

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of Meeting of the PLANNING AND
BUILDING STANDARDS COMMITTEE
held in Scottish Borders Council, Council
Headquarters, Newtown St Boswells TD6
0SA on Monday, 30 April 2018 at
10.00 am

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage and E. Small.
Also Present:- Councillor G. Turnbull
In Attendance:- Chief Planning Officer, Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Lead Roads Planning Officer, Solicitor (Emma Moir), Democratic Services Team Leader, Democratic Services Officer (F. Henderson).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 26 March 2018.

DECISION

APPROVED for signature by the Chairman.

2. **APPLICATIONS.**

There had been circulated copies of reports by the Service Director Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the applications as detailed in Appendix I to this Minute.

DECLARATION OF INTEREST

3. Councillor Fullarton declared an interest in applications 17/01602/PPP and 18/00134/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion.

4. **CONSULTATION FEES CHARGED FOR APPLICATIONS UNDER THE ELECTRICITY ACT 1989**

There had been circulated copies of a report by the Service Director Regulatory Services which sought approval of the response prepared by the Chief Planning Officer on behalf for Scottish Borders Council in respect of the changes to the fees regime for applications to the Scottish Government's Energy Consents Unit under s36 and s37 of the Electricity Act 1989. The report explained that Scottish Ministers were seeking views on their proposals to substantially increase the fees applicable for such applications and for their proposed new fee structure. The fee structure was set out in Annex1 to the consultation document which was attached as Appendix B to the report. The proposals sought to deliver full recovery of costs for the Energy Consents Unit enabling it to maintain service delivery and support future service improvement. Whilst the general provisions of the new fee regime were acceptable, controversially, the proposals specifically stated that there would be no reciprocal increase in the fee payable to Local Planning Authorities for the work they undertook in the determination and assessment of such applications. There would also still remain a significant discrepancy between the fees charged in Scotland and the rest of the UK for such development.

DECISION

AGREED to approve the consultation response set out in Appendix A to the report as the Scottish Borders Council's formal response to the consultation on the fees charged for applications under the Electricity Act 1989.

5. APPEALS AND REVIEWS

There had been circulated copies of a briefing note by the Chief Planning Officer on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED:-

- (a) Appeal received in respect of Demolition of existing building and erection of four dwellinghouses on site at Industrial Building and Yard, Elders Drive, Newtown St Boswells – 17/01342/PPP**
- (b) that Scottish Ministers had dismissed the appeals in respect of:-**
 - (i) painting of exterior of building within conservation area and listed building at 13 St Ella's Place, Eyemouth – 17/00006/UNDEV;**
 - (ii) Erection of scaffolding structure and metal panel fence structure on Land North West of Kirkburn Church, Peebles – 17/00089/UNUSE;**
- (c) there remained seven appeals outstanding in respect of:-**
 - Land North of Howpark Farmhouse, Grantshouse**
 - Poultry Farm, Marchmont Road, Greenlaw**
 - Land South West of Easter Haprew Farmhouse, Peebles**
 - Hutton Hall Barns, Hutton**
 - Land East of Knapdale, 54 Edinburgh Road, Peebles**
 - Land North West of Gilston Farm, Heriot**
 - Land South West of Lurgiescleuch (Pines Burn), Hawick**
- (d) Review request had been received in respect of:-**
 - (i) erection of dwellinghouse on Land North West of the Gables, Gattonside – 17/0161/PPP;**
 - (ii) Erection of dwellinghouse on Land South of the Bungalow, Blacklee Brae, Bonchester Bridge – 17/01685/PPP;**
 - (iii) Change of use from retail to dog grooming practice, 38 Bank Street, Galashiels – 17/01704/FUL;**
 - (iv) Extension to dwelling house at 34 Edinburgh Road, Peebles – 17/017631/FUL**
- (e) the decision of the Appointed Officer had been upheld in respect of:-**
 - (i) Erection of replacement dwellinghouse on derelict dwelling land West of Glenkinnon Lodge, Peelburnfoot, Clovenfords – 17/01008/FUL;**
 - (ii) Extension to form new living room at 16 Craig Brown Avenue, Selkirk – 17/01409/FUL;**
- (f) the decision of the Appointed Officer had been Overturned in respect of:-**

- (i) Extension to dwellinghouse on land South East of Beckhope, Kailzie, Peebles – 17/01572/PPP**
- (ii) Erection of dwellinghouse, Land East of Keleden, Ednam, Kelso – 17/01613/PPP**
- (iii) Change of use from retail to dog grooming practice at 28 Bank Street, Galashiels – 17/01704/FUL**

The meeting concluded at 1 p.m.

APPENDIX I

APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
17/01740/FUL	Demolition of guest lodges and refurbishment of 6 retained lodges, erection of guest lodges, staff accommodation, new central hub with associated facilities, refurbishment and extension to existing staff lodge, redesigned site layout with new access roads, parking and footpaths	Whithaugh Park Holiday Centre Newcastleton

Decision:- Approved subject to the following conditions and informatives:

1. The occupation of the lodges shall be restricted to genuine holidaymakers/tourists for periods not exceeding 3 months in total by any particular person or party within any consecutive period of 12 months. The lodges shall not be used as permanent residential occupation. A register of holidaymakers shall be kept and made available for inspection by an authorised officer of the council at all reasonable times.
Reason: Permanent residential units in this location would be contrary to the Scottish Borders Local Development Plan housing in the countryside policies.
2. All new and extended staff accommodation buildings shall only be occupied by persons employed by Whithaugh Park Holiday Centre, including partners and dependants of such employees.
Reason: Permanent residential use unrelated to the holiday development in this location would conflict with the established planning policy for this rural area.
3. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority.
Reason: To ensure that the development of the proceeds in an appropriate manner which respects the landscape setting of the holiday park.
4. No development shall commence until a detailed landscape plan has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The plan(s) shall include the following information:
 - a) Identifying the extent of ground excavation works for all new and extended buildings, roads and hard standings.
 - b) Identifying trees to be removed and retained.
 - c) The location of protective fencing in accordance with BS5837:2012 which is to be erected around the trees identified for retention. Once approved the fencing shall be erected before development works commence and shall only be removed when the development has been completed.
 - d) A programme of soft landscaping works.Reason: Further information is required regarding tree removal and protection to ensure impacts on trees are minimised and to enable the effective assimilation of the development into its wider surroundings.
5. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.
Reason: To ensure that the proposed landscaping is carried out as approved.

6. No development to be commenced until samples of all external materials to be used on all buildings throughout the site are submitted to, and approved by the Planning Authority and thereafter no development shall take place except in strict accordance with those details.
Reason: To safeguard the visual amenity of the area and the character of the landscape.
7. All new private access roads within the site shall be constructed with a smooth free draining, well compacted running surface capable of withstanding a minimum axle loading of 14 tonne unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that the development is served by an adequate means of access.
8. All exterior lighting on buildings and throughout the site and the design of cabins to be fully in accordance with the details submitted in a Lighting Management Strategy which shall first be submitted to, and approved by, the Planning Authority.
Reason: To safeguard the visual amenity of the area and the character of the designated landscape.
9. All development works shall be undertaken in strict accordance with the development processes and means of mitigation detailed within the Species Protection Plan for Bats contained within the Bat Survey (Findlay Ecology Services, October 2017) unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure that bats and their habitats which are affected by the development are afforded suitable protection for the construction and operation of the development.
10. No development shall commence until a Species Protection Plan for breeding birds and badgers has been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details.
Reason: To ensure that species and habitats affected by the development are afforded suitable protection for the construction and operation of the development.
11. Prior to the commencement of development, the developer shall provide to the Planning Authority:
a) a copy of the relevant European Protected Species licence, or,
b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified development.
Reason: To ensure that the development is carried out appropriately and does not adversely affect the ecological interests of the site.
12. No development should commence until the applicant has provided evidence that arrangements are in place to ensure that the private drainage system will be maintained in a serviceable condition
Reason: To ensure that the development does not have a detrimental effect on amenity and public health.
13. No development shall commence until the means of surface water drainage to serve the construction operations associated with this development which complies with Sustainable Urban Drainage Systems (SUDS) regulation has been submitted to and agreed in writing with the Planning Authority and thereafter the development shall be completed in strict accordance with the agreed details:
Reason: To agree suitable means of surface water drainage from the site for potentially contaminative construction operations.
14. No development is to commence until a report has been submitted to and approved in writing by the Planning Authority, demonstrating the provision of an adequate water supply to the development in terms of quality and quantity. The report must also

detail all mitigation measures to be delivered to secure the quality, quantity and continuity of water supplies to properties in the locality which are served by private water supplies and which may be affected by the development. The provisions of the approved report shall be implemented prior to the occupation of the building(s) hereby approved.

Reason: To ensure that the development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

Informatives

1. With reference to Condition 12, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition.

Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law.

To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

The applicants should also be aware that a separate licence will be required to be obtained from SEPA for these works.

2. With reference to Condition 14 it is recommended that as the development may result in the general public consuming the water from the private water supply, the supply will be classed as a Type A. This will mean that the supply will be subjected to annual water testing and a risk assessment of the supply. The applicant should contact an Environmental Health Officer before becoming operational to discuss testing of the water.

3. The Control of Pollution Act 1974 allows the Council to set times during which work may be carried out and the methods used.

It is recommended that any noise generating work is only undertaken between the hours specified below;

Monday – Friday 0700 – 1900

Saturday 0700 – 1300

Sunday (Public Holidays) – no permitted work (except by prior notification to Scottish Borders Council.

Contractors will be expected to adhere to the noise control measures contained in British Standard 5228:2009 Code of practice for noise and vibration control on construction and open sites.

4. With reference to Condition 11, it is recommended that demolition of the existing lodges will require a licence to destroy the bat roosts present in these buildings before development commences. Any renovation of the sports hall, swimming pool and remaining lodges, may require disturbance/destruction licences depending on the work to be carried. The applicant should liaise with SNH regarding this. Further information on the licensing application process and the European Protected Species licensing tests can be found via the following link:- <https://www.nature.scot/professional-advice/safeguarding-protected-areas-and-species/licensing/species-licensing-z-guide/bats-and-licensing/bats-licences-development>

NOTE

Mr Lee Musson, Applicant spoke in favour of the application.

Reference
17/01602/PPP

Nature of Development
Erection of Dwellinghouse

Location
Land South of
Rossleigh,
Horndean

Decision:- Approved subject to a legal agreement and the following conditions and informatives:

1. No development shall commence until details of the layout, siting, design and external appearance of the building(s); the means of access thereto; all finished ground and development levels relative to existing levels; parking for two cars within the site; foul and surface water drainage arrangements, including measures to prevent the flow of water onto the public road and details of boundary drainage; and, the landscaping and boundary treatment of the site, have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The first application for Approval of Matters Specified in Conditions shall include a scheme of details for site access. The details shall include the design of the new site access on to the public road. Thereafter the development shall be carried out in strict accordance with the agreed details and the site access shall be completed before the dwellinghouse hereby approved is occupied.
Reason: To facilitate safe access to the site and ensure that the public road network can safely cater for the development.
4. The first application for Approval of Matters Specified in Conditions shall be accompanied by a detailed design statement which shall inform the details required by Condition 1 above, but which makes specific reference to consideration of building design, position within the plot and landscaping to demonstrate that the development reflects and is sympathetic to the character of the wider building group.
Reason: To ensure a satisfactory form of development, acknowledging the sensitive nature and location of the site and the character of the building group.
5. No development shall commence until a passing place has been provided on the minor public road at a precise location and specification that shall first be agreed in advance with the Planning Authority.
Reason: in the interests of road safety.
6. Parking and turning for a minimum of two vehicles, excluding any garages, must be provided and retained in perpetuity within the curtilage of the property. Parking and turning must be provided prior to the occupation of the dwellinghouse.
Reason: To ensure adequate on-site parking and turning space is provided within the plot.
7. Before any part of the development hereby approved is commenced, the trees on the boundary of the site shall be protected by a protective barrier to a standard and format compliant with BS 5837 2012, placed at a minimum radius of one metre beyond the

crown spread of each tree adjacent to the site, and the fencing shall be removed only when the development has been completed. During the period of construction of the development:

- (a) No excavations, site works, trenches or channels shall be cut, or pipes or services laid in such a way as to cause damage or injury to the trees by interference with their root structure;
- (b) No fires shall be lit within the spread of the branches of the trees;
- (c) No materials or equipment shall be stored within the spread of the branches of the trees;
- (d) Any accidental damage to the trees shall be cleared back to undamaged wood and be treated with a preservative if appropriate; and
- (e) Ground levels within the spread of the branches of the trees shall not be raised or lowered in relation to the existing ground level, or trenches excavated except in accordance with details shown on the approved plans.

Reason: In the interests of preserving the health and vitality of existing trees adjacent to the development site, the loss of which would have an adverse effect on privacy of the neighbouring property.

8. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include (as appropriate):
 - i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

9. No development shall commence until detailed drawings showing which trees are to be retained on the site shall be submitted to, and be approved in writing by the Planning Authority, and none of the trees so shown shall be felled, thinned, lopped, topped, lifted or disturbed without the prior written consent of the Planning Authority.

Reason: To enable the proper effective assimilation of the development into its wider surroundings, and to ensure that those existing tree(s) representing an important visual feature are retained and maintained.

10. The first Approval of Matters Specified in Conditions application lodged shall be supported by a Preliminary Ecological Appraisal (PEA) which shall, where necessary, set out mitigation for adverse impacts on protected species in the form of a Species Protection Plan. Thereafter, the development to be completed wholly in accordance with an agreed Species Protection Plan.

Reason: in the interests of biodiversity.

11. No development shall commence until:
 - (a) the Applicant has first submitted to the Planning Authority under an AMC application, either (i) a report by a suitably qualified person, demonstrating the provision of an adequate water supply to the development in terms of quality, quantity and the impacts of this proposed supply on the water supplies of surrounding properties; or (ii) documentary evidence from Scottish Water, demonstrating that the dwellinghouse hereby approved is capable of being served from the public mains; and
 - (b) this same report or documentary evidence (whichever is applicable) has itself first been approved in writing by the Planning Authority.

Thereafter, the water supply arrangements for the dwellinghouse hereby approved, shall then be implemented in accordance with the approved details, and the same

dwellinghouse shall not be occupied until this water supply is first fully functional in accordance with the approved details.

Reason: To ensure that the site is adequately serviced without any detrimental effect on the water supplies of surrounding properties.

12. No water supply other than the public mains shall be used to supply the Development without the written agreement of the Planning Authority. Written confirmation from Scottish Water is required to demonstrate that a connection to the public supply is available to serve this site.

Reason: To ensure that the Development is adequately serviced with a sufficient supply of wholesome water and there are no unacceptable impacts upon the amenity of any neighbouring properties.

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

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

Informative

1. In relation to Condition 13 above, private drainage systems often cause public health problems when no clear responsibility or access rights exist for maintaining the system in a working condition. Problems can also arise when new properties connect into an existing system and the rights and duties have not been set down in law. To discharge the Condition relating to the private drainage arrangements, the Applicant should produce documentary evidence that the maintenance duties on each dwelling served by the system have been clearly established by way of a binding legal agreement. Access rights should also be specified.

2. In relation to Condition 3 above, the means of access to the site shall be by way of a service layby, in accordance with approved detail DC-3, or similar approved. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.

3. Stoves and Use of Solid Fuel can cause smoke and odour complaints and any Building and Planning Consents for the installation do not indemnify the applicant in respect of Nuisance action. In the event of nuisance action being taken there is no guarantee that remedial work will be granted building/planning permission. Accordingly this advice can assist you to avoid future problems. The location of the flue should take into account other properties that may be downwind. The discharge point for the flue should be located as high as possible to allow for maximum dispersion of the flue gasses. The flue should be terminated with a cap that encourages a high gas efflux velocity. The flue and appliance should be checked and serviced at regular intervals to ensure that they continue to operate efficiently and cleanly. The appliance should only burn fuel of a type and grade that is recommended by the manufacturer. If you live in a Smoke Control Area you must only use an Exempt Appliance <http://smokecontrol.defra.gov.uk/appliances.php?country=s> and the fuel that is Approved for use in it <http://smokecontrol.defra.gov.uk/fuels.php?country=s> In wood burning stoves you should only burn dry, seasoned timber. Guidance is available at [http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/\\$FILE/eng-woodfuel-woodasfuelguide.pdf](http://www.forestry.gov.uk/pdf/eng-woodfuel-woodasfuelguide.pdf/$FILE/eng-woodfuel-woodasfuelguide.pdf) Treated timber, waste wood, manufactured timber and laminates etc. should not be used as fuel. Paper and kindling can be used for lighting, but purpose made firelighters can cause fewer odour problems.

NOTE

Rev A MacKichan neighbour to the proposed site spoke against the application.
Mr Sloan, Owner of the proposed site spoke in support of the application.

Reference
17/00923/PPP

Nature of Development
Erection of two dwellinghouses

Location
Land West of Peelgait
Selkirk

Decision: Continued to allow the Committee to visit the site.

NOTE

Mr A Moffat, Mr J Nixon and Mr J Smith neighbours to the proposed site spoke against the application.

Mr S Davidson, Agent for the Applicant spoke in support of the application.

Reference
18/00134/FUL

Nature of Development
Erection of general purpose agricultural
building

Location
Lumsdaine Farm,
Coldingham

Decision: Approved subject to the following conditions and informative:

Conditions

1. No development shall commence until a plan for the management and control of potential nuisances (including noise, odour, air quality, flies, waste and other pests) that would be liable to arise at the site as a consequence of and/or in relation to the operation, individually and/or cumulatively, has 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.

Reason: To ensure that the operation of the buildings has no unacceptable impacts upon the amenity of the surrounding area or upon the amenity of any neighbouring residential properties.

2. No development shall commence until a Badger Protection Plan has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure badgers are protected adequately during the construction of the proposed development.

3. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: to ensure local biodiversity and ecology interests are protected adequately during the construction of the proposed development.

Informative

1. There is a low potential for encountering buried archaeology during excavations. If buried features (e.g. walls, pits, post-holes) or artefacts (e.g. pottery, ironwork, bronze objects, beads) of potential antiquity are discovered, please contact the planner or Council's Archaeology Officer for further discussions. Further investigation secured by the development may be required if significant archaeology is discovered per PAN2(2011) paragraph 31. In the event that human remains or artefacts are discovered, these should remain in situ pending investigation by the Archaeology Officer. Human Remains must be reported immediately to the police. Artefacts may require reporting to Treasure Trove Scotland.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00253/FUL	Erection of 80 metres anemometer mast	Land North East and North West of Farmhouse Braidlie, Hawick

Decision: Approved subject to the following conditions and informatives:

1. Approval is granted for a limited period of three years from the date of this consent and, unless an application is made and further consent obtained, the wind monitoring mast shall be removed from the site at the expiry of this same three year period.
Reason: To ensure the satisfactory regulation of a temporary development on the site, in the interests of safeguarding the amenity of the site and surrounding area.
2. Unless otherwise agreed in writing by the Planning Authority in advance of the commencement of decommissioning works, following the removal of the anchors, the holes that accommodated the anchors shall be filled in (backfilled, in the case of dug-in anchors) back to the original height (ground level) of the ground prior to the insertion of the anchors at the time of the erection of the development hereby consented. Further, this reinstatement of the site shall be completed within no more than 2 months from the date of the completion of the decommissioning of the wind monitoring mast itself.
Reason: To ensure the satisfactory restoration of the site in the interests of safeguarding the amenity of the site and surrounding area.
3. No development shall commence until the Developer has first provided the Planning Authority with documentary evidence that the UK DVOF & Powerlines at the Defence Geographic Centre, has received, and confirmed its acceptance of, appropriate notification of the following details:
 - a. Precise location of development;
 - b. Date of commencement of construction;
 - c. Date of completion of construction;
 - d. The maximum height above ground level of the tallest structure;
 - e. The maximum extension height of any construction equipment; and
 - f. Details of aviation warning lighting fitted to the structure.
Reason: in the interests of aviation safety, to allow the records of the Ministry of Defence to be amended and updated for safeguarding purposes.
4. Infra red aviation warning lighting shall be fitted at the highest practicable point on the meteorological mast. It shall be maintained in good working order at all times for the entire duration of time that the mast remains in situ.
Reason: Appropriate aviation warning lighting requires to be fitted to the meteorological mast in the interests of aircraft safety.
5. No development shall commence until a Species Protection Plan (SPP) for breeding birds, has first been submitted to, and approved in writing by, the Planning Authority. This same SPP shall include provision for mitigation and monitoring of the development hereby approved in relation to the protection of breeding birds, including (as a precaution) hen harrier. It shall specifically include the following:
 - a. a scheme of details, including elevation drawings, describing the installation and maintenance of bird deflectors located along the length of each guy wire, positioned relative to one another, at a minimum interval of 5m, with these arranged on adjacent wires such that the resulting pattern of deflectors is staggered to provide maximum visual impact to birds;
 - b. a scheme of details describing how the bird deflectors shall be monitored regularly, and maintained throughout the period of operation of the structure. This shall identify

specific action-points and timescales for the operation of these same measures (that is, what specifically, will be carried out and when it will occur); and

- c. a scheme of details identifying all mitigation measures that shall be employed to minimise disruption to breeding birds during the breeding bird season (March to August).

Thereafter, (i) the development shall only be carried out and operated in accordance with the provisions of the approved Species Protection Plan; and (ii) the provisions of the Species Protection Plan shall all be implemented and operated in accordance with the approved details for the duration of the development hereby approved. The approved bird deflectors installation shall moreover, be fully installed at the time of the erection of the anemometer mast, and this installation shall thereafter be maintained in full and at all times, in accordance with the approved details for the duration of the development hereby approved.

Reason: To prevent adverse impacts on breeding birds, including hen harrier, and to help conserve the natural heritage interests safeguarded by the Langholm - Newcastleton Hills Special Protection Area (SPA).

6. No development shall commence until a Construction Method Statement has first been submitted to, and approved in writing by, the Planning Authority. This Construction Method Statement shall:

- (a) identify measures to protect terrestrial habitats, including soils and the water environment at the time of, and for the duration of, works at the time of construction and at the time of the decommissioning works; and

- (b) address the concerns of **Informative Note 1** attached to this same planning consent. The development shall then be implemented in full accordance with the provisions set out within the approved Construction Method Statement, including at the time of its initial construction and then at the time of the decommissioning works.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impacts on terrestrial habitats and the water environment.

Informatives

It should be noted that:

INFORMATIVE NOTE 1:

Care should be taken to avoid contamination or pollution of the water environment during construction by following SEPA's published guidance, e.g. GPP 5.

The Council's Ecology Section considers that drive-in anchors would be less disruptive to habitat and carbon-rich soils than dug-in anchors. Accordingly, and within the Construction Method Statement, the Developer should consider the potential to employ a drive-in method of anchoring, and describe the employment of such a method, wherever this is possible. (If a dug-in method of anchoring is proposed, it should be justified and evidenced within the Construction Method Statement that a drive-in method, is not feasible for environmental reasons).

NOTE

Mr D Taylor, Applicant spoke in support of the application.