that could potentially be impacted by the proposed development. The report will then outline an assessment of the direct and indirect impacts of the proposed development and proposed mitigation measures. The potential for disturbing any remains within the footprint of the development will also be assessed and recommendations produced for any further investigative work.

ARCHAEOLOGICAL PERIOD CLASSIFICATIONS

- Lower Palaeolithic (pre 30,000 BC)
- Upper Palaeolithic (30,000 - 10,000BC)
- Mesolithic (10,000 – 4000BC)
- Neolithic (4000 - 2500BC)
- Bronze Age (2500 - 700BC)
- Iron Age (700BC – AD43)
- Roman (AD43 – AD450)
- Early Medieval (AD450 - AD1066)
- Medieval (AD1066 - AD1540)
- Post Medieval & Modern (AD1540 onwards)

HISTORICAL BACKGROUND

- 4.2. The search of cultural heritage assets was performed in order to obtain information on the surrounding archaeological and historic assets, as well as to provide additional archaeological and historical context around the proposed development location and provide an indication of any potential for unrecorded archaeological remains within the site.

Non-Designated Assets

- 4.3. There are two sites recorded within the HER that are within 500m of the application site. These are Picts' Work (NA07), also known locally as the Catrail, and Crib's Hill – Howdenpot Knowes (NA08). Both sites appear to be linear earthworks which form the remnants of previous boundary lines. Picts' Work is a boundary marker c. 0.32km to the east of the application site while Crib's Hill is the possible edge of a plantation located c. 0.35km to the southwest. The 1863 OS map (Figure 4) depicts the site of the former boundary line (NA07) extending northeast and southwest which may indicate a possibility that the two features may have been present along the same boundary line. However, a 1957 account from RCAHMS suggests that this was unlikely due to the different orientation of the linear earthbank at Crib's Hill.
- 4.4. The Picts' Work boundary has some discernible remains located to the east of the application site and historic mapping identifies the former route to project across the current and proposed access to the site. The boundary is likely to originate from the Iron Age or early historic period and may therefore share a relationship with the Rink Hill Fort, although there is currently no evidence for this.
- 4.5. Outside the study zone there are two sites within the HER that are also worth noting. These are the findspots for a flint flake and worked chert object 1.25km to the east of the application site and a Mesolithic flint 1.4km to the west. The findspots are both located at the riverside of the River Tweed which runs along the south (c. 300m away) of the application site. This possibility for prehistoric activity along the banks of this river also indicates a slight chance of prehistoric remains located within the application site.

Designated Assets

- 4.6. The full list of assets identified within their respective study zones is presented within Appendix B – Table 2. Within the 1km study zone there is a total of three SAMs, two Listed Buildings, one GDL and two non-designated sites within the HER (Figure 1). These assets will therefore be assessed for potential impacts within this report.
- 4.7. The SAMs include: the Rink Hill Fort (NA01), Fort 700m NE of Rink Hill (NA02) and the Sunderland Hill Earthwork (NA03).
- 4.8. The Listed Buildings include: Sunderland Hall (NA04) and Sunderland Hall Terraced Garden (NA05), both Category B and located adjacent to one another within the same estate.
- 4.9. The GDL is Fairnilee House (NA06) which covers a large area to the west of the application site.
- 4.10. No Conservation Areas, Battlefields or World Heritage Sites were identified in the study zone.

Map Regression Analysis

- 4.11. Figure 3 contains the Thomson 1832 Map which has only some information regarding the site and its surroundings. However, it clearly depicts a 'Roman Camp', presumably the same landmark as the Rink Hill Fort, to the northeast of the application site and with a Roman road leading northwest out of the camp. This depiction on the map is the only reference to the hill fort as a Roman camp (clearly a misinterpretation) and the only source that suggests the presence of a Roman road leading from the asset. It is unclear whether this road was postulated upon the creation of the map or whether there was any physical evidence to suggest its existence. The presence of regional Roman activity, including a road to the north at Galashiels and Melrose, may indicate the possibility of such a trackway. However, with no physical evidence of this it is considered to be conjecture.
- 4.12. Figure 4 contains the 1863 OS map of the site, showing the progression of land use and field boundaries in the area. The historic map shows that the application site has not seen much change since 1863. Due to the small size of the site and its upland location there has been no development or discernible change to the land use or composition of the land. The drystone wall bordering the north edge of the site and the access track running along the southwest edge are both visible on the historic map and appear entirely unchanged in their modern forms. The access track to the southeast of the application site appears to cross over both the former earthwork line of Picts' Work as well as a possible leat connected to a Mill Pond depicted c. 300m to the east. The site of the former earthwork is depicted on the 1863 OS map with a small area still surviving, located to the east of the application site. This surviving area is recorded as Picts' Work (NA07) within the HER.
- 4.13. There is no current evidence remaining for either of these features around the access track.
- 4.14. The Rink Hill Fort SAM (NA01) is depicted as the remains of a camp to the northeast of the application site, but appears to include the possible earthwork remains of a ditch or bank at the western side. This bank has a small section at its northern end still visible on aerial photography but has been mostly ploughed out and is no longer visible.

Site Visit

- 4.15. A walkover survey of the application site was conducted on the 17th of March 2016. The survey identified no previously unknown archaeological features within the site boundary. A drystone wall (Plate 1) running along the northern boundary of the site has some historical value and will be excluded from the proposed development works.
- 4.16. To the east of the application site are the earthwork remains of the Picts' Work boundary line (NA07) which runs southwest to northeast through a small wooded area (Plate 4). The earthwork remains measured approximately 3m across and 0.5m high. This boundary line is postulated as extending further to the northeast and southwest on the 1863 OS map (Figure 4) but no such remains are visible outside the small section remaining at Picts' Work. The current access to the site (Plate 6) crosses over the site of the former boundary line but there

is no evidence of surviving remains. There was also a clearance cairn present at the southwest corner of the Picts' Work (Plate 5).

- 4.17. The site visit also gave an opportunity to illustrate the viewscape possible from Rink Hill and its commanding position over the River Tweed and its valley (Plates 2 & 3). There are clear and panoramic views looking south and southeast over the river valley but views to the north and west are considerably more restricted due to the position of the application site on the southern slope of Rink Hill. It was confirmed during the site visit that there were no obvious views or meaningful intervisibility with the Rink Hill Fort (NA01) due to visibility being screened by an intervening ridge and the presence of dense woodland surrounding the hillfort itself. There was some partial visibility possible with the wider area surrounding the Sunderland Hall Listed Building (NA05/NA06) to the southeast of the application site on the opposite side of the river bank. However, neither the building itself or its associated terraced gardens were visible due to the large amount of woodland screening present around them.

5. IMPACT ASSESSMENT

ASSESSMENT OF SIGNIFICANCE AND IMPACTS

SAMs

Rink Hill Fort (NA01)

- 5.1. Rink Hill Fort is a substantial defensive structure located 0.34km to the northeast of the application site, at the summit of Rink Hill at an elevation of c. 200m AOD. The fort has been in use over multiple phases but the initial phase is likely to have been an Iron Age oval settlement measuring c. 140m by c. 90m. The extent of this phase is discernible on the 1863 OS map (Figure 4) at the western edge of the SAM. However, most of these remains have been ploughed out and are no longer visible. A subsequent structural phase consists of a circular enclosure measuring c. 60m in diameter with a stone wall lying on the inner rampart, that may indicate a third structural phase. Due to the substantial nature of the fort it is likely that it remained in occupation well beyond its original Iron Age construction. Artefacts recovered from the site have included Roman brooches, a saddle-quern, rotary querns and coarse earthenware. Ainslie 1773 and Thomson 1832 maps both record the SAM as a 'Roman Camp' with squared edges rather than the oval or circular extents.
- 5.2. The substantial upstanding remains of the asset and its prominent position atop Rink Hill indicates that it is a monument of particular significance and derives importance from its surrounding views and setting. Its setting comprises large areas of grazing land with limited modern development in the form of housing and agricultural buildings at Rink Farm to the south. The smaller fort (NA02) to its northeast is possibly contemporary and shares intervisibility, a common trait with Iron Age hill forts that facilitates communication and defence. The fort also overlooks the River Tweed to the south and east directions which was presumably one of the main objectives of its original location here. The setting therefore makes a valuable contribution to the heritage value of the hill fort.
- 5.3. Due to the nature of the topography between the SAM and the application site, direct views between the two points are not expected to be possible as they will be screened by the intervening ridge. In addition, the heavy woodland upon and surrounding the remains of the hill fort will limit any potentially harmful intervisibility within the wider area. The site visit confirmed the trees around the SAM will likely be visible from the area around the proposed development but no part of the hill fort itself could be seen (Plate 1). As a result, only very minor visual impacts are predicted upon the asset despite its significance. Visual impacts are therefore anticipated to be **low**.
- 5.4. As the hill fort is located to the northeast of the application site, it will not be directly impacted. However, the application site contains a limited potential for uncovering sub-

surface remains relating to the Iron Age/Roman occupation of the hill fort. Due to the distance from the asset and the lack of any discernible evidence for remains during the site visit or cartographic analysis, the potential for such archaeology is anticipated to be **low**.

Fort 700m NE of Rink Hill (NA02)

- 5.5. The Fort 700m NE of Rink Hill is a small fort occupying the crest of the spur that runs northeast from Rink Hill. It is located 0.85km to the northeast of the application site and consists of the partial upstanding remains of a rampart, measuring c. 5m broad by 1m high, and a ditch. The original fort would have been roughly circular c. 60m in diameter but has been significantly disturbed by cultivation, especially on the northwest and southwest sides which have been removed. The interior of the feature has also been used as a dumping ground for stones gathered from the surrounding fields and as a result contains a large clearance cairn in its centre. A ruined stone wall present at the asset is of a later date and likely replaced the rampart at one point.
- 5.6. The considerable disturbance of the fort somewhat reduces its significance, particularly in comparison to its larger counterpart (NA01). However, it shares a similar setting and possesses views with the larger hill fort as well as overlooking the River Tweed to the east. The setting therefore also makes a considerable contribution to the heritage value of the asset.
- 5.7. However, the position of the fort on the other side of Rink Hill results in the summit, including the larger hill fort, entirely screening any possible views of the proposed development. Intervisibility is also expected to be severely limited and very unlikely to cause any harm to the asset. Visual impacts are therefore anticipated to be **negligible**.

Sunderland Hill Earthwork (NA03)

- 5.8. Sunderland Hill is a SAM located 0.85km to the southwest of the application site. It is a substantially disturbed earthwork which was recorded by the Ordnance Survey in 1961 as having been almost entirely ploughed out. There are virtually no discernible remains of the asset apart from very slight indications that two banks may have existed on the south and east sides of the site. The asset was possibly the site of another prehistoric settlement constructed here overlooking the river and the presence of a Bronze Age cairn c. 450m to the west may indicate some level of prehistoric activity in this area. However, no information is available on Sunderland Hill to be able to confirm a potential date. Due to the lack of any significant upstanding remains or original features, the site is not considered to be of high significance but due to its designation as a SAM it may have some archaeological importance, particularly with regard to its potential for sub-surface remains. The feature occupies a prominent position atop a small hill overlooking the River Tweed to the northeast and possesses good views of the banks on the other side of the river valley, including the application site. The setting is an aesthetic parcel of agricultural land surrounded on the north,

east and south sides by woodland. However, due to the lack of any upstanding remains the setting does not make a significant contribution to the heritage value of the SAM.

- 5.9. Despite the large amount of woodland in the intervening area, the Sunderland Hill Earthwork and the proposed development are likely to share views due to their positions on opposite sides of the river valley. The site visit confirmed that the application site and the SAM could be seen directly from one another (Plate 2). However, due to the ploughed out condition of the asset and absence of any notable upstanding remains, it is not considered to be particularly sensitive to these views. Visual impacts are therefore considered to be **low**.

GDLs

Fairnilee House (NA04)

- 5.10. Fairnilee House is a walled and formal garden grounds originating from the 17th century onwards. The buildings within the estate are an example of Edwardian design and Historic Environment Scotland describe its historical value as outstanding, its architectural value as high and its archaeological value as high. The setting of the asset includes extensive mature woodlands and parkland that accentuates its upland character and position overlooking the River Tweed to its south and west.
- 5.11. Only the eastern edge of the GDL is located within the 1km study zone while the Edwardian buildings and garden features, from which the GDL derives its primary heritage value, are concentrated toward the western edge. As such, the large distance from the application site, the screening effects from the mature woodland and the topographical features in the intervening area are expected to screen the vast majority of views and intervisibility between the main features of the GDL and the proposed development. In addition, the character of land towards the eastern edge of the GDL becomes increasingly agricultural and indistinguishable from the surrounding non-designated land. The sensitivity of this area to visual impacts is therefore considerably lower than its western component. Topography and screening effects from the woodland belt at the eastern extremity of the GDL are also expected to greatly reduce any possible views from within the asset. As a result, visual impacts upon Fairnilee House are anticipated to be **low to negligible**.

Listed Buildings

Sunderland Hall and Terraced Gardens (NA05 & NA06)

- 5.12. Sunderland Hall and Terraced Gardens is a Category B Listed Building located c. 0.77km to the southeast of the application site. The more recent record (NA06) appears to include both the main house and the terraced garden within its protection and as a result the original record (NA05) can be considered redundant. The house is a Scottish Baronial style mansion constructed in 1850 and incorporated some earlier Georgian fabric. The terraced gardens also include some original retaining walls and gatepiers that probably date to the 18th century. The

assets are situated within their own well-defined estate enveloped by dense woodland on all sides except for a small opening to the east where the main aspect of the house looks out onto the large associated fields along the south bank of the River Tweed. These fields appear largely unchanged since their depiction on the 1863 OS map and despite some changes to the house and surrounding estate, they retain much of their historical fabric. The estate therefore provides an aesthetic and somewhat historical setting for the assets.

- 5.13. The dense woodland surrounding the immediate setting of the house is expected to heavily restrict any meaningful views with the application site. The site visit confirmed that views would be unlikely with the estate house and the terraced gardens from Rink Hill due to the heavy woodland surrounding them (Plate 3). The main aspects of the house are orientated east over the fields and west over its car park, neither of which will be affected by the proposed development to the northwest. Some intervisibility is predicted from within the fields to the east of Sunderland Hall. These views may also be limited by woodland on the north bank of the river but due to their position within the river valley the trees may not be of a sufficient height to screen this intervisibility. However, such intervisibility will not affect the primary well-defined setting surrounding the house and is not considered likely to harm the heritage value of the assets. Impacts are therefore anticipated to be **low to negligible**.

Historic Environment Record

- 5.14. The surviving area of the former boundary line at Pict's Work (NA07) is present to the east of the application site and is covered by a small area of woodland (Plates 4 & 5). The extended line of the former boundary depicted on the 1863 OS map is outwith the application site and any proposed construction works. The proposal to alter the entrance of the access track slightly will also encroach upon the projected line. In addition, the lack of any upstanding remains at the point where it meets the access track suggests that the feature has been completely removed here at some point in the past. It will therefore not be directly impacted by the proposed development. The nature of the feature and its surviving components are considered to be of low significance and not particularly sensitive to visual impacts.
- 5.15. Crib's Hill is a very poorly preserved boundary line, likely to have marked the edge of a plantation, and the 1957 RCAHMS survey states that in some places the feature has been completely obliterated due to disturbance from cultivation as well as its partial use as a road. The nature of the asset and its poor condition indicates that it is considered to be of low significance and not particularly sensitive to visual impacts.
- 5.16. Impacts upon the two sites within the HER are anticipated to be **negligible**.

SUMMARY OF IMPACTS

Direct Impacts

- 5.17. The main potential direct impacts during the construction phase would result from groundworks required by the proposal, including the excavation and topsoil stripping required for on-site access tracks, services, foundations and assembly areas. The current access track will be modified to create a new entrance and a small section of track will be added in the form of passing places.
- 5.18. There are no recorded designated or non-designated sites within the confines of the application site that could be physically impacted by the proposed development. There are several heritage assets of interest within the local area but the closest of these to the proposed works is the Rink Hill Fort (NA01) c. 340m to the northeast. As such, no heritage assets will be directly affected during the construction phase of the development. The drystone wall that borders the north of the application site may be of some historical interest but the development has been designed to avoid all potential impacts upon this feature. The postulated former line of Picts' Work (NA07) and a possible mill leat are depicted on the 1863 OS map but there was no evidence of either feature during the site visit. It is unlikely that either feature will have any remains impacted by the proposed construction works. No other archaeological features of significance were identified during the site visit. Direct impacts are therefore anticipated to be **low to negligible**.
- 5.19. The potential for archaeological remains within the application site is determined by considering the surrounding archaeological assets and the HER. As the footprint of the development is expected to be relatively small, the potential for archaeological remains to be uncovered during the construction phase of the proposal is relatively limited. However, the archaeological record suggests there is a small potential for remains of significance to be encountered, specifically relating to the Iron Age/Roman occupation of the Rink Hill Fort and the potentially related Picts' Work (NA07).
- 5.20. Outside the study zone there are two sites within the HER that are also worth noting. These are the findspots for a flint flake and worked chert object 1.25km to the east of the application site and a Mesolithic flint 1.4km to the west. The findspots are both located at the riverside of the River Tweed which runs along the south (c. 300m away) of the application site. This possibility for prehistoric activity along the banks of this river also indicates a slight chance of prehistoric remains located within the application site.
- 5.21. The overall potential for uncovering or disturbing sub-surface archaeology within the application site during the construction phase is assessed as **low**.

Indirect Impacts

- 5.22. A study zone of 1km from the proposed development was decided upon for assets which have a greater sensitivity to development, including: SAMs, Listed Buildings, Conservation Areas, GDLs, Battlefields and World Heritage Sites. A smaller study area of 500m was decided for non-designated sites within the HER.
- 5.23. There are three SAMs identified within the 1km study zone. These include the Rink Hill Fort (NA01), Fort 700m NE of Rink Hill (NA02) and Sunderland Hill Earthwork (NA03). A **low** impact was assessed for Rink Hill Fort and Sunderland Hill Earthwork, while a **negligible** impact was assessed for Sunderland Hill Earthwork.
- 5.24. There are two Listed Buildings identified within the 1km study zone, both of which are part of the Sunderland Hall and Terraced Gardens (NA05 & NA06), designated as Category B. A **low to negligible** impact was assessed for these assets.
- 5.25. There are two sites within the HER identified within the 500m study zone. However, due to their nature and inclusion as non-designated sites, they are not considered to be sensitive to visual impacts resulting from the proposed development. Impacts were therefore assessed to be **negligible**.
- 5.26. There were no Conservation Areas, Historic Battlefield Sites or World Heritage Sites identified in the 1km study zone.

6. MITIGATION MEASURES

- 6.1. Due to the proximity of the application site to the assets of Rink Hill Fort and Picts' Work, there is a small chance of encountering related archaeological remains during the construction works. Where areas of top soil stripping or deeper excavation is required (e.g. on-site access tracks, services, foundations and assembly areas) mitigation of these impacts is possible through an archaeological watching brief. An appropriate mitigation strategy shall be implemented in accordance with the wishes of SBC if required.
- 6.2. Indirect impacts upon the surrounding heritage assets have been assessed as overall **low to negligible**. Therefore no specific mitigation is considered to be required for the reduction of any visual impacts. The proposed development has also been designed in order to minimise its potential visual impact upon the surrounding landscape.

7. CONCLUSIONS AND RECOMMENDATIONS

- 7.1. All potential direct and indirect impacts upon designated and non-designated heritage assets within the study zones have been assessed through appropriate methods.
- 7.2. It is considered that the proposed development has an overall **low to negligible** potential to directly or indirectly impact upon designated and non-designated assets within the surrounding area, and has a **low** potential to disturb archaeological remains within the application site. Therefore no specific mitigation is anticipated to be required.

COMPLIANCE WITH RELEVANT POLICIES

- 7.3. The proposed development has been considered in relation to national (SPP) and local (SBC Consolidated Plan) policies throughout the design process by consulting with the LPA. Project design has been undertaken with sustainability at its core and seeks to limit the impact on the areas built heritage. This assessment has been conducted to meet the criteria set out in SPP and the SBC Consolidated Local Plan. As such, it is considered to be compliant with their relevant policies as discussed below.

SPP 2014

- 7.4. The assessment determined that the proposed development would comply with the policies within SPP 2014 and therefore ensures that there are no impacts that intervene with the heritage assets being protected as a reflection of national policy.
- 7.5. The proposed development complies with paragraphs 143, 147, 148 and 149 as there are no Conservation Areas, World Heritage Sites, GDLs or Historic Battlefield Sites that will be significantly impacted.
- 7.6. Additionally, the proposed development complies with Paragraphs 141 and 145 as there are no cases where any designated assets or their settings will experience substantial harm as a result of the proposed development. The assessment determined that no designated assets are located within the application site and therefore no direct impacts are anticipated. Designated assets identified within their respective study zones have also been assessed for indirect impacts, but no impacts were identified that would constitute substantial harm as a result of the proposed development.
- 7.7. The proposed development also complies with paragraph 151 as the assessment of the HER undertaken to a 500m study zone determined that no non-designated sites will be significantly impacted by the required construction works. In addition, paragraph 150 is satisfied as the potential for sub-surface remains has been assessed as low. The footprint of the proposed construction works will be outwith any known archaeological sites and as such,

the proposed development is not anticipated to disturb any significant archaeological remains.

- 7.8. The assessment was conducted to the relevant standards and guidance offered by ClfA and Historic Environment Scotland, and taken appropriate consideration of the settings of the heritage assets as well as the assets themselves.

Scottish Borders Consolidated Local Plan

- 7.9. The proposed development complies with the local development policies contained within the Scottish Borders Consolidated Local Plan LDP. Specifically it complies with policies BE1, BE2, BE3 and BE4 as there are no Listed Buildings, archaeological sites, GDLs or Conservation Areas that would suffer any considerable adverse effects as a result of the proposed development.

APPENDICES

APPENDIX A – FIGURES

- Figure 1 Site Location
- Figure 2 Heritage Assets
- Figure 3 Thomson 1832 Map
- Figure 4 1863 OS Map

APPENDIX B – TABLES

Table 1: Grading of the Significance of Cultural Heritage Resources Based on DMRB 2009¹

Significance	Assessment Considerations		
	Archaeological Remains	Historic Buildings	Historic Landscapes
Very High	<ul style="list-style-type: none"> • World Heritage Sites • Assets inscribed as of universal importance • Assets that can contribute substantial knowledge to international research 	<ul style="list-style-type: none"> • World Heritage Sites • Structures of recognised international importance 	<ul style="list-style-type: none"> • World Heritage Sites • Historic landscapes of international historic value
High	<ul style="list-style-type: none"> • Scheduled Ancient Monuments • Monuments or places of clear national importance • Heritage assets that contribute to national research objectives 	<ul style="list-style-type: none"> • Scheduled Ancient Monuments which incorporate standing remains 	<ul style="list-style-type: none"> • Historic landscapes or GDIs of outstanding interest • Historic landscapes of demonstrable national value

¹ Highways Agency (2009) *Design Manual for Roads and Bridges*. Highways Agency.

		<ul style="list-style-type: none"> Some Listed Buildings that have exceptional historic or architectural qualities or associations not adequately reflected in their listing Some Conservation Areas containing very important buildings 	
Medium	<ul style="list-style-type: none"> Monuments or places that contribute to regional research objectives Scheduled Ancient Monuments compromised by poor preservation or poor survival of contextual associations 	<ul style="list-style-type: none"> Listed Buildings of regional importance Buildings containing exceptional qualities in their fabric or historical associations Conservation Areas containing buildings important to its historic character Historic townscapes with important historic integrity in their buildings or settings 	<ul style="list-style-type: none"> Historic landscapes or GDs of particular interest Undesignated historic landscapes showing quality justifying designation
Low	<ul style="list-style-type: none"> Monuments or places of local importance Assets compromised by very poor preservation or survival of contextual associations Assets with potential to contribute to local research objectives 	<ul style="list-style-type: none"> Listed Buildings of local importance Historic buildings of modest fabric or historical association Historic townscapes of limited integrity features within urban areas 	<ul style="list-style-type: none"> Historic landscapes or GDs of local interest Historic landscapes whose value is limited by poor preservation or survival of contextual associations
Negligible	<ul style="list-style-type: none"> Assets with little or no surviving evidence 	<ul style="list-style-type: none"> Buildings of no architectural or historical note 	<ul style="list-style-type: none"> Landscapes with little or no historic interest

Table 2: Heritage Assets within the Study Zones

Neo Ref.	Database No.	Name	Distance (km)
Scheduled Ancient Monuments (to 1km)			
NA01	2119	Rink Hill Fort	0.34km
NA02	2260	Fort 700m NE of Rink Hill	0.85km
NA03	2146	Sunderland Hill Earthwork	0.85km
Gardens and Designed Landscapes (to 1km)			
NA04	GDL00175	Fairnilee House	0.52km
Listed Buildings (to 1km)			
Category B / Grade II* / Grade B+ / Regional Significance			
NA05	15200	Sunderland Hall	0.77km
NA06	15201	Sunderland Hall Including Terraced Gardens	0.77km
Sites within the Historic Environment Record (to 500m)			
NA07	342200	Pict's Work	0.32km
NA08	54419	Crib's Hill - Howdenpot Knowes	0.35km

APPENDIX C – PLATES

Plate 1: From NE site boundary towards Rink Hill Fort (NA01), including drystone wall at N of site, facing NE



Plate 2: View S from site towards Sunderland Hill Earthwork (NA03)



Plate 3: View SE from Rink Hill including Sunderland Hall (NA05/NA06)



Plate 4: Internal view of Pict's Work boundary (NA07) with earthen banks, facing NE



Plate 5: External view of Pict's Work boundary (NA07) with earthen banks, facing NE



Plate 6: Main site access from B7060, facing SE



