

**SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE**

MINUTE of Meeting of the PLANNING
AND BUILDING STANDARDS
COMMITTEE held in Council
Headquarters, Newtown St Boswells TD6
0SA on Monday, 10 December 2018 at
10.00 a.m.

Present:- Councillors T. Miers (Chairman), S. Aitchison, A. Anderson, J. A. Fullarton, S. Hamilton, H. Laing, S. Mountford, C. Ramage, E. Small.
In Attendance:- Depute Chief Planning Officer, Lead Planning Officer (Environment and Infrastructure), Principal Planning Officer, 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 Meetings held on 5 November 2018.

DECISION
APPROVED for signature by the Chairman.

2. **ORDER OF BUSINESS**
The Chairman varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

DECLARATION OF INTEREST
Councillor Miers declared an interest in Application 18/00814/FUL in terms of Section 5 of the Councillors Code of Conduct and left the Chamber during the discussion. Councillor Anderson took the Chair for that item of business.

MEMBERS
Councillor Hamilton left the meeting so was not present for the consideration of Application 18/00792/FUL and then returned to consider the remaining items on the Agenda.

3. **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.

4. **APPEALS AGAINST NON-DETERMINATION IN RESPECT OF 17/00063/PPP AND 17/00064/CON, MARCH STREET MILLS, MARCH STREET, PEEBLES**
4.1 With reference to paragraph 2 of the Minute of 5 November 2018, there had been circulated copies of an advice note prepared by Emma Moir, Solicitor. The note advised that applications for the erection of residential units, the formation of a

dwellinghouse from the engine house, the formation of office/employment use, the relocation of allotment space, the erection of workshop units with associated access and infrastructure works, and the demolition of the mill buildings were considered by the Planning and Building Standards Committee at their meeting held on 5th November. Members resolved to continue consideration of the applications in order to carry out a site visit.

- 4.2 It was further explained that prior to the site visit being carried out on 28 November 2018, the applicant lodged appeals with the Planning and Environmental Appeals Division of the Scottish Government (DPEA) against non-determination of the applications by the Planning Authority. Applicants were entitled to appeal against non-determination within three months of the expiry of the normal four month determination period for a major application, or within 3 months of the expiry of the date of any Planning Processing Agreement (PPA) which had been voluntarily entered into, if later. The PPA for the above applications expired on 5th November. Following the Committee's decision to continue the applications for a site visit, the applicant was invited to extend the PPA until the following meeting, but this was declined, and the appeals subsequently lodged.
- 4.3 The appeals had been accepted by the DPEA (references PPA-140-2071 and CAC-140-2000). The effect of this being that the Reporter appointed by the Scottish Ministers would determine the applications and the Committee no longer had the remit to determine the applications. However, the Council had been asked to submit a Planning Authority Response Form (PARF) which would include a statement prepared by officers on behalf of the Committee providing further detail of the Committee's views on the appeals. The Officer recommendation remained that the application be approved. The Committee were therefore invited to consider whether the applications were acceptable on the planning merits and to provide officers with instructions on how to respond to the appeals on behalf of the Committee. Members discussed the application in detail and discussed the issues of the allotments, retention of historic buildings and more employment opportunities. Ultimately it was agreed that the application for planning permission in principle would have been refused by Committee on the grounds that the allotments should be retained in their current position, and that the conservation area consent would also have been refused on the grounds that there was no appropriate redevelopment proposal in place for the buildings to be demolished.

DECISION

AGREED that had the appeal not been lodged, the Committee would have refused the applications on the grounds of retaining the allotments in their current position and no appropriate redevelopment proposal.

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 that:-

- (a) **an Appeal had been received in respect of the Erection of wind farm comprising 7 No wind turbines up to 132m high to tip, access tracks, hard standings, electrical control building and compound, borrow pits, ancillary infrastructure and associated groundworks on Land West of Whitslaid (Barrel Law), Selkirk – 17/01255/FUL; and**

- (b) an Appeal had been received in respect of works to trees situated at 22 Craigmyle Park, Peel – 18/01057/TPO; and
- (c) the Reporter had upheld an appeal in respect of the:-
 - (i) Erection of poultry building on Land South West of Easter Haprew Farmhouse, Peebles – 16/01377/FUL; and
 - (ii) the Erection of poultry building and associated works at Hutton Hall Barns, Hutton - 17/00623/FUL
- (d) there remained three appeals outstanding in respect of:-
 - Land North West of Gilston Farm, Heriot
 - Glenacre, Camptown, Jedburgh
 - Land East of Keleden, Ednam
- (e) a review request had been received in respect of replacement of shop front windows and door screens at Scott's View Take-Away, Main Street, St Boswells – 18/01010/FUL; and
- (f) the decision of the Appointed Officer had been Overturned in respect of:-
 - (i) Erection of dwellinghouse (renewal of planning permission 15/00036/PPP) on Land North West of Chapel Cottage, Melrose – 18/00644/PPP; and
 - (i) Erection of dwellinghouse on Land North East of Ladywood Lower Greenhill, Selkirk – 18/00929/PPP
- (g) the decision of the Appointed Officer had been upheld in respect of:-
 - (i) Change of Use from Class 4 to include Class 11 (Leisure) and Class 3 (Café) at Factor Plexus Facility, Tweedside Park, Tweedbank, Galashiels – 18/00635/FUL; and
 - (ii) Erection of two dwellinghouses on Land North East of Stainie Brae, Lower Greenhill, Selkirk – 18/00832/PPP
- (h) there remained one Review outstanding in respect of Elsielea, 61 West High Street, Lauder ;
- (i) there remained three Section 36 Public Local Inquiries Outstanding in respect of:-
 - Fallago Rig I, Longformacus
 - Fallago Rig 2, Longformacus
 - Birneyknowe Wind Farm, Land North, South, East and West of Birnieknowe Cottage, Hawick

6. **PRIVATE BUSINESS
DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in the Appendix II to this Minute on the grounds that it involved the

likely disclosure of exempt information as defined in paragraph 6 of Part 1 of Schedule 7A to the aforementioned Act.

SUMMARY OF PRIVATE BUSINESS

7. **MINUTE**

There had been circulated copies of the Private Minute of 5 November 2018.

8. **ROOF REPAIRS AT CHAPEL STREET, INNERLEITHEN**

There had been circulated copies of a report by the Service Director Regulatory Services which sought authority to carry out roof repairs at 19, 21, 23, 23a, 23b and 25 Chapel Street, Innerleithen.

9. **REQUEST TO REDUCE DEVELOPMENT CONTRIBUTION REQUIREMENTS WITH RESPECT OF A MIXED USE DEVELOPMENT COMPRISING RESIDENTIAL DEVELOPMENT, RELOCATION OF ALLOTMENTS AND FORMATION OF WORKSHOPS AND EMPLOYMENT USES – MARCH STREET MILLS, PEEBLES**

There had been circulated copies of a report by the Service Director Regulatory Services which sought a decision on the request made by the applicant for March Street Mills, Peebles to reduce development contribution requirements in accordance with exception policy provision to enable project viability and secure the proposed residential allotment and employee development within the site. The report outlined options in relation to the issues of project viability and developer contributions. In light of the decision of the Applicant to lodge an Appeal with the DPEA against non-determination, the Committee agreed that they could not consider the request until a decision on the planning application was known.

The meeting concluded at 1.40 p.m.

APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/01251/FUL	Variation of Condition 1 of Planning consent 13/00789/FUL For an extension to time to initiate Development of Dwellinghouse	Land North East and North West of Farmhouse, Braidlie, Hawick

Decision: APPROVED subject to the following conditions and informatives:

CONDITIONS

Time limit

1. The development shall be begun no later than 3 years from the date of this permission.
Reason: To specify the time period within which development should start.

Siting, Design and Appearance

2. Prior to commencement of the development, the developer shall submit details of the proposed make and model of turbine that will be utilised. Clarification of proposed external colour, rotational direction, noise output and rotational speeds shall be included in the specification provided in response to this condition. No other model of turbine shall be utilised.
Reason: For the avoidance of doubt to enable detailed consideration of any variation from the turbines assessed as part of this application.
3. The overall height of the wind turbines shall not exceed 110 metres for Turbines 1, 2 and 4, and 125 metres for Turbines 3, 5,6,7,8 and 9, to the tip of the blade when the blade is in the vertical position, when measured from natural ground conditions immediately adjacent to the turbine base. The overall height of the hub/nacelle shall not exceed 65 metres for Turbines 1, 2, and 4; and 80 metres for Turbines 3, 5,6,7,8 and 9. The wind turbine blades on all the turbines hereby permitted shall rotate in the same direction.
Reason: To ensure that the development is carried out in accordance with the turbines portrayed within the application, in the interests of visual amenity.
4. Prior to the commencement of development, the confirmed 9 turbine wind farm layout including the locations of all turbines, buildings, borrow pits, hardstandings and temporary and permanent access tracks, plus the location of all on-site cabling trenches shall be submitted to the planning authority. The layout shall be provided on an adequately detailed drawing which includes contours, and shall take account of the 50m micrositing allowance identified within the Environmental Statement where such allowance is known to be required prior to the commencement of development. Supporting commentary shall be provided with the drawing explaining the rationale behind the micrositing and demonstrating that it has taken account of consultee advice relating to impact on the peat environment and groundwater resource. The development shall be carried out in strict accordance with the details included in the drawings submitted in response to this condition. Any further micrositing required during construction within the agreed 50m allowance, adhering to the requirements of condition 24, will be submitted to the planning authority for their information on an amended layout drawing.
Reason: To enable the planning authority to understand precisely where each component of the site will be sited in relation to other elements of the site (including its boundaries), and to allow for minor changes to be made to overcome potential difficulties arising in respect of archaeology, ecology, hydrology.

5. Notwithstanding the details shown in the submitted Environmental Statement, details of external materials relating to construction of the access tracks, crane hardstandings, the control building and any other on site apparatus/equipment shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.

Reason: In the interests of visual amenity.

6. All cables between the turbines and the substation shall be laid underground.

Reason: In the interests of visual amenity.

Safety:

7. All turbines and components shall be installed to meet the safety standards set by British Standard BS EN 61400-1: 2005 'Wind turbine generator systems: Safety requirements' or International Electro-technical Commission IEC 16400.

Reason: In the interests of health and safety of all users of the site and its environs.

Site Decommissioning, Restoration and Aftercare:

8. This consent expires 25 years from the date on which the last wind turbine generator forming part of the development is commissioned and exporting electricity to the national grid (Final Commissioning Date). Confirmation of the Final Commissioning Date must be given in writing to the Planning Authority within 28 working days of that event.

Reason: To define the duration of the consent.

9. No later than 12 months before the decommissioning of the site or expiry of the consent associated with this permission (whichever is the earlier) a decommissioning, restoration and aftercare scheme shall be submitted to the Planning Authority for its written approval which shall provide for the removal of the wind turbines, and associated development above and on the ground (including tracks and hardstanding), and the foundations of the wind turbines to a depth of 1.2 metres below ground level. The scheme shall include proposals for the management and the timing of the works and for the restoration of the site. The scheme shall be implemented as approved within 3 years of the expiry of the consent.

Reason: To ensure that all wind turbines and associated development are removed from site at the expiry of the consent.

Financial Guarantee:

10. There shall be no commencement of development unless the Company has delivered a bond or other form of financial guarantee in terms acceptable to the Planning Authority which secures the cost of performance of all decommissioning, restoration and aftercare obligations contained in Condition 9 to the Planning Authority. The financial guarantee shall thereafter be maintained in favour of the Planning Authority until the date of completion of all restoration and aftercare obligations. The value of the financial guarantee shall be determined by a suitably qualified independent professional as being sufficient to meet the costs of all decommissioning, restoration and aftercare obligations contained in Condition 9. The value of the financial guarantee shall be reviewed by a suitably qualified independent professional no less than every five years and increased or decreased to take account of any variation in costs of compliance with restoration and aftercare obligations and best practice prevailing at the time of each review.

Reason: To ensure that there are sufficient funds to secure performance of the decommissioning; restoration and aftercare conditions attached to this planning permission in the event of default by the Company.

Turbine Failure/Removal:

11. In the event of any wind turbine failing to produce electricity supplied to the local grid for a continuous period of 12 months, not due to it being under repair or replacement then it will be deemed to have ceased to be required, and the wind turbine foundation to a depth of 1.2m below ground level, the wind turbine and its ancillary equipment shall be dismantled and removed from the site and the site restored to a condition to be agreed by the Planning

Authority. The restoration of the land shall be completed within 12 months of the removal of the turbine.

Reason: To safeguard against the landscape and visual environmental impacts associated with the retention of any turbines that are deemed no longer to be operationally required.

Air Traffic Safety:

12. The turbines shall be fitted with MOD-accredited 25 candela omni-directional aviation lighting OR infra – red warning lighting with an optimised flash pattern of 60 flashes per minute of 200ms to 500ms duration at the highest practicable point on the turbines. The turbines will be erected with this lighting installed and the lighting will remain operational throughout the duration of this consent.

Reason: In the interests of aviation safety.

13. Prior to the erection of the first wind turbine, the developer shall provide written confirmation to the Planning Authority and the Ministry of Defence of the anticipated date of commencement of and completion of construction; the maximum height above ground level of construction equipment and the anemometry mast; the position of each wind turbine in latitude and longitude; and the hub height and rotor diameter of each turbine (in metres). The developer shall give the Planning Authority and the Ministry of Defence notice as soon as reasonably practicable if any changes are made to the information required by this condition.

Reason: In the interests of aviation safety.

MoD Air Traffic Control radar:

14. No development shall commence unless and until an Air Traffic Control Radar Mitigation Scheme to address the impact of the wind turbine upon air safety has been submitted to and approved in writing by the Planning Authority.

The Air Traffic Control Radar Mitigation Scheme is a scheme designed to mitigate the impact of the development upon the operation of the Air Traffic Control Radar at Spadeadam (“the Radar”) and the air traffic control operations of the Ministry of Defence (MOD) which is reliant upon the Radar. The Air Traffic Control Radar Mitigation Scheme shall set out the appropriate measures to be implemented to mitigate the impact of the development on the Radar and shall be in place for the operational life of the development provided the Radar remains in operation.

No turbines shall become operational unless and until all those measures required by the approved Air Traffic Control Radar Mitigation Scheme to be implemented prior to the operation of the turbines have been implemented and the Planning Authority has confirmed this in writing. The development shall thereafter be operated fully in accordance with the approved Air Traffic Control Radar Mitigation Scheme.

Reason: In the interests of aviation safety.

NATS Radar

15. No part of any Turbine shall be erected above ground until a Primary Radar Mitigation Scheme agreed with the Operator has been submitted to and approved in writing by the Scottish Borders Council in order to avoid the impact of the development on the Primary Radar of the Operator located at Great Dun Fell and associated air traffic management operations.

Reason: In the interests of aviation safety.

16. No blades shall be fitted to any Turbine unless and until the approved Primary Radar Mitigation Scheme has been implemented and the development shall thereafter be operated fully in accordance with such approved Scheme.

Reason: In the interests of aviation safety.

For the purpose of conditions 15 and 16 above:

"Operator" means NATS (En Route) plc, incorporated under the Companies Act (4129273) whose registered office is 4000 Parkway, Whiteley, Fareham, Hants PO15 7FL or such other organisation licensed from time to time under sections 5 and 6 of the Transport Act 2000 to provide air traffic services to the relevant managed area (within the meaning of section 40 of that Act).

"Primary Radar Mitigation Scheme" or "Scheme" means a detailed scheme agreed with the Operator which sets out the measures to be taken to avoid at all times the impact of the development on the Great Dun Fell primary radar and air traffic management operations of the Operator."

Signage:

17. Notwithstanding the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984, no symbols, signs, logos or other lettering (other than those required for health and safety reasons) shall be displayed on the turbines, other buildings or structures within the site without the written approval of the Planning Authority.

Reason: To ensure that the development does not unduly prejudice public amenity.

18. No signage, other than that required for health and safety and for traffic management, shall be erected within the application site without the written consent of the Planning Authority.

Reason: To ensure that the development does not unduly prejudice public amenity.

Road Safety & Traffic Management:

19. No construction traffic shall access the site until a Traffic Management and Road Safety Plan has been submitted to and approved in writing by the Planning Authority, which includes detailed information relating to the following matters:

- a) detailed design of any widening or other alteration to the road network and proposals for reinstatement once the loads have been delivered;
- b) management of abnormal vehicle movements and other associated construction traffic movements (including trial runs following agreed road widening works);
- c) date and time schedules for delivery of all components of the development involving abnormal loads;
- d) road condition survey, detailed proposals of finalised road widening/surfacing/improvements to accommodate abnormal loads and a method of ensuring that any damages to the road due to construction and/or abnormal loads associated with the development are repaired in an agreed manner and to an agreed timetable;
- e) all new signage identifying to road users the presence of the site, access and potential to encounter construction traffic; and
- f) wheel washing facilities at the site access.
- g) details of the delivery times for construction materials or equipment taking into account impact on residential amenities

The development shall be undertaken in strict accordance with the details approved in response to this Condition.

Reason: To ensure that the development is compatible with road user amenity, road safety and traffic management objectives, and also to provide adequate restoration to offset the environmental impact of the measures proposed.

Rights of Way:

20. There shall be no obstruction, diversion or closure (caused by implementation of the development) of any Right of Way/public access path within or adjacent to the application site and its proposed accesses before, during or after development unless such actions have been formally agreed in writing by the planning authority.

Reason: To protect the amenity and safety of users of the public path network.

Ecology and Ornithology:

21. Prior to the commencement of development a scheme for the protection of species and habitat enhancement shall be submitted and approved in writing by the Planning Authority. The submitted scheme shall include:

- a) Supplementary/checking surveys for protected species (including schedule 1 birds, otter, badger, bats, water vole, red squirrel and nests of all breeding birds) shall be carried out by a suitably qualified person or persons to inform construction activities and any required mitigation
- b) Species mitigation and management plan
- c) A Before-After-Control-Impact (BACI) monitoring programme for schedule 1 raptors and breeding birds survey (black grouse and wader) at 1, 3, 5, 10 and 15 year intervals
- d) A landscape Habitat Management and Enhancement Plan, including measures appropriate for hen harrier

Upon approval the scheme shall for the protection of species and habitat enhancement shall be implemented unless otherwise agreed in writing by the Planning Authority

Reason: To make sure protected and other species are not harmed during construction and the site is enhanced for the benefit of biodiversity.

Environmental Management:

22. At least 2 months prior to the commencement of development (other than agreed enabling works in terms of Condition 23) a full site specific environmental management plan (EMP) shall be submitted to and approved in writing by the Planning Authority (in consultation with SEPA and other agencies such as SNH as appropriate) and all work shall be carried out in accordance with the details in the plan approved in response to this condition. The plan shall include the following components (this list is not exhaustive):

- a) a study of the site and its environs to establish precisely how local water sources and supplies relate to and/or would be affected by the implementation of the development, plus mitigation in relation to this matter;
- b) a drainage management strategy, demonstrating how all surface and waste water arising during and after development will be managed and prevented from polluting any watercourses or sources (based on SUDS principles – Sustainable Urban Drainage Systems);
- c) a plan for the management of flood risk, in particular in relation to parts of the site close to watercourses and proposed crossings of the watercourse;
- d) a focussed waste management strategy;
- e) a strategy for the management of peat, in the form of a Peat Management Plan;
- f) a strategy for management of dust arising during construction of the tracks, hardstandings and foundations;
- g) details of measures proposed to contain all materials and fuels to be utilised during construction; and
- h) details of borrow pit excavation and reinstatement (including the profile); including proposals for how any groundwater will be dealt with, if encountered.

Reason: To control pollution of air, land and water.

23. Prior to Commencement of Development, the wind farm operator shall prepare a Construction Method Statement (to include a Risk Assessment) for the approval of the Planning Authority, in consultation with SNH and SEPA. The Construction Method Statement shall comprise the following details:

- a) all on-site construction, and construction of access tracks, including drainage; mitigation, post-construction restoration, and reinstatement work, as well as the timetables for such work;
- b) details relating to a 'tool box talk' on archaeology to on-site contractors preparing the site infrastructure;
- c) any temporary diversions of rights of way and associated signage;
- d) surface water drainage measures to comply with national guidance on pollution prevention, including surface water run-off from internal access roads;
- e) details of waste water management during construction;
- f) the arrangement for the on-site storage of fuel oil and other chemicals;
- g) the method, frequency and duration of ecological monitoring, particularly of watercourses, over the Construction Period of the wind farm development;
- h) details of the phasing/timing of construction of all components of the development including dates for delivery of components;
- i) details of water supply;
- j) details of measures to reduce soil erosion;
- k) details of assessment and mitigation in respect of construction noise, including measures adopted during evenings, night time, early mornings, weekends and public holidays
- l) details relating to minimisation of environmental impact of road construction;
- m) details of any watercourse engineering works and measures for the implementation of buffer zones around existing watercourses and features;
- n) details of timescale for the restoration of the site, including the site compound and crane hard-standing areas; and
- o) details of contingency planning in the event of accidental release of materials which could cause harm to the environment.

Subject to the following paragraph, no work shall begin on the development, apart from the enabling works, until the Construction Method Statement has been approved. Once approved, the works specified in the Construction Method Statement shall be carried out as approved.

The enabling works shall not be carried out until details of them (including any necessary measures for public road improvements outwith the site, traffic management, works to be implemented at the entrance to the site to prevent dust and mud entering the public highway, or any related programme of monitoring the condition of public roads) have been submitted to and approved in writing by the Planning Authority, in consultation with SNH and SEPA. All of the enabling works shall be carried out in accordance with the approved details.

Reason: It is essential to ensure that all construction works are carried out in a controlled manner which minimises environmental damage; the CMS will provide a useable document identifying guidelines and conditions for construction, but which also gives recourse to mitigating action in the event of construction deviating from the CMS. The document, with the Environmental Management Plan required by Condition 22 of this permission, shall provide the (Ecological) Clerk of Works (required by Condition 24 of this permission) with information with which to monitor construction and environmental management.

24. Prior to the Commencement of Development and for the period of the enabling works, the wind farm operator shall appoint an independent Ecological Clerk of Works (ECoW) under terms which have first been submitted to and agreed in writing by the planning authority, in consultation with SNH and SEPA, and shall include that the appointment shall be for the period of wind farm construction, including micro-siting and the finalisation of the wind farm layout, as well as subsequent post-construction restoration.

The ECoW's terms of appointment are to impose a duty to monitor compliance with all the ecological and hydrological aspects of the Construction Method Statement, including post-construction restoration, which have been approved under the terms of Condition 23 above. The ECoW's terms of appointment are to require the ECoW to report promptly to the wind farm operator's nominated Construction Project Manager any non-compliance with the hydrological or ecological aspects of the Construction Method Statement. The wind farm operator shall confer on the ECoW (and comply with instructions given in the exercise of) the power to stop any construction or restoration activity on-site which in his or her view (acting reasonably) could lead to significant effects on the environment, and shall without delay, report the stoppage, with reasons, to the wind farm operator's nominated Construction Project Manager and to the Planning Authority, SNH and SEPA.

Reason: The presence of an ECoW at the site is essential to enable unforeseen or unplanned occurrences relating to the environment on and in relation to the site, in particular when it relates to impact on biodiversity and/or the water environment, to be mitigated.

Archaeology:

25. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation (WSI) outlining a Watching Brief which must be implemented during relevant development works. The requirements of this are:
- a) The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Institute for Archaeologists (IfA) approval of which shall be in writing by the Planning Authority;
 - b) Access shall be afforded to the nominated archaeologist to supervise relevant development works, investigate and record features of interest, and recover finds and samples;
 - c) If significant finds, features or deposits are discovered all works shall cease and the nominated archaeologist(s) will contact the Council's Archaeology Officer immediately for consultation which may result in further developer funded archaeological mitigation;
 - d) If significant archaeology is identified by the contracted archaeologists and in agreement with the Planning Authority, a further scheme of mitigation subject to an amended WSI shall be implemented;
 - e) Results shall be submitted to the Planning Authority for approval in the form of a Data Structure Report (DSR) within one month following completion of all on-site archaeological works.
 - f) In the event that significant archaeological materials (deemed so by the Planning Authority in consultation with the developer's archaeological contractor) are recovered either during the course of archaeological investigation or development, the developer will ensure that these undergo post-excavation research by a contracted archaeologist in accordance with a separate Post-Excavation Research Design (PERD) approved in writing by the Planning Authority.
 - g) The results of post-excavation research will be submitted to the Planning Authority and disseminated appropriately through publication and community engagement within one year of the final on-site archaeological investigations and reporting; and
 - h) The applicant's archaeological contractor shall ensure that the full archive of materials and records be submitted to Treasure Trove within one year of the completion of post-excavation research and archived appropriately according to national guidelines

The developer shall give a minimum of two weeks' notice of the commencement of the approved archaeological works in writing to the nominated archaeological contractor and to the Planning Authority. No works shall commence until the two week notice period has expired.

No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, about the identified area of archaeological interest and

no work shall take place inside the fencing without the prior written consent of the Planning Authority

Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains. This condition affords a reasonable opportunity to record the history of the site, secure appropriate analysis, allow sufficient time to commence archaeological works and safeguard any sites of archaeological interest.

Noise:

26. Noise levels from the combined effects of the wind turbines forming this development at any noise sensitive premises (in existence at the time of permission) where the occupier of the property has no financial interest in the development shall not exceed an external free field LA90, 10min level of 35dB (A), at any 10 metre height wind speed up to 12 m/s. For properties where the occupier has a financial interest in the development, the above levels should not exceed 45dB (A). Any tonal elements in the noise spectra shall be assessed using the joint Nordic Method and the tone level shall not exceed 2dB above the 'masking Threshold for Tones in Noise'.

Reason: To give protection to residents/occupiers of noise sensitive properties in proximity to the development, in the interests of private amenity.

27. In the event of a complaint, which in the view of the Planning Authority is justified, being received by the Planning Authority following implementation of the development and the wind farm becoming operational, within 21 days of being notified of the complaint by the Planning Authority the wind farm operator shall, at its expense, undertake a professional assessment of the nature of the alleged noise disturbance. The selected consultants used in the analysis shall first have been approved by the planning authority. Thereafter, in the case of each complaint where a noise nuisance is proved to be occurring, mitigation shall be carried out of a nature and within a timeframe to be agreed in writing by the planning authority.

Reason: To give protection to residents/occupiers of noise sensitive properties in proximity to the development, in the interests of private amenity.

Informatives

Relevant scheme: All conditions above relate to the details of the development and supporting information that was granted planning consent following appeal on 9 June 2016, under application reference 13/00789/FUL.

Notice of the start of development: The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Notice of the completion of the development: As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

Display of notice: A notice must be displayed on or near the site while work is being carried out. The planning authority can provide more information about the form of that notice and where to display it (See section 27C of the Town and Country Planning (Scotland) Act 1997 Act (as amended) and Schedule 7 to the Town and Country Planning (Development Management Procedure) (Scotland) Regulations

Reference

18/00486/FUL

Nature of Development

Erection of 64 dwellinghouses and associated works

Location

Land North of
24 Sergeants Park,
Newtown St Boswells

Decision: Continued to next available PBS Committee. Officers to provide further information on infrastructure capacity issues and how the proposed development would sit within a wider master planning exercise for the Newtown Expansion Area (Housing Allocation ANEWT005).

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
18/00792/FUL	Erection of 38 dwellinghouses, formation of access, landscaping and associated infrastructure	Land North of 48 Thirlstane Drive Lauder

Decision: APPROVED subject to a legal agreement addressing contributions towards education, the Borders Railway and play areas and the provision of on-site affordable housing and the following conditions:

1. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
2. No development shall take place within the development site as outlined in red on the approved plan until the developer has secured a Written Scheme of Investigation (WSI) detailing a programme of archaeological works. The WSI shall be formulated and implemented by a contracted archaeological organisation working to the standards of the Chartered Institute for Archaeologists (CIfA). The WSI shall be submitted by the developer no later than 1 month prior to the start of development works and approved by the Planning Authority before the commencement of any development. Thereafter the developer shall ensure that the programme of archaeological works is fully implemented and that all recording, recovery of archaeological resources within the development site, post-excavation assessment, reporting and dissemination of results are undertaken per the WSI.
Reason: The site is within an area where development may damage or destroy archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.
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. The phasing programme to include the timing for the provision of the pedestrian link.
Reason: To ensure that the development proceeds in an orderly manner.
4. Notwithstanding the description of the materials in the application, no development shall commence until a sample of all materials to be used on all exterior surfaces of the development hereby approved have been submitted to and approved in writing by the Planning Authority and thereafter no development shall take place except in strict accordance with the approved details.
Reason: The materials require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
5. No development shall commence until a Construction Method Statement has been submitted to and approved in writing by the Planning Authority. As a minimum this should outline how the site will comply with the British Standard 5228:2009 Code of Practice for noise and vibration control on construction and open sites and should include the hours of construction, how noise complaints will be managed and methods for dust suppression on the site. The development then to be carried out in accordance with the approved Construction Method Statement.

Reason: To safeguard residential amenities.

6. No development shall commence until precise details of the surfacing materials for the proposed roads, footpaths and parking spaces has been submitted to and approved in writing by the Planning Authority. Thereafter no development shall take place except in strict accordance with the approved details.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and in a manner that enhances the character and visual appearance of the development.

7. The proposed roads, footpaths and parking spaces/areas indicated on the drawings hereby approved shall be constructed to ensure that each dwellinghouse, before it is occupied, is served by a properly consolidated and surfaced carriageway, parking area and footpath/shared surface.

Reason: To ensure that the proposed development is laid out in a proper manner with adequate provision for traffic and pedestrians.

8. The planting, seeding and turfing shown on landscape drawings 143.117.01d, 143.117.02d and 143.117.03d hereby approved, shall be carried out in the first planting and seeding seasons following the occupation of the dwellings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as necessary for a period of two years from the date of completion of the planting, seeding and turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

9. No water supply other than the public mains shall be used to supply the development without the written agreement of the Planning Authority.

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.

10. No drainage system other than the public mains sewer shall be used to service the development without the written consent of the Planning Authority. Prior to occupation of the first dwellinghouse written evidence is to be submitted to and approved in writing by the Planning Authority that the development has been connected to the public water drainage network.

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

Informatives

1. In respect of condition 6, Roads Construction Consent is required for the roads and footways within the site and must be obtained prior to work commencing on site. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary. The connection path to Factors Park should be made up and surfaced to an adoptable standard 2m wide along its entire length through the site.
2. Both during and after construction, the customary/permissive path along the western boundary should remain open and unobstructed.
3. In relation to the Special Area of Conservation, care should be taken to avoid contamination of the water environment by following SEPA good practice guidelines, e.g. GPP 5. SEPA standing advice relating to construction should be followed.

Reference

Nature of Development

Location

18/00814/FUL

Formation of Riding arena and
erection of 3 No.stables block
(retrospective)

Land South East of
Tweedbank, Fishwick
Mains, Fishwick

Decision: APPROVED subject to the following condition and informative.

Conditions

1. The riding arena and stable block hereby approved shall be used for private use only and shall not be used for any commercial purposes without a further application (for a change of use of land) first being submitted to and approved by the planning authority.
Reason: to restrict the use of the development hereby approved to ensure the approved development does not cause an unacceptable increase in traffic levels to and from the site.

Informative

1. Stable Waste: During the use of the stable block, it is likely that refuse/waste materials (i.e. manure/soiled hay) will be produced on the site as a consequence. Therefore, it must be ensured that all such waste materials are not stored on site or disposed of in any manner (for example, burning) which would give rise to Statutory Nuisance conditions developing at neighbouring properties to the site.