

**PLANNING AND BUILDING STANDARDS COMMITTEE**

**7<sup>th</sup> August 2017**

---

**1 PURPOSE**

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

**2 APPEALS RECEIVED**

2.1 Planning Applications

- 2.1.1 Reference: 16/00980/FUL  
Proposal: Wind farm development comprising of 8 no turbines  
100m height to tip and associated works,  
infrastructure, compounds, buildings and  
meteorological mast  
Site: Land North of Howpark Farmhouse, Grantshouse  
Appellant: LE20 Ltd

Reason for Refusal: The proposed development is contrary to policy ED9 of the Scottish Borders Local Development Plan 2016, the provisions of the Supplementary Planning Guidance on Windfarms 2011 and the study on Landscape Capacity and Cumulative Impact 2013 (Ironside Farrar) in that the development would have significant adverse cumulative visual impacts on residential and other receptors and that the landscape is incapable of accommodating the scale of turbines proposed. In addition, the identified economic benefits are not sufficient to outweigh the significant visual and landscape objections to the development.

Grounds of Appeal: It is considered that the proposed wind farm will not have unacceptable significant adverse impacts either individually or cumulatively on residential and other receptors and that, the landscape has the capacity to satisfactorily accommodate the scale of turbines proposed. Given that the proposed wind farm is in accordance with the development plan, there is a legal presumption in terms of Section 25 of the Planning Act in favour of permission being granted unless material considerations indicate otherwise. On the whole, the material considerations in this Appeal weigh heavily in favour of approving the proposed wind farm. Whilst the proposed wind farm has generated a moderate degree of objection from third parties and Community Councils, these objections are insufficient to justify refusal.

2.1.2 Reference: 16/01360/PPP  
Proposal: Residential development comprising 38 dwelling units with associated access, landscaping and open space  
Site: Poultry Farm, Marchmont Road, Greenlaw  
Appellant: Amber Real Estates Investments Ltd

Reason for Refusal: The proposed development is contrary to Policy PMD4 (Development Outwith Development Boundaries) of the Scottish Borders Council Local Development Plan 2016 in that: (i) the application site lies outwith the Development Boundary at Greenlaw; (ii) the application site is not an existing allocated housing site; and (iii) there are no strong reasons substantiating any view that it should be made the subject of any exceptional approval. The identification and release of additional housing land to respond to any housing land shortfall in the Borders is specifically addressed in Policy HD4 (Meeting the Housing Land Requirement/Further Housing land Safeguarding) and therefore the release of unallocated land for housing development on the scale proposed would undermine the Council's planned approach to housing development set out in its Local Development Plan and would result in an unjustified and piecemeal development at a Local Planning Authority level.

Grounds of Appeal: 1. The Council is not maintaining a five year effective housing land supply. The LDP Examination Report confirms that the LDP fails to adequately address the housing land requirement set out in SESplan. To address this, the Reporter recommended that the Council, within 12 months of adoption of the LDP, prepare and submit to Scottish Minister's Supplementary Guidance in order to identify additional sites to provide for a further 916 units. The LDP was adopted on 12 May 2016 and to date the Council has yet to adopt the supplementary guidance required. The consequence of this is that the development plan policies about the supply of housing land are out of date. This means that the following adopted LDP policies have significantly reduced weight in the determination of this Appeal: – Policy PMD4 (Development Outwith Development Boundaries) – Policy HD4 (Meeting the Housing Land Requirement / Further Housing Land Safeguarding). Accordingly, the provisions of the approved SDP should prevail in this determination especially the policy requirements set out in Policy 7 (Maintaining a Five Year Housing Land Supply). 2. There is a significant shortfall in the five year effective housing land supply of 5,091 homes in accord with the 2016 Housing Land Audit 2016. 3. Accordingly in terms of SPP, development plan policies about the supply of housing land are out of date. The presumption in favour of sustainable development is a significant material consideration that supports the approval of this Appeal. In determining this Appeal, significant weight can be given to approving effective previously developed housing sites which represent sustainable development. 4. There are no technical reasons why this Site can not come forward for development. The Appellant and the Council reached agreement on all technical matters relevant to the determination of the Application and now, this Appeal. 5. The site is effective in accord with Planning Advice Note 2/2010: Affordable Housing and Housing Land Audits (August 2010). Approval of the Appeal can enable the proposal to contribute to maintaining the 5 year effective housing land supply, with construction of homes potentially commencing in 2018. 6. There are no adverse impacts arising from the Proposal which would lead to the conclusion that the Appeal should be dismissed. The shortfall in the five year effective housing land supply is significant and urgent action is needed, particularly in Greenlaw where existing, long-standing allocations

have notably failed to deliver any housing completions in recent years. This is in accord with the requirements of the approved Strategic Development Plan and Scottish Planning Policy.

## 2.2 Enforcements

Nil

## 3 APPEAL DECISIONS RECEIVED

### 3.1 Planning Applications

3.1.1 Reference: 16/00865/FUL  
Proposal: Part change of use of dwellinghouse and garden ground to wedding venue and erection of marquees  
Site: Hartree House, Kilbucho  
Appellant: Mr & Mrs Michael Goddard

Reasons for Refusal: Appeal against imposition of conditions 1, 6 and 7 which state:

Condition 1. The part change of use to a wedding venue hereby approved shall be for a limited period of two years from the date on the consent. Reason: To enable the Local Planning Authority to review the matter at the end of a limited period. Condition 6. Maximum of 15 events per calendar year. Reason: To protect the residential amenity of local residents. Condition 7. No more than two events within one calendar month without the prior approval of the planning authority. Reason: To protect the residential amenity of local residents.

Grounds of Appeal: The proposed use of the appeal site as a wedding venue is consistent with Policy ED7 of the adopted local development plan. No basis can be found within the local development plan to support a time-limited consent which would outweigh Scottish Government policy. There is no evidence to suggest that the policy guidance of Circular 4/1998 or SPP (2014) were taken into account in the Council decision. The Council's decision to modify the proposal as applied for is contrary to three overarching principles of the Circular viz: (i) It is rarely necessary to issue a temporary permission for development. (ii) Effect on amenity never justifies a temporary consent. (iii) A condition which modifies a proposal in a material way cannot be imposed. The appellant submits that Conditions 1, 7 and 8 are unnecessary and unreasonable, having regard to: government policy; the logistics of wedding planning; council decisions on similar proposals; and alternative business models. Similarly, the wording of Condition 7 is imprecise, and potentially unenforceable due to its lack of precision. The proposal has been ongoing for almost 3 years, during which time business activities have been suspended awaiting a final decision. During this time the appellants have not challenged conflicting Council advice, which has impacted considerably on business commitments. Other similar proposals have been dealt with differently and much more sympathetically by the Council. The appellants can only conclude that events up to and including consideration at the Planning and Building Standards Committee were not decided on planning merits, but rather were unduly influenced by local opposition which was not based on rational planning reasons. In Summary, Conditions 1, 6 and 7 place an unjustifiable and disproportionate burden on the appellant such to take

away the substance of the permission and fail to satisfy the tests of necessity, reasonableness and precision set out in Circular 4 of 1998.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Sustained

Summary of Decision: The Reporter, Stephen Hall, allows the appeal and varies the terms of the planning permission by deleting Condition 1. The reporter concluded that all three of the appealed conditions are relevant to planning and relevant to the development, two of the tests set by the terms of Circular 4/1998. Condition 1 – the committee report indicates that the underlying reason behind imposing Condition 1 was to review the effect of the development on residential amenity. Circular 4/1998 is clear that amenity concerns should be addressed by conditions directly relating to those matters and not through a temporary consent. Conditions 6 & 7 – considers that these two conditions meet the six tests set out for conditions in Circular 4/1998. They are necessary and relevant to planning as they serve to make the land use implications of the proposed development acceptable to neighbours.

## 3.2 Enforcements

3.2.1 Reference: 16/00105/UNDEV  
Proposal: Erection of fence  
Site: 1 Borthwick View, Roberton, Hawick  
Appellant: Gillian Murphy-McHugh

Reason for Notice: Without planning permission, erected a fence exceeding one metre in height where it fronts a road and extends beyond the line of the wall of the principal elevation nearest a road.

Grounds of Appeal: The Appellants neighbour erected the fence and she decided to temporarily mask it but putting boards on her side of the posts. The enforcement order gives two options 1) apply for planning permission or 2) remove the extra height and return it to how it was. The Appellant feels that it makes no sense to take option 1 until she knows whether or not her neighbour has been granted retrospective planning permission. If her neighbour removed his fence then inevitably her side will be destroyed also, however if he retains the fence, then both sides should remain in which case an additional application fee should not be relevant as it is one and the same thought she will pay the additional fee if deemed necessary.

Method of Appeal: Written Representations & Site Visits

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Trudi Craggs, upholds the enforcement notice subject to the variation of the terms of the notice, in that the fence can only be reduced in height, deleting the option to apply for retrospective planning permission as the outcome of any retrospective planning application is unknown and cannot be pre-judged, she does not feel that this step would necessarily remedy the breach of planning control. The reporter concluded that as the unauthorised fence is not shared it is the owners responsibility to reduce its height not the appellant who is just an interested party.

3.2.2 Reference: 16/00105/UNDEV  
Proposal: Boundary fence and summerhouse erected in front garden  
Site: 1 Borthwick View, Roberton, Hawick  
Appellant: Mr and Mrs Ramsay

Reason for Notice: Without planning permission, erected a fence exceeding one metre in height where it fronts a road and extends beyond the line of the wall of the principal elevation nearest a road.

Grounds of Appeal: 1. The line of the fence is incorrectly sighted. 2. The lack of privacy due to No. 2 occupants, due to height of fence. 3. The fence is of variable height, sometimes as low as 1.5m. 4. No. 2 neighbour has constructed onto the fence she complains of. 5. No. 2 is responsible for sighting of fence within one metre of walled boundary to road, (so as to clock exit/entrance sight line to our house). 6. The summerhouse is a moveable item, like a vehicle, and is not situated in any one spot permanently.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Trudi Craggs, upholds the enforcement notice subject to the variation of the terms of the notice, by deleting the option to apply for retrospective planning permission. The reporter noted that the appellants consider that the fence does not cause any difficulties nor block any view, but these arguments that little or no harm has been caused and that no steps require to be taken are not, in this case, valid ones. The reporter therefore concluded that the step of reducing the fence to a maximum of one metre is reasonable and proportionate and is needed to remedy the breach of planning control.

3.2.3 Reference: 16/00146/UNDEV  
Proposal: Boundary fence and summerhouse erected in front garden  
Site: 1 Borthwick View, Roberton, Hawick  
Appellant: Mr and Mrs Ramsay

Reason for Notice: Unauthorised Development

Grounds of Appeal: 1. The line of the fence is incorrectly sighted. 2. The lack of privacy due to No. 2 occupants, due to height of fence. 3. The fence is of variable height, sometimes as low as 1.5m. 4. No. 2 neighbour has constructed onto the fence she complains of. 5. No. 2 is responsible for sighting of fence within one metre of walled boundary to road, (so as to clock exit/entrance sight line to our house). 6. The summerhouse is a moveable item, like a vehicle, and is not situated in any one spot permanently.

Method of Appeal: Written Representations & Site Visit

Reporter's Decision: Dismissed

Summary of Decision: The Reporter, Trudi Craggs, upholds the enforcement notice subject to the variation of the terms of the notice, by deleting the option to apply for retrospective planning permission. The reporter concluded that the summerhouse is a substantial wooden

structure and in her view is intended to be permanent and therefore required to be removed from its current location forward of the front elevation of the property. In relation to the fence the reporter feels that to reducing the fence to a maximum of one metre is reasonable and proportionate and is needed to remedy the breach of planning control.

#### 4 APPEALS OUTSTANDING

4.1 There remained one appeal previously reported on which a decision was still awaited when this report was prepared on 27<sup>th</sup> July 2017. This relates to a site at:

- |   |  |
|---|--|
| <ul style="list-style-type: none"><li>Land North West of Whitmuir Hall, Selkirk</li></ul> | <ul style="list-style-type: none"><li></li></ul> |
|---|--|

#### 5 REVIEW REQUESTS RECEIVED

5.1 Reference: 16/00947/FUL  
Proposal: Erection of dwellinghouse with attached garage  
Site: Land North East of The Old Church, Lamberton  
Appellant: Mr Malcolm Pearson

Reasons for Refusal: 1. The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan Policy D2 - Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within an existing building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify a departure in this case. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location resulting in an adverse impact on the wider landscape setting. 2. The proposal would be contrary to Scottish Borders Local Development Plan Policy EP8 - Archaeology, in that the development would have an unacceptable adverse impact on the setting of the Scheduled Ancient Monument - Lamberton Church.

5.2 Reference: 17/00257/FUL  
Proposal: Replacement windows and installation of chimney flue  
Site: 5 High Street, Innerleithen  
Appellant: Mr & Mrs David & Jane Gordon

Reasons for Refusal: Condition - The application is contrary to Policy EP16 of the Scottish Borders Local Development Plan in that the proposed flue is of insufficient height to allow fumes to disperse properly without adversely affecting the air quality and residential amenity of surrounding property occupiers. – Informative - Please note that the replacement windows may still be proceeded with under planning permission reference 15/01079/FUL.

5.3 Reference: 17/00530/FUL  
Proposal: Erection of dwellinghouse with attached garage and workshop  
Site: Land North West of Alderbank, Macbiehill, West Linton  
Appellant: Mr and Mrs D Gold

Reason for Refusal: The proposals do not comply with Local Development Plan Policy HD2 and the Supplementary Planning Guidance on New Housing in the Borders Countryside as the site is located outwith, and not well related to, the recognised boundary of the existing building group at Macbiehill which is the natural slope between the site and "Alderbank", breaking into an undeveloped field at a higher level. The proposals do not comply with Local Development Plan Policy HD3 and the Supplementary Planning Guidance on Privacy and Sunlight in that the proximity and change in levels in relation to "Alderbank" would result in significant adverse effects on the residential amenity enjoyed by that property, creating an overbearing impression.

## 6 REVIEWS DETERMINED

6.1 Reference: 16/00872/FUL  
Proposal: Erection of dog day care building, perimeter fence and associated works (retrospective)  
Site: Land South West of Milkieston Toll House, Eddleston  
Appellant: Mr Paul Lawrie

Reasons for Refusal: 1. The development is contrary to PMD2 in that the fence and building do not satisfy quality standards in that development is having an adverse impact on the amenity and character of the surrounding landscape. 2. The development is contrary to ED7 in that no business case has been provided to justify the economic and operational need for the particular countryside location and this development is unsuitable for the locality. 3. The development is contrary to IS7 in that intensified traffic usage at the sub-standard vehicular access creates a detrimental impact on road safety on the A703 and is contrary to policy on minimising accesses on to A-class roads.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.2 Reference: 16/01467/AMC  
Proposal: Erection of dwelling house and detached garage (approval of matters specified in all conditions pursuant to planning permission 15/00301/PPP)  
Site: Land North East of Dundas Cottage, Ettrick, Selkirk  
Appellant: Mr J McGrath

Condition Imposed: Condition 3: Notwithstanding the submitted details in this application, the roof of the dwelling shall be slate of a type first submitted to and approved in writing with the planning authority. The development is thereafter to be completed using the agreed slate, prior to occupation of the dwelling. The external parts of the flue of the wood burning stove are to be matt black or matt grey in colour. The remaining external surfaces of the development hereby approved shall be of materials indicated on the submitted application form and approved plans, and no other materials shall be used without the prior written consent of the Planning Authority. Reason: To ensure a satisfactory form of development, which contributes appropriately to its setting.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Varied (Revised Conditions and Informatives)

- 6.3 Reference: 17/00011/FUL  
Proposal: Erection of detached garage with first floor studio, alterations and extension to dwellinghouse  
Site: Danderhall Cottage, St Boswells, Melrose  
Appellant: Ms Evelyn Brown and Mr John Kirk

Review against non-determination of Application.

Method of Review: Review of Papers

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

- 6.4 Reference: 17/00027/FUL  
Proposal: Erection of agricultural storage building with welfare accommodation  
Site: Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.5 Reference: 17/00028/FUL  
Proposal: Erection of agricultural storage building with welfare accommodation  
Site: Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open



countryside with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.6 Reference: 17/00044/PPP  
Proposal: Erection of two dwellinghouses  
Site: Garden Ground of Woodlands, Broomlee Mains,  
West Linton  
Appellant: Mrs Sandra Newton

Reason for Refusal: The proposal for a dwellinghouse at this location is contrary to Scottish Borders Local Development Plan policy HD2 Housing in the Countryside and Supplementary Planning Guidance New Housing in the Borders Countryside as the site is not located within a building group of three or more houses and there are no overriding economic needs or benefits to the local community that would justify approval. The site would not have a satisfactory relationship to any existing building group or contained sense of place at this location.

Method of Review: Review of Papers

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

6.7 Reference: 17/00090/FUL  
Proposal: Erection of agricultural storage shed with welfare accommodation  
Site: Land West of Former William Cree Memorial Church  
Kirkburn, Cardrona, Peebles  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety. 3. The application is contrary to Policies EP7 and EP8 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that the development will not adversely affect the setting of the adjoining statutorily listed building and sites of archaeological interest.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.8 Reference: 17/00092/FUL  
Proposal: Erection of agricultural storage shed with welfare accommodation  
Site: Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2 and ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

6.9 Reference: 17/00093/FUL  
Proposal: Erection of agricultural storage shed with welfare accommodation  
Site: Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse visual impacts on the Tweed Valley Special Landscape Area and the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated

that any traffic generated by the proposal can access the site without detriment to road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

- 6.10 Reference: 17/00094/FUL  
Proposal: Erection of agricultural storage shed with welfare accommodation  
Site: Land West of Former William Cree Memorial Church Kirkburn, Cardrona, Peebles  
Appellant: Cleek Poultry Ltd

Reasons for Refusal: 1. The application is contrary to Policies PMD2, EP5 and ED7 of the Scottish Borders Local Development Plan 2016 and Supplementary Planning Guidance relating to Special Landscape Area 2 - Tweed Valley in that it has not been adequately demonstrated that there is an overriding justification for the proposed building that would justify an exceptional permission for it in this rural location and, therefore, the development would appear as unwarranted development in the open countryside with adverse and cumulative visual impacts on the local environment. The proposed building is not of a design or scale that appears suited to the size of the holding on which it would be situated, which further undermines the case for justification in this location. 2. The application is contrary to Policy ED7 of the Scottish Borders Local Development Plan 2016 in that it has not been adequately demonstrated that any traffic generated by the proposal can access the site without detriment to road safety.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld

## 7 REVIEWS OUTSTANDING

- 7.1 There remained 3 reviews previously reported on which decisions were still awaited when this report was prepared on 27<sup>th</sup> July 2017. This relates to sites at:

• Land North West of Dunrig Spylaw Farm, Lamancha, West Linton	• Land South of Balmerino, Ashkirk
• Redundant Steading North West of Pots Close Cottage, Kelso	•

## 8 SECTION 36 PUBLIC LOCAL INQUIRIES RECEIVED

Nil

## 9 SECTION 36 PUBLIC LOCAL INQUIRIES DETERMINED

Nil

## 10 SECTION 36 PUBLIC LOCAL INQUIRIES OUTSTANDING

10.1 There remained 4 S36 PLI's previously reported on which decisions were still awaited when this report was prepared on 27<sup>th</sup> July 2017. This relates to sites at:

<ul style="list-style-type: none"><li>(Whitelaw Brae Wind Farm), Land South East of Glenbreck House, Tweedsmuir</li></ul>	<ul style="list-style-type: none"><li>Fallago Rig 1, Longformacus</li></ul>
<ul style="list-style-type: none"><li>Fallago Rig 2, Longformacus</li></ul>	<ul style="list-style-type: none"><li>Birneyknowe Wind Farm, Land North, South, East &amp; West of Birnieknowe Cottage, Hawick</li></ul>

### Approved by

**Ian Aikman**  
**Chief Planning Officer**

**Signature** .....

### Author(s)

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

**Background Papers:** None.

**Previous Minute Reference:** None.

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

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