

# CENTRAL BORDERS BUSINESS PARK TWEEDBANK

## PART II SIMPLIFIED PLANNING ZONE SCHEME

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## CENTRAL BORDERS BUSINESS PARK, TWEEDBANK

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# CENTRAL BORDERS BUSINESS PARK TWEEDBANK

## INTRODUCTION

### WHAT IS A SIMPLIFIED PLANNING ZONE (SPZ)?

A Simplified Planning Zone (SPZ) is a defined area where the need to apply for planning permission is removed for certain types of development so long as the development complies with the details, conditions and guidance set out in the SPZ Scheme.

The SPZ Scheme offers flexibility to help businesses and industries grow and adapt as well as encourages new opportunities to locate within the Central Borders, whilst maintaining high standards of development, care for the built environment and for the sensitive landscape setting.

Under the Town and Country Planning (Use Classes) (Scotland) Order 1997 changes of use can occur without the need for planning permission. Under

the Central Borders Business Park SPZ Scheme there is increased flexibility to change the use of properties. There is also scope to build new premises and/or alter and extend existing buildings without the need for a formal planning application subject to their compliance with the development parameters and conditions detailed in this document. The types of new/additional uses and new development that are approved within the SPZ area are set out in Stage 1 (pages 34-40).

It is highlighted that if you propose to alter an existing building, erect a building or convert a building it is likely that the submission of an application for a Building Warrant will be required. This is a separate process which is not permitted by the SPZ Scheme.

It should be noted that the provisions of the SPZ Scheme do not affect existing businesses/users currently operating within the Business Park.

The aim of the SPZ is to assist in informing investment decisions as businesses and investors are able to establish with certainty and speed the acceptability of their proposals. The savings in terms of time, money and effort in considering these changes and the certainty offered by the SPZ status will help promote the Central Borders Business Park as a location to invest.

## SPZ BOUNDARY

The provisions of this SPZ Scheme apply only to the area identified on the following plan (SPZ Plan 1). Areas outside of this boundary are subject to standard planning controls.



## SPZ PLAN 1—SPZ AREA





# CENTRAL BORDERS BUSINESS PARK TWEEDBANK SIMPLIFIED PLANNING ZONE SCHEME

## SPZ DURATION

The provisions of this SPZ Scheme are valid for a period of ten years from the date of its commencement on **X**. Scottish Borders Council has the right to propose alterations to the Scheme including to add to, remove or otherwise alter the planning controls (see page 50).

## HOW TO USE THE SCHEME

In using this SPZ Scheme there are three stages that require to be followed when proceeding with your development proposals within the Central Borders Business Park (see SPZ Figure 1).

Development is approved by this SPZ Scheme where it is in accordance with the development parameters (Stage 1), and complies with the conditions attached to the Scheme (Stage 2).

## SPZ FIGURE 1—OPERATION OF THE CENTRAL BORDERS BUSINESS PARK SPZ

### STAGE 1 WHAT TYPE OF DEVELOPMENTS ARE PERMITTED?

The types of development and uses that are allowed by the Scheme and what still requires consent are set out in pages 34-40.

### STAGE 2 CONDITIONS AND INFORMATIVES

A number of standard planning conditions apply to the development proposals eligible under the Scheme along with additional information required by conditions.

There may be other matters you need to consider, such as the submission of an application for a building warrant or advertisement consent.

### STAGE 3 NOTIFICATIONS

Notify Planning Authority of development proposal in line with SPZ Scheme.  
Notify Planning Authority of commencement and completion of development.

**PLEASE NOTE THE SPZ SCHEME DOES NOT SEEK TO DISCOURAGE THE SUBMISSION OF FORMAL PLANNING APPLICATIONS FOR ANY OTHER USE UNDER NORMAL DEVELOPMENT MANAGEMENT PROCEDURES WHICH DO NOT FALL WITHIN THE REMITS OF THE SPZ SCHEME. THE PROVISIONS OF THE SPZ SCHEME DO NOT AFFECT EXISTING BUSINESSES/USERS CURRENTLY OPERATING WITHIN THE BUSINESS PARK.**

## STAGE 1

### WHAT TYPES OF DEVELOPMENT ARE PERMITTED?

#### SPZ ZONES

##### The SPZ has five zones:

**ZONE A: Mixed Use Zone**—Zone A covers a mixed use site to the immediate east of the Railway Terminal. The Local Development Plan expects that the site will be developed for commercial mixed use purposes (housing would not be acceptable). Appropriate planting would be required along the mutual western boundary with the railway terminal, whilst allowing for pedestrian/vehicular permeability.

**ZONE B: Core Business Zone**—Zone B covers Tweedside Park which is currently dominated by existing business uses. This zone will remain focused towards this type of use.

**ZONE C: Gateway Mixed Use Zone**—Zone C is focused on the gateway into the Business Park from the railway terminal. This zone has a wider mix of uses, albeit some are restricted to a limited floorspace namely two units, each with a maximum floor area of 70m<sup>2</sup> (gross internal area) offering the opportunity for shop uses. Building heights in this area are less uniform and there is potential to reinforce the gateway character through the use of taller, landmark buildings. A shared surface / plaza is required at the access into the business park at the railways terminus roundabout in order to provide a setting for the key prominent buildings at this location and an attractive entrance feature.

**ZONE D: Tweedbank Industrial Estate**—Zone D is a more traditional business and industrial site and the SPZ Scheme continues to safeguard this area for Class 4 (business), 5 (general industrial) and 6 (storage or distribution) uses to maintain its established function and protect it from inappropriate development that could undermine its existing and future operational capabilities.

**Zone E: Tweedbank Industrial Estate Business Zone**—Zone E will become a business focused zone with its more prominent location in respect of visibility from the Class A road to the south and on the entrance into the Business Park. The SPZ seeks to ensure high quality development at this location and gives careful consideration to planting along the southern boundary of the site in order to secure a degree of visibility but also an appropriate screen in view of the sensitive location of the site adjacent to the Special Landscape Area.

#### WHAT TYPES OF DEVELOPMENT ARE APPROVED BY THE SPZ SCHEME?

Development is approved within the SPZ area subject to the development parameters set out in SPZ Table 2 and the text on pages 37-40. This allows for certain changes of use, new buildings, external alterations and other minor works within the Central Borders Business Park. All development must also comply with the conditions attached to the Scheme (SPZ Table 3), the Design and Landscape Framework (Appendix 1), the Transport Design Guidance (Appendix 2) and Transport Statement (Appendix 3). Together, the development parameters and zoning of the Park will control the quantum of development and its location to ensure the main focus of the Park continues to be for business and industrial uses in accordance with Local Development Plan policies. SPZ Table 1 details the types of uses that are approved under this SPZ scheme, broken down into five zones and Plan 2 defines the boundaries of the zones. Pages 39-40 details the types of new development, such as new buildings and extensions approved under this SPZ Scheme. A proposal for any other use or development type will not be permitted by this Scheme. If you propose to alter an existing building, erect a building or convert a building it is likely this will require a Building Warrant application. Priority is given to building warrant applications involving inward investment and job creation.



SPZ TABLE 1—TYPES OF USES AND DEVELOPMENTS PERMITTED BY SPZ SCHEME

ZONE	USES AND DEVELOPMENTS PERMITTED
A	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p> <p><b>Use Class 7</b>—Hotels &amp; Hostels (e.g. Hotel, boarding and guest house, hostel)</p>
B	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>
C	<p><b>Use Class 1</b>—Shops (two units each with a maximum floor area of 70m<sup>2</sup>)</p> <p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry* )</p>
D	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p> <p><b>Use Class 5</b>—General Industry (use for the carrying out of an industrial process other than one falling within the Class 4 (Business) definition)</p> <p><b>Use Class 6</b>—Storage or Distribution</p>
E	<p><b>Use Class 4</b>—Business (e.g. Offices other than that specified under Class 2, research and development of products or processes, light industry*)</p>

\*Examples only, for a full list of uses please see The Town & Country Planning (Use Classes) (Scotland) Order 1997



SPZ PLAN 2—SPZ ZONES





**SPZ TABLE 2—DEVELOPMENT PARAMETERS**

	USE CLASS	PARAMETER	RESTRICTIONS	REASON
DP1	Non classified (sui generis) - Sale and display of motor vehicles	Not permitted by the SPZ Scheme	Zones A, B, C, D & E—No development in Non-classified (sui generis): Sale and display of motor vehicles.	Non-classified (sui-generis): Sale and display of motor vehicles is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
DP2	Class 1 Shops	2 units each with a maximum floor area of 70m <sup>2</sup> permitted in Zone C only	Zones A, B, D & E—No development in Class 1 permitted by the SPZ scheme. Zone C—Class 1 permitted by the SPZ scheme. No more than 2 contiguous Class 1 units are permitted by the SPZ scheme in Zone C.	Complementary uses that can support the viability and sustainability of the Business Park but are subject to specific controls to safeguard the main industrial and business function, and to avoid a scale of retailing that would normally be directed to town centres.
DP3	Class 2 Financial, Professional and Other Services	Not permitted by the SPZ Scheme	Zones A, B, C, D & E—No development in Class 2 permitted by the SPZ scheme.	Class 2 is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
DP4	Class 3 Food & Drink and hot food takeaway (sui generis)	Not permitted by the SPZ Scheme	Zones A, B, C, D & E—No development in Class 3 permitted by the SPZ scheme.	Class 3 is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
DP5	Class 4—Business	Permitted by the SPZ Scheme.	Zones A, B, C, D & E—Class 4 permitted by the SPZ Scheme.	To provide business floorspace as part of the Business and Industrial Land allocation in accordance with Local Development Plan policies.

	USE CLASS	PARAMETER	RESTRICTIONS	REASON
DP6	Class 5—General Industrial and Class 6—Storage and Distribution	Permitted by the SPZ Scheme.	Zones A, B, C & E—No development in Class 5 and/ or Class 6. Use Classes 5 and 6 are permitted by the SPZ Scheme in Zone D.	To provide a maximum quantum of general industrial and storage/ distribution floorspace as part of the overall Business Park.
DP7	Class 7 Hotels and Hostels	Permitted in Zone A only	Zones B, C, D & E—No development in Class 7 permitted by the SPZ scheme. Zone A—Class 7 permitted by the SPZ scheme.	To direct this type of complementary use to Zone A to support users of the Railway terminal and the viability and sustainability of the Business Park.
DP8	Class 8 Residential Institutions Class 9 Houses Class 11 Assembly and leisure and theatre , motor vehicle or firearm sport (sui generis)	Not permitted by the SPZ Scheme.	Zones A, B, C, D & E—No development Classes 8, 9, and/or 11 and non-classified (sui generis): theatre , motor vehicle or firearm sport	Classes 8, 9 and 11 and non-classified (sui-generis) theatre , motor vehicle or firearm sport is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
DP9	Class 10 Non-residential institutions	Not permitted by the SPZ Scheme.	Zones A, B, C, D & E—No development in Class 10 permitted by the SPZ scheme.	Class 10 is not permitted by the SPZ scheme in the interests of protecting the strategic safeguarded and strategic high amenity safeguarded business and industrial sites.
DP10	N/A	Not permitted by the SPZ Scheme.	Temporary buildings are not permitted within the SPZ boundary, unless with separate planning permission.	Temporary buildings are not permitted by the SPZ Scheme in the interests of amenity.

## NOTES

1. All measurements are in square metres (gross internal area) unless otherwise stated.
2. Units cannot be merged to form a larger planning unit where the resultant unit would be larger than the maximum permitted unit size identified for each zone, without separate planning permission.
3. Where existing floorspace is redeveloped the floorspace lost can be re-provided elsewhere within the SPZ area subject to compliance with the SPZ parameters.
4. The boundaries of the SPZ zones are shown in SPZ Plan 2.
5. Development activity and the parameter floorspace will be monitored throughout the Scheme and the Council will endeavour to publish an annual monitoring report of approved development. Developers are required to notify the Council of the commencement and completion of development using the forms in Appendix 4.

## CHANGE OF USE

Change of use development is permitted provided that the proposed use and level of floorspace is within the provisions of the SPZ Scheme and is in accordance with the planning conditions.

## CONSTRUCTION

New build and extensions development is permitted provided the proposed use and level of floorspace is within the provisions of the SPZ Scheme and is in accordance with the planning conditions, the Design and Landscape Framework (Appendix 1), Transport Design Guidance (Appendix 2) and Transport Statement (Appendix 3).

## INFRASTRUCTURE

Development of infrastructure to support the functioning of the Business Park is permitted subject to compliance with the planning conditions, the Design and Landscape Framework (Appendix 1), the Transport Design Guidance (Appendix 2) and Transport Statement (Appendix 3). For the purposes of this SPZ Scheme, infrastructure proposals includes:

- New roads and pathways/cycleways and alterations to existing roads and pathways/cycleways, in both the private and public realms.
- New external lighting in both the private and public realm, and alterations to existing lighting.
- Infrastructure associated with the delivery of sustainable transport measures (examples include but are not limited to cycle parking, cycle docking stations, electric charging points, inductive charging points and bus stops/shelters).
- New waste storage and collection facilities, where these are strictly ancillary to the main use, or for the purpose of collecting waste in the public realm.

## MINOR OPERATIONAL DEVELOPMENT

Minor operational development is permitted subject to compliance with the planning conditions and Design and Landscape Framework. For the purposes of the SPZ Scheme, minor operational development includes:

- Changes to the external appearance of buildings, including recladding, alterations to access, doors and windows
- Installation of plant to serve the existing or proposed building(s)
- Landscaping (including hard and soft materials) of individual plots
- Landscaping (including hard and soft materials, street furniture and public art)



## DESIGN AND LANDSCAPE FRAMEWORK

The SPZ Scheme does not remove the requirement for good design or consideration of the built and natural environment. The Design and Landscape Framework (Appendix 1) for the SPZ is appended to this Scheme and must be considered in all development proposals, in accordance with the planning conditions.

## WHAT STILL REQUIRES CONSENT?

### PROPOSALS NOT PERMITTED BY THE SCHEME

Proposals falling outside of the SPZ Scheme that require planning consent will be considered by way of a planning application and determined by the Council. Scottish Borders Council continues to welcome such submissions.

### PERMITTED DEVELOPMENT RIGHTS

This Scheme does not affect existing permitted development rights afforded under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). The amended order, subject to specified criteria, allows for certain alterations and extensions to commercial properties and minor developments such as access ramps and the installation of vehicle recharging electrical outlets.

Any alterations or extensions to permitted development rights which may subsequently emerge through future regulatory change would also be available.

### OTHER CONSENTS

The SPZ Scheme relates only to planning permission. It is the developer's responsibility to ensure compliance with all other relevant legislation and requisite fees. **For example, separate approval will be required from the Local Authority for, if applicable, Building Warrants. Refer to pages 46-47 for further guidance.**

## ADVERTISEMENT CONSENT

Proposals for signs and advertisements, unless having deemed consent, will require approval under the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984 (as amended) or its replacement.

Certain types of advertisement do not need permission under the regulations. As a guide you will normally need to apply for permission for most illuminated signs, advertisements using special structures for display such as poster hoardings and large signs or those positioned high up on buildings.

For a full list of advertisements which can be displayed without consent please see Schedule 4 of the Advertisement Regulations. The Advertisement Regulations are complex and it is always advisable to check the position with the Council's Development Management Section before proceeding.

## STAGE 2

# CONDITIONS AND INFORMATIVES

### PLANNING CONDITIONS AND INFORMATIVES

Development permitted by this SPZ Scheme is subject to planning conditions as shown in SPZ Table 3. Developers should note that some of the conditions are pre-commencement conditions, requiring details to be approved prior to development starting.

Where conditions require further details to be submitted to the Local Authority, Scottish Borders Council will endeavour to provide a response regarding the acceptability of the submitted information within 21 days of receipt.

**It is the developer's responsibility to ensure that development is fully in compliance with these conditions and informatives.**

### VARIATION OR REMOVAL OF PLANNING CONDITIONS

Development carried out under the provisions of the SPZ must adhere to any relevant, applicable condition contained within the SPZ Scheme. There is no scope to vary or remove planning conditions attached to the SPZ Scheme other than in the circumstances when the Council choose to alter the Scheme.

Where developers wish to carry out development not complying with a condition contained within the SPZ Scheme, an application for planning permission must be submitted for consideration by the Council.

SPZ TABLE 3—SPZ CONDITIONS & INFORMATIVES

		REASON
1	All development shall comply with the parameters of the SPZ Scheme as set out in SPZ Table 2.	To ensure the development accords with the provisions of this Scheme.
2	All development shall accord with the terms of the SPZ Design and Landscape Framework, the Transport Design Guidance and Transport Statement as set out in Appendices 1, 2 and 3.	To ensure that all development accords with the terms of this Scheme.
3	<p>Prior to the commencement of development a scheme detailing how waste and recycling arising from the development shall be stored and screened, shall first have been submitted to and approved in writing by the LPA. The scheme hereby approved shall be implemented prior to the occupation of the development.</p> <p>Informative: Waste and recycling storage areas must be located away from principal frontages (as defined by SG Plan 2) and be screened from the road (in line with the requirements set out in Appendix 1: Design and Landscape Framework). All new development must include provision for waste separation and collection to meet the requirements of the Waste (Scotland) Regulations. Site Waste Management Plans shall be submitted to and approved by the Local Planning Authority before development is commenced and shall be implemented in full and in the approved manner.</p>	To maintain and enhance the visual amenity of the area.
	<b>CAR AND CYCLE PARKING</b>	<b>REASON</b>
4	<p>No development shall commence until a scheme for car parking and the surface treatment of the car park area within the development site, shall first have been submitted to and approved in writing by the LPA. The scheme hereby approved shall be implemented in full prior to the occupation of the development.</p> <p>Informative: Car parking shall be provided in accordance with non-car accessibility Level D in the SEStran Parking Standards publication, as detailed in Appendix 2: Transport Design Guidance. Car parking spaces (each measuring 2.5 x 5.0 metres) and aisles (6 metres wide) shall be clearly delineated on the ground. No works shall be undertaken in respect of the car parking until a scheme of details, including timescales for implementation, which shall first have been submitted to and approved in writing by the Local Planning Authority. The car parking must be available for use before the development is occupied and thereafter retained. Car parking area(s) shall be permeable hardstanding with water attenuation, or other SUDS treatment as promoted in the SUDS For Roads Guide by SCOTS and SUDS Working Party. Loose material is not acceptable for any car park surface.</p>	<p>To ensure that adequate parking provision is made whilst encouraging the use of public transport.</p> <p>To attenuate drainage from the site in the interest of flood control; to keep the road free of loose material in the interests of pedestrian and vehicular safety.</p>

5	<p>Prior to the commencement of development a scheme detailing the provision for the parking of cycles within the development site, shall first have been submitted to and approved in writing by the LPA. The scheme hereby approved shall be implemented in full prior to the occupation of the development.</p> <p>Informative: Provision shall be made for in the design of the development for the parking of cycles. This provision shall be safe, sheltered and secure in accordance with guidance document 'Cycling by Design 2010' published by Transport Scotland. The cycle parking shall be available for use before the development is occupied and thereafter retained.</p>	To ensure that cycle parking is available for the users of the development and to reduce reliance on the private car.
<b>CONTAMINATION</b>		<b>REASON</b>
6	<p>No development shall commence within Zone A until a scheme which will have identified, assess and provided remediation of any identified contaminants on site has been submitted to and agreed in writing by the LPA. The scheme hereby approved shall be implemented in full prior to the commencement of the development.</p> <p>Informative: No development shall commence within Zone A until a detailed scheme to identify and assess potential contamination on site has been submitted to and agreed in writing by the Local Planning Authority and thereafter implemented in accordance with the approved scheme. The scheme shall be undertaken by a competent person or persons in accordance with the advice of relevant authoritative guidance including PAN 33 (2000) and BS10175:2011 or, in the event of these being superseded or supplemented, the most up-to-date version(s) of any subsequent revision(s) of, and/or supplement(s) to, these documents. This scheme should contain details of proposals to investigate and remediate potential contamination and must include:-</p> <ol style="list-style-type: none"> <li>A desk study and development of a conceptual site model including (where necessary) a detailed site investigation strategy. The desk study and the scope and method of recommended further investigations shall be agreed with the Council prior to addressing parts b, c, d, and, e of this condition. and thereafter</li> <li>Where required by the desk study, undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.</li> <li>Remedial Strategy (if required) to treat/remove contamination to ensure that the site is fit for its proposed use (this shall include a method statement, programme of works, and proposed validation plan).</li> <li>Submission of a Validation Report (should remedial action be required) by the developer which will validate and verify the completion of works to a satisfaction of the Council.</li> <li>Submission, if necessary, of monitoring statements at periods to be agreed with the Council for such time period as is considered appropriate by the Council.</li> </ol> <p>Written confirmation from the Council, that the scheme has been implemented completed and (if appropriate), monitoring measures are satisfactorily in place, shall be required by the Developer before any development hereby approved commences. Where remedial measures are required as part of the development construction detail, commencement must be agreed in writing with the Council.</p>	To ensure that the potential risks to human health, the water environment, property and ecological systems arising from any identified contamination have been adequately addressed.

	ROADS AND ACCESS	REASON
7	No development shall commence in relation to the formation, alteration, reconfiguration of a junction until a scheme of details, first shall have been submitted to and approved in writing by the LPA. The scheme hereby approved shall be implemented in full prior to the commencement of development on site.	To ensure that the standard of junction layout complies with the current standards and to minimise interference with the safety and free flow of traffic on the road network.
8	No fences, wall, planting or other obstructions to visibility shall be placed within a vehicular access or junction visibility splay.	To ensure that the access complies with approved standards in the interests of pedestrian and vehicular safety.
9	<p>No development shall commence until a scheme detailing the provision of pedestrian and cycling access through the development site has been submitted. The scheme hereby approved shall be implemented in full prior to development commencing on the site.</p> <p>Informative: Provision shall be made within the site for pedestrians and cyclists, in accordance with the Transport Statement (Appendix 3) of the Simplified Planning Zone Scheme and in agreement with the Local Planning Authority. No works shall be undertaken in respect of the pedestrian and cyclist provisions until a scheme of details, including timescales for implementation, which shall first have been submitted to and approved in writing by the Local Planning Authority. The scheme thereafter agreed shall be implemented in full and in the approved manner.</p>	To ensure a satisfactory level of provision for pedestrians and cyclists.
10	<p>No development shall be undertaken which would prejudice the future provision of the extension of the Borders Railway from Tweedbank through to Hawick as defined on SG Plan 2, page 17, of the Supplementary Guidance.</p> <p>Informative: No development is permitted which might prejudice the future provision of the extension of the Borders Railway from Tweedbank through to Hawick as defined on SG Plan 2, page 17, of the Supplementary Guidance. This is in line with Policy IS4: Transport Development and Infrastructure of the Local Development Plan 2016.</p>	To ensure that any development does not prejudice any future extension of the Borders Railway from Tweedbank to Hawick and beyond.
	ENVIRONMENT	REASON
11	All development shall comply with the Design and Landscape Framework as set out in Appendix 1.	In the interests of the visual amenity of the area.
12	External lighting to be installed within the development site should accord with BS 5489-1977 and Scottish Government Guidance Note entitled 'Controlling Light Pollution and Reducing Light Energy Consumption – March 2007. The lighting shall be installed and operational before the development is occupied and maintained thereafter.	In order to help make the site more secure.



13	The trees on this site which are covered by the Tree Preservation Order (SPZ Plan 3), shall be protected at all times during construction and building operations, by the erection of substantial timber fences around the trees, together with such other measures as are necessary to protect the trees and their roots from damage in line with British Standard 5837:2005. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.	To ensure that adequate precautions are taken to protect trees during building operations.
	<b>DRAINAGE AND FLOODING</b>	<b>REASON</b>
14	No development shall commence within Zones D and E until a scheme of flood risk detailing the assessment and mitigation have first been submitted to and approved in writing by the LPA. The scheme hereby approved shall be implemented in full prior to the occupation of the development.	To ensure adequate drainage within the SPZ area and to ensure suitable mitigation of potential future flooding events.
15	No development shall commence until a scheme of surface water disposal in accordance with Sustainable Urban Drainage principles have first been submitted to and approved in writing by the LPA. The scheme hereby approved shall be implemented in full prior to the occupation of the development.	To ensure that adequate and appropriate means are used in the disposal of surface water.
	<b>ARCHAEOLOGY</b>	<b>REASON</b>
16	No development shall take place within the National Inventory Battlefield—Battle of Darnick (part of Zone B and Zone E) until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis, the results of which will be submitted to the Planning Authority.	The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
	<b>NOISE</b>	<b>REASON</b>
17	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.	To protect the residential amenity of nearby properties.

	ODOUR / AIR QUALITY / PEST CONTROL	REASON
18	No development shall commence until a plan for the management and control of potential nuisances (including odour, air quality, flies and other pests) that would be liable to arise at the development site as a consequence of and/or in relation to the operation or maintenance of plant, has first been submitted to, and approved in writing by the Planning Authority. Thereafter the approved nuisance control management plan shall be implemented as part of the development.	To ensure that the operation of the plant hereby approved has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties, by ensuring that all potential sources of nuisance are appropriately managed and controlled.

## INFORMATIVES

Developers must note that compliance with the conditions does not remove the requirement to obtain all other statutory consents. Informatives detailed below are a reminder for developers of some of the issues that they may need to consider.

### SEPA

The applicant must consult the Scottish Environment Protection Agency concerning the proposed development, in respect of legislation administered by that organisation which is likely to affect proposed development.

Developers must be aware that early contact should be made with SEPA in order to ascertain whether the proposed development would be consentable under SEPA's regulatory regime, this is particularly the case for Class 5—General Industrial activities. Phone: 03000 99 66 99 (Customer Enquiries)

## LICENSING

If you would like advice or help in making a new application for the grant of a license, or you would like to know whether you need a license for a particular purpose, please contact Scottish Borders Council's Licensing section:  
Phone: 01835 826662

## BUILDING STANDARDS

If you propose to alter an existing building, erect a building or convert a building it is likely that you will require a Building Warrant. A warrant will be granted if the proposals meet the requirements of the Building (Scotland) Act 2003. Application forms for a Building Warrant as well as guidance is available on Scottish Borders Council's website. For larger or more complex work, Building Standards will also provide preliminary advice in relation to the regulations.

Priority is given to building warrant applications involving inward investment and job creation which are fast-tracked.

**Building Standards cover all aspects of construction as detailed within the Regulations and Technical Handbooks to:**

- Secure the health, safety, welfare and convenience of persons in or about buildings and of others who may be affected by buildings or matters connected with buildings;
- Further the conservation of fuel and power; and
- Further the achievement of sustainable development.

Some work however, where it complies with the regulations and on certain building types, can be carried out without Building Warrant approval.

For further information please contact Building Standards:  
Phone: 0300 100 1800

## DRAINAGE

The developer should consult Scottish Water in respect of legislation administered by that organisation which is likely to affect development.  
Phone: 0800 077 8778 (Customer Helpline)

## ROAD CONSTRUCTION CONSENT

Anyone who needs to build a new road or extend an existing road would require Road Construction Consent (RCC) from Scottish Borders Council. Please contact Scottish Borders Council's Roads Planning Service:  
Phone: 01835 826641

## ASBESTOS

There is a risk that existing buildings may contain asbestos. If asbestos is present, it should be disposed of by a licensed person(s) and the necessary precautions should be undertaken.

## TREE PRESERVATION ORDER

Trees within the existing Industrial Estate are protected by a Tree Preservation Order (SPZ Plan 3). Consent would be required from the Tree Officer of Scottish Borders Council to undertake work to or fell a protected tree. Please contact Scottish Borders Council's Tree Officer:  
Phone: 0300 100 1800

## ECOLOGY

Developers are reminded of their obligations under the provisions of the Wildlife and Countryside Act 1981 (as amended) and The Conservation (Natural Habitats) Regulations 1994 (as amended). This includes the requirement to undertake bat surveys prior to works that would affect trees and buildings, to undertake a breeding bird survey prior to any works that could affect vegetation during the bird breeding season, and to implement appropriate measures to control invasive species.

## SCOTTISH NATURAL HERITAGE

The developer should consult Scottish Natural Heritage in respect of potential licensing requirements for protected species.  
Phone: 01463 725364  
Email: [licensing@snh.gov.uk](mailto:licensing@snh.gov.uk)

## ADVERTISEMENTS

Any advertisement, other than that deemed within the terms of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, will require an application for advertisement consent (See page 40).

## LAND OWNERSHIP

The applicant is advised that the granting of planning permission through this SPZ Scheme does not remove the requirement to obtain consent from the owner to undertake the development and adjacent landowners in respect of any access required. Such consent should be obtained prior to the commencement of works on site.

## STAGE 3 NOTIFICATIONS

### NOTIFICATION REQUIREMENTS

#### PRE-DEVELOPMENT NOTIFICATION

Prior to the commencement of development under the provisions of the SPZ Scheme, it is the developer's responsibility to notify the Local Planning Authority using the Pre-development Notification Form attached in Appendix 4.

On receipt of a duly completed Pre-development Notification Form, the Local Planning Authority will respond in writing within 21 days to acknowledge the development proposal. Failure to respond in writing within this period, or to request further information (with specified reasons) will be deemed to mean that the pre-notification requirement has been fulfilled.

It is important that accurate information is provided on this form to allow the Council to monitor development activity and ensure that development is in accordance with the SPZ development parameters. Failure to provide accurate information may lead to enforcement action being taken by the Council.

#### COMMENCEMENT AND COMPLETION NOTIFICATION

In addition to the Pre-development Notification Form developers are required to complete and return notification forms on commencement and completion of a development being carried out under the provisions of this SPZ Scheme (Appendix 4).

## SPZ FIGURE 2—NOTIFICATIONS AND SUBMISSION OF INFORMATION

- 1** Submit Pre-Development Notification Form and any additional information required by conditions to SBC—SBC will acknowledge notification and respond regarding suitability or need for additional information within 21 working days.

Should you require SBC's formal confirmation that a proposed use or development is approved by the SPZ Scheme, an application for a Certificate of Lawfulness is required – SBC will respond as early as possible, but within a maximum period of 2 months.

- 2** Submit Development Commencement Form to SBC.

- 3** Submit Development Completion Form to SBC.



# CENTRAL BORDERS BUSINESS PARK TWEEDBANK

## MISCELLANEOUS INFORMATION

### SCHEME COMPLIANCE AND RIGHTS OF APPEAL

Should prospective developers require SBC's formal confirmation that a proposed use or development is approved by the SPZ Scheme, an application for a Certificate of Lawfulness is required together with the requisite planning fee (Section 151 of the 1997 Act). SBC will endeavour to determine applications for a Certificate of Lawfulness in respect of the SPZ Scheme as early as possible, but within a maximum period of 2 months.

If the application is refused, the applicant will have the normal rights of appeal.

### ENVIRONMENTAL IMPACT ASSESSMENT

As set out in Circular 3/2011, any EIA development is explicitly excluded from SPZ Schemes.

### ENFORCEMENT

If SBC considers that a development is in breach of the provisions of the SPZ Scheme, or other planning permission, the Council may take enforcement action. This action is undertaken at the discretion of the Council in accordance with SBC's Planning Enforcement Charter March 2014.

### MONITORING ARRANGEMENTS

For the SPZ Scheme to work efficiently, for outcomes to be measured and for it to achieve its primary objective of encouraging sustainable economic development, it is important that SBC are able to monitor the development activity by using the information received through the pre-development notification process and the commencement and completion of development forms (Appendix 4).

### ALTERATION OF THE SPZ SCHEME

SBC intends that the SPZ Scheme will remain unaltered for the entirety of its period of operation (10 years). Under the provisions of Section 53 of the 1997 Act, however, the Council has the right to propose alterations to the Scheme including to add to, remove or otherwise alter the planning controls. In accordance with the regulations, alterations will be subject to further public consultation and will only come into effect 12 months from the date of adoption of the changes.