

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

7 SEPTEMBER 2020

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 20/00523/FUL
OFFICER:	Paul Duncan
WARD:	East Berwickshire
PROPOSAL:	Erection of mixed use building comprising of office (Class 4) and storage (Class 6) and associated development including servicing, parking, re-profiling of existing shelter mound and demolition of adjacent harbour wall
SITE:	Land North West of Fishmarket, Gunsgreen Quay, Eyemouth
APPLICANT:	Neart Na Gaoithe Offshore Wind Ltd
AGENT:	Young Planning & Energy Consenting

BACKGROUND

Eyemouth Harbour has been selected as a preferred location for an Operations & Maintenance (O&M) base to support the 450MW Neart na Gaoithe (NnG) Offshore Wind Farm [pronounced “nart na gweeha”]. The O&M base would house office, warehousing and staff welfare facilities required to support work servicing the wind farm once constructed. NnG began offshore construction of the wind farm in August of this year.

SITE DESCRIPTION

The proposed site is located at Eyemouth’s deep water harbour. Distinct from the original harbour to the south, the deep water harbour was formed in the late 1990s and is accessed by a direct distributor road via the Eyemouth High School roundabout to the south of the town. The Fishmarket building was erected around the same time and lies roughly perpendicular to the southern boundary of the proposed site.

A significant portion of the proposed site has been occupied by harbour users mainly for storage purposes in an area known as Smeaton’s Yard. An old stone wall separates the yard from the quayside to the south. To the west of the site is the narrow harbour entrance known as The Canyon. To the north lies an artificial, gently-graded screen mound that reaches a maximum height of around 7m above the ground level of the proposed site. Rock armour sea defences provide further protection to the harbour. The foreshore and sea beyond form part of the Berwickshire and North Northumberland Coast Special Area of Conservation (SAC).

The Category A listed Gunsgreen House sits in a commanding position overlooking the harbour around 200m to the south. Eyemouth’s beach and Bantry promenade are located to the south-west. Greenends Gully lies to the east, separate from the proposed site. The foreshore in this area is twice designated as a Site of Special Scientific Interest by the Berwickshire Coast (intertidal) SSSI and the Burnmouth Coast SSSI [referred to from hereon as the two SSSIs]. The Gully is accessed by a private road which joins the public distributor road via an open yard area at the entrance to the existing site.

PROPOSED DEVELOPMENT

A new operational headquarters building would be constructed for the wind farm operator incorporating office (Use Class 4) and storage uses (Use Class 6). Visually, the building would comprise of two distinct elements: a 3 storey 1060sqm office reaching a height of roughly 14m; and a two storey 530sqm storage warehouse to the east. The building would feature monopitch roofs with distinctive angular overhanging eaves wrapped in standing seam aluminium cladding, and a largely glazed west elevation.

The building would sit at the far western end of the site, away from the existing Fishmarket building. A large yard area would sit between the two buildings, adjacent to the quayside for ease of transferring parts, equipment and personnel. Associated development would include a new junction with the public road, car parking, servicing, fencing, the re-profiling of the existing shelter mound, rooftop antennae and the demolition of a parapet wall on the quayside.

Planning permission has been granted to relocate the existing facilities which currently occupy the site elsewhere. Works within the harbour water would be the subject of a separate Marine Licence application to Marine Scotland. Neither form part of this application.

PLANNING HISTORY

Planning history at the deep water harbour includes the previous applications for its construction, and for the erection of the Fishmarket building. This is summarised below.

- 95/00426/FUL - Construction of new deep water inner basin with quays, access roads, weather break mound and associated works
- 96/00406/FUL - Creation of an additional berthing quay
- 97/05218/FUL - New fishmarket, ice plant, parking and hardstanding etc.
- 99/00564/FUL - Installation of fuel storage and distribution facility
- 04/01550/FUL - Siting of five storage containers
- 05/01149/FUL - Installation of re-fuelling facility and fuel pump in casing
- 05/01938/FUL - Siting of five additional storage containers
- 09/00007/FUL - Formation of access road and parking area
- 11/01127/FUL - Erection of storage building, palisade fence and lantern columns

All applications were approved.

REPRESENTATION SUMMARY

20 members of the public lodged objections to the application, all related to vehicular access to the nearby Greenends Gully, which is used by recreational divers. The concerns raised are summarised below:

- Loss of access
- Proposed rerouting may not be delivered
- Timescale for delivering the rerouting
- Access rerouting should form part of this planning application
- Potential tourism/ economic impact of losing access to the diving site
- Improvements should be made to the existing access road
- Impact on the dive site, as a place of environmental importance

The Gunsgreen House Trust (GHT) also provided comments. The Trust support the principle of the development, and do not object, but raised the following issues:

- A design of exceptional quality is essential to do justice to the site; the proposals are promising but deserve further improvement.
- A large building is accepted for functionality. A contemporary architectural approach is appropriate and could be emblematic of a low carbon future, looking back at the Old Town in counterpoint, however references in the Design Statement to picking up on the traditional architectural vocabulary of the Old Town are not persuasive.
- Modulation to break down the scale of the building would be welcome.
- Weathering of materials is a concern, including coloured aluminium cladding.
- The use of colours to reflect the brand identity of NnG is not an appropriate template for applying articulation given the building's dominant presence within the Harbour area. The visualisations project a somewhat 'corporate' character. We would rather the architecture responded to and respected its context and was not a vehicle for the projection of corporate identity.
- Key views to Gunsgreen House remain unaffected; the proposed new building sufficiently far away. The emblematic views from the south end of the Harbour, and those from most of Harbour Road will be unaffected; the bend in Harbour Road blocks sightlines to the site. Only as you progress halfway along the Middle Pier will the angle of view start to include both the House and the proposed building. The House and the proposed new building will figure in the views from Fort Point, but these are from long distance, and less important.
- Views from Gunsgreen House will be adversely affected to some extent, but the main views over the harbour will be unaffected. Seaward facing views will be affected by only two of the seven windows are from key visitor spaces. Views from the carriage area, front door steps and other outdoor spaces will also be affected.
- The security fence at the shelter mound would be visually obtrusive and will prevent passage of walkers westwards to the Canyon.
- It is concerning that a large multi-national in the renewables industry is not proposing a zero carbon building.

10 members of the public supported the application.

All the representations can be viewed in full on *Public Access*.

APPLICANT'S SUPPORTING INFORMATION

Supporting information submitted with the application includes:

- Planning Statement
- Design and Access Statement (including 3D visualisations)
- Transport Statement
- Ecology Report
- Outline Construction and Environmental Management Plan (CEMP)
- Results of the applicant's voluntary pre-application consultation event, attended by 128 visitors in January.

DEVELOPMENT PLAN POLICIES:

Local Development Plan 2016

- PMD1: Sustainability
- PMD2: Quality Standards
- PMD5: Infill Development
- ED2: Employment Uses out with Business and Industrial Land
- ED5: Regeneration

- ED9: Renewable Energy Development
- HD3: Protection of Residential Amenity
- EP1: International Nature Conservation Sites and Protected Species
- EP2: National Nature Conservation Sites and Protected Species
- EP3: Local Biodiversity
- EP5: Special Landscape Areas
- EP7: Listed Buildings
- EP8: Archaeology
- EP9: Conservation Areas
- EP10: Gardens and Designed Landscapes
- EP11: Protection of Greenspace
- EP14: Coastline
- EP15: Development Affecting the Water Environment
- EP16: Air Quality
- IS5: Protection of Access Routes
- IS7: Parking Provision and Standards
- IS8: Flooding
- IS9: Waste Water Treatment and SUDS
- IS13: Contaminated Land

SESplan Strategic Development Plan 2013

- 1A – The Spatial Strategy: Development Locations

OTHER PLANNING CONSIDERATIONS:

- Biodiversity Supplementary Planning Guidance 2005
- Contaminated Land Inspection Strategy Supplementary Planning Guidance 2001
- Designing Out Crime in the Borders Supplementary Planning Guidance 2007
- Green Space Supplementary Planning Guidance 2009
- Local Biodiversity Action Plan Supplementary Planning Guidance 2001
- Local Landscape Designations Supplementary Planning Guidance 2012
- Placemaking and Design Supplementary Planning Guidance 2010
- Renewable Energy Supplementary Guidance 2018
- Sustainable Urban Drainage Systems Supplementary Planning Guidance 2020
- Waste Management Supplementary Guidance 2015
- Gunsgreenhill, Eyemouth – Planning Guidance 2009
- HES: Managing Change in the Historic Environment: Setting 2016 (updated 2020)
- Historic Environment Policy For Scotland 2019
- PAN 33: Contaminated Land
- Scottish Planning Policy 2014
- Planning Circular 4/1998: The Use of Conditions in Planning Permissions

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Access: No objection, but request that the Berwickshire Coastal Path remains open.

Archaeology: No objection. The likelihood of any archaeological finds, features or deposits being uncovered is low. Most of the works are into man-made ground. Ordnance Survey map editions show the radical changes at the location since the Ordnance Survey first edition

undertaken in the mid-19th century. These show a rocky foreshore together with the original piers of the harbour, until the 1960s when the current piers shown with the landscaped shelter mound to the sea and more modern mapping again shows the excavated harbour in connection with the fishmarket. No archaeological investigation is required.

Built Heritage: The service commend the positive aspirations of the scheme and do not object to the proposals in principle but identify a need to reduce the visual dominance of the proposed building.

The proposal is, in broad use/character terms, entirely consistent with the historic character of functional, sea-associated activity in this part of Eyemouth. The potential for this development to contribute to the sustainable activity, viability and overall character of the Eyemouth Harbour is very welcome from a heritage perspective.

With regards to the impact on the Category A listed Gunsgreen House (and by extension its associated Category B listed dovecote), it would be desirable to reduce the visual 'assertiveness' of the new development. Advise that particular consideration given to:

- Shifting the footprint of the building to the east
- Changing the colour scheme of the proposed materials so that they read more as part of the existing harbour palette. This will help reduce excessive visual dominance and mitigate an un-contextual office/corporate character
- Notably reduce the height, or remove entirely, the upward projection of the 'skylight'.

The long views of Eyemouth from the Eyemouth Fort are not notably impacted by the proposals, with the development reading at a distance as part of Eyemouth as a whole. The removal of 'Smeaton's Wall' would cause some harm in heritage terms, but given its loss of integrity could be carefully recorded and removed if part of an acceptable overall design.

Contaminated Land: No objection, but a condition is requested to secure site investigation and risk assessment, which may in turn identify a need for remediation/ verification thereafter.

Ecology: No objection. The Outline Construction and Environmental Management Plan submitted with the application is satisfactory and a condition will be required to secure the full CEMP. No signs of bats, otter and badger were recorded. Habitats may be suitable for foraging and commuting. Pre-construction surveys and proportionate mitigation are proposed. Habitats within the proposed development boundary have potential to support nesting birds. Mitigation is proposed including site clearance out with the bird breeding season (March-August) and checking surveys where this is not possible. The existing storage containers may also provide opportunities for nesting birds. They should be removed prior to the bird breeding season, and subject to checking surveys where this is not possible. Mitigation to minimise lighting is proposed. This can be included within a Species Protection Plan. The proposed biodiversity enhancement plan should be secured by condition.

Economic Development: Support and welcome the proposed development which has significant potential economic benefits, and which would sustain and grow activity in the key sector of renewable energy - a key objective of the Scottish Borders Economic Strategy 2023.

The proposal further diversifies harbour operations adding to its long term sustainability, and the required changes also present opportunities for the relocation and enhancement of facilities from fishing gear storage, and maintenance, to shore access for divers.

The development of the O&M base offers procurement opportunities for local businesses to become suppliers both in the construction phase and when the base becomes fully

operational. This is particularly significant given the imperative for economic recovery from the Covid-19 pandemic. In its role within the Forth and Tay Offshore Cluster, the Economic Development service within Scottish Borders Council is supporting Eyemouth Harbour Trust and the developers of the wind farm to ensure that local businesses, particularly in East Berwickshire, can benefit from the project. Businesses from many sectors including food and accommodation, construction, maintenance and logistics could benefit.

In addition to the direct jobs created, the project offers wider opportunities for local employment, encourages the development of different relevant skills through retraining, and makes available a wider choice of careers for young people through local understanding of the sector and its requirements.

At present while the Covid-19 lockdown challenges business survival and employment, businesses from across the Scottish Borders are able to benefit from the project by providing support to the seabed investigatory work. Resources already taken up range from plant hire to overnight accommodation, take-away food as well as office rental in Eyemouth.

In addition to economic benefits, there is also anecdotal evidence that there is positive involvement with local communities and that this engagement is widely beneficial.

Environmental Health: No response received at the time of writing.

Flood Protection Officer: No objection, but recommends water resilient materials and construction methods as the site may be at risk from a 1 in 200 year coastal flood event. SEPA flood mapping shows that most of the building would not be at risk of coastal flooding but there is a risk of water lapping up on the South and West sides of the building. The development is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. The applicant will take flood risk at their own commercial risk.

Furthermore, the Finished Floor Level is proposed in the site sections (Drawing 110) to be approximately 5.5mAOD. In their response dated 12th June 2020, SEPA have noted that their predictions, using the Coastal Flood Boundary Method (2018) show that the flood level is 3.79mAOD (not considering wave height). It is anticipated that there is a safe, flood-free access and egress route along the proposed road.

Forward Planning: The principle of the proposed development must be assessed against Local Development Plan policies PMD5 and ED2. It is noted that it is likely that such a proposal would bring significant economic and employment benefits to Eyemouth and the wider community. Furthermore, although the site is not formally allocated, the site currently houses storage containers used in the fishing industry. The Proposed Local Development Plan (LDP2) acknowledges that there has been a change in context within Eyemouth over recent years in that there is now the opportunity for the town to offer a key location for emerging offshore renewable energy projects. This needs to be balanced against the criteria contained within the policies outlined above, including matters such as; natural heritage, built and cultural heritage, design and materials, massing and scale and infrastructure.

Landscape: Informal discussions confirmed there is no landscape objection to the proposals.

Roads Planning Service: No objections in principle. The site has excellent vehicular access and good pedestrian linkage into Eyemouth town centre, it also benefits from a public car park in close vicinity which can be used for overflow parking if required. The only concerns relate to the proposal relate to displacement of the existing fishing equipment on site and the potential loss of the vehicular access to the Foreshore dive site. The concern with regards to the displacement of the existing equipment has been appeased by the approval of application

20/00437/FUL which forms a storage compound for the local fishing industry in Gunsgreen industrial Estate. Roads Planning Service (RPS) are aware of plans for an alternative vehicular access to the Foreshore dive site but require a condition requiring this access be in place and operational prior to development commencing on this site. RPS support Transport Scotland's request for a planning condition to require a Travel Plan to encourage sustainable transport.

Statutory Consultees

Architectural Heritage Society of Scotland (AHSS): No response received at the time of writing.

Berwickshire Civic Society: No response received at the time of writing.

Eyemouth Community Council: Support the proposals. The Community Council note they have been kept up to date throughout the entire project. Members are confident the project will bring an economic boost to the area. Jobs and training opportunities for younger residents are on offer. The project brings strength to the Harbour which will future proof its ability to support the fishing industry, leisure industry and other local businesses. The Community Council observe that a lot of thought has gone into the project to ensure existing businesses are not negatively impacted in the short or long term. To date all issues raised with EHT relating to this project have been dealt with effectively. The Community Council continues to give its full support to this project and the prosperous future they believe it will bring.

Historic Environment Scotland (HES): No objection, however the development would adversely impact the setting of Gunsgreen House, both in views to and from the house and grounds and there may be scope to redesign the new facility to reduce its impact.

The development site will be visible in wide views of the house across the Harbour from Eyemouth. The scale and design of the proposed new building will draw the eye in many of these views, but are not likely to overwhelm the setting of Gunsgreen House, due to the house's elevated position and immediate undeveloped setting. The application site will also be seen in the historic southern approach to Gunsgreen House, introducing a considerable new feature on a relatively underdeveloped area of the harbour, currently a grassed shelter mound. There will also be indirect views of the development site from the house and its entrance forecourt and steps, where the proposed new building will be immediately visible, silhouetted against the backdrop of the sea.

SEPA: No objection. Advice is provided for the applicant. The proposed development would fall within the Least Vulnerable Use within SEPA's Land Use Classification Guidance. The application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. The approximate 1 in 200 year water level for the area is 3.79mAOD based on extreme still water level calculations using the Coastal Flood Boundary Method (2018). This does not take into account the potential effects of wave action, funnelling or local bathymetry at this location. Note flood events in Eyemouth, including those of 1904, 1948, 2002, 2013 and 2016. Section 5.1 of the Design & Access Statement states that the proposed finished floor level of the building is 5.5mAOD. This is sufficiently above the risk of coastal flooding and adequately considers projected sea level rise due to climate change and includes an appropriate level of freeboard. The location of the proposed development is exposed to coastal elements and may be at risk from sea spray. This risk may be increased by the removal of the harbour wall. We strongly recommend that flood resistant and resilient materials are incorporated within the design of the building.

Scotland's Garden and Landscape Heritage (SGLH): No objection in terms of impacts on the nationally significant Netherbyres Design Landscape.

NatureScot (formerly known as Scottish Natural Heritage/SNH): No objection, subject to condition to secure a full CEMP. The proposal is not likely to have a significant effect on the internationally important qualifying interests of the Berwickshire and North Northumberland Coast SAC to the north of the site. An appropriate assessment is therefore not required but the proposal lies sufficiently close to this SAC, where the qualifying interests are grey seal, shallow inlets and bays, intertidal mudflats and sandflats, reefs, sea caves that occur below Mean High Water Springs, for there to be a risk of impacts to some of these interests.

The development is not likely to affect the nationally important natural heritage interests of the two SSSIs. The intertidal component of this SSSI lies within the SAC and SSSI above, and so the issues are the same as above. However, this SSSI extends for a distance inland, where it is of interest for its geology, coastal grassland habitats and invertebrates. There is potential for the grassland and invertebrate interests to be affected by this proposal.

Scottish Water: No response received at the time of writing.

Transport Scotland: No objection. A Travel Plan is requested by condition. A detailed analysis of the applicant's Transport Statement was also provided and can be viewed on the Council's Planning Portal.

ASSESSMENT OF APPLICATION:

Principle

At a strategic level, SESplan's Strategic Development Plan 2013 Policy 1A sets out a long term spatial strategy for the region which identifies Eyemouth as an important hub within the Eastern Borders Strategic Development Area, well placed to take advantage of opportunities in the renewables sector through its harbour facilities. This reflects the long-term vision for a diversification of harbour activities, which the Council's Proposed Local Development Plan (LDP2) also acknowledges.

The site is located within Eyemouth's development boundary and is not allocated for any use. The principle of the proposed development can therefore be assessed against Local Development Plan (LDP) policies PMD5 (Infill Development) and ED2 (Employment Uses out with Business and Industrial Land). Whilst policy ED2 seeks to restrict business and industrial development to land allocated for these uses, the policy sets out three criteria for exceptional circumstances, which this development would clearly meet.

Firstly, it is essential that the proposed development has direct access to a harbour of suitable standard. There is therefore a justified need for proposed location, which is already occupied, in part, by fishing industry uses.

Secondly, the development would co-exist easily with adjoining uses, including existing fishing and harbour activities. There have been no objections from neighbouring businesses or residents.

Thirdly, the proposed development would contribute significant direct and indirect economic benefits and employment opportunities for the town and surrounding area. This is a material consideration of significant weight.

In terms of direct benefits, the operations and maintenance phase of the offshore windfarm is expected to create 40 long term roles directly, with related opportunities for training, retraining

and apprenticeships. The indirect benefits of the proposed development would also be significant. The development would help sustain the harbour financially for the long term future. Given the importance of the harbour to the town for employment, as well as its sense of place and identity, the long term significance of this should not be underestimated. More broadly, there should be opportunities for local businesses in sectors such as hospitality, construction and logistics to provide complementary goods and services, including in the supply chain. The construction and operational stages of the development can also be expected to boost the vibrancy and vitality of the town centre and harbour area as a result of increased footfall, consumer demand and general activity. The town centre and Harbour Road area are key regeneration opportunities for the Planning Authority. More generally, diversifying activity within the harbour from mainly fishing and tourism related industries to the burgeoning offshore renewables sector opens up new markets and opportunities for the future.

In summary, there is clear policy support for the principle of the proposed development. The potential economic benefits for Eyemouth and the surrounding area are considerable.

Relocation of Existing Facilities

The proposed site is currently owned by Eyemouth Harbour Trust who have made arrangements to relocate the existing facilities on the site. Planning permission has been granted for the formation of a large storage compound at Gunsgreenhill Industrial Estate (planning reference 20/00437/FUL) and for an enclosed harbour side compound that would house oil tanks and skips to the south of the Fishmarket building (reference 20/00639/FUL). There have been no objections to the proposed development from existing users of these facilities, or from other users of the harbour more generally.

Heritage and Design

The proposals would introduce a new, large scale building in a prominent location that would be seen across various views and vistas of the town and surrounding landscape. These would include: views to and from Gunsgreen House; views from Harbour Road, the Bantry promenade, Eyemouth beach, and Eyemouth Fort Scheduled Monument; elevated views from Paxton Terrace and the Coldingham Road at the western entrance to the town; and close views from the harbour entrance and foreshore areas.

Design Approach

The Design and Access Statement sets out the design rationale for the development and explains why various site layout iterations were discounted. The site is fairly tight, constrained to the west by the harbour entrance, to the south by the harbour quay, and to the north by the screen mound. There are fundamental operational requirements for direct harbour access from a large yard area to allow easy movement of parts and materials to and from the quays. Parking is also required. The proposed building is therefore located at the far western end of the site, away from the Fishmarket building. The significant height of the building reduces its footprint and enables sea views from the 3rd floor.

The office and storage warehouse components of the building would be distinct in design and materiality, helping to break down the visual scale and mass of the building. A single ground floor wall on the south elevation would help unify these elements. The architectural language is simple, with a limited palette of materials and colours, but clearly contemporary in character with angular, overhanging roofing and first floor cantilevers adding interest and style. Concealed guttering will help the standing seam roof wrap around the upper floors and roof of the building without visual fuss. The west elevation is largely glazed to provide the office area with light and views. Rendered finishes on this elevation help break up the glass frontage and distinguish it from more overtly commercial curtain walling, which would not be appropriate.

Character and Appearance of Eyemouth Conservation Area

The town's conservation area includes varying character typologies, from the dense urban grain of the Old Town's streets and wynds to the more open, large scale infrastructure of the deep water harbour setting which are distinct again from the original harbour area. Harbour activity is a constant across much of conservation area and defines its character. The principle of the proposed development is therefore welcomed in heritage terms as it would help sustain the active harbour, contributing to its vibrancy.

The Design and Access Statement provides a thorough analysis and clear understanding of this context. It notes that the less developed eastern Gunsgreen side of the harbour is defined to a significant extent by standalone buildings of singular character, including Gunsgreen House itself, and the Fishmarket building. Introducing a bold new addition reflects the pattern of development on this side of the harbour. Separation from the Fishmarket building is appropriate in this context, reducing any direct clash of styles. The lower eaves height of the storage building helps the proposed building step down to the height of the Fishmarket.

There is no doubt that proposed design is boldly contemporary in character, but there is agreement with the comments from the Gunsgreen House Trust that in principle, this site is capable of accommodating such an approach.

Setting of Gunsgreen House and Designed Landscape

Gunsgreen House is listed at Category A for its national historic and architectural significance. Its setting is fundamental to the character of the building, its locally designated designed landscape, the conservation area and arguably, to the identity of the town. The setting of the B listed Nisbet's Tower is a related consideration.

The setting of the House comprises views from the house, as well as view to it. In terms of the former, current circumstances have prevented consultees such as HES from gaining access for a site visit, but the Gunsgreen House Trust (GHT) have very helpfully provided a detailed assessment. The proposed development would barely be visible from front elevation windows, but would be prominent from the north-facing side of the house. However, these are generally not significant spaces within the house. External areas would be more affected.

Iconic views to the House from Harbour Road would be little affected. The development would only become visible at the far north end of the Harbour Road, where it would be seen briefly in combination with the House. Longer views, and less significant views from Middle Pier, would however be affected.

The cumulative impact of this development and other previously approved, unbuilt developments nearby also require consideration. These include the construction of a helicopter access facility comprising helipads and a hangar/ office building to the south-west (reference 17/01451/FUL) and the relocation of the aforementioned existing harbour facilities to a new compound to the south (reference 20/00639/FUL). Whilst it is not currently envisaged that the helicopter facility development will be progressed, planning permission remains in place and the development could come forward if circumstances changed.

Given the foregoing, there will inevitably be some impact on the setting of Gunsgreen House. The original proposals raised some concern as the combination of scale, siting, colours and mass of the proposed building would have had an unacceptably dominating, intrusive effect on the conservation area and on the setting of the House.

The revisions secured through discussions with the applicants have subdued the colour scheme for the building, and have introduced colours more harmonious with the harbour and

conservation area. The considerable mass of the skylight feature has also been redesigned to read more as a projected rooflight, running parallel with the profile of the roof. These revisions have significantly reduced the overall visual assertiveness and dominating character of the development, and have brought the proposals to a position that, subject to the recommended conditions, broadly satisfy relevant planning policies EP7 (Listed Buildings), EP9 (Conservations Areas) and EP10 (Gardens and Designed Landscapes).

Smeaton's Wall

The existing harbour wall to the south of Smeaton's Yard is of natural stone construction and is understood to date back to the late 18th century. The wall is in a poor condition and is proposed for removal. This is an operational necessity to open up direct access from the new storage building and yard to the harbour. There have been no objections to its loss. The applicant has agreed to consider reusing the stone elsewhere within the development and the former line of the wall would be demarcated in paving stone. Prior to this, the wall would be recorded. The proposals otherwise satisfy LDP policy EP8 (Archaeology).

Landscape

The Berwickshire Coast Special Landscape Area (SLA) follows the coastal waters in the Eyemouth area. The designated boundary extends into the harbour area. LDP policy PMD2 (Quality Standards) requires all development fit its landscape surroundings, whilst policy EP5 (SLAs) seeks to safeguard landscape quality of SLAs.

The proposed development would involve the erection of a new, large scale building, alterations to the existing screen mound and new fencing. The Landscape Section do not object to these proposals. The development would not be considered harmful to the special landscape quality of the SLA. The proposals satisfy policies PMD2 and EP5.

The proposed site contains no trees or hedging. There is no conflict with Policy EP13 (Trees, Woodlands and Hedgerows).

Road Network

An existing distributor road serves the deep water harbour from the Eyemouth High School roundabout at the southern entrance to the town. This road is of high specification and generally operates at low capacity. It provides excellent connectivity to the A1 and avoids the town centre and other built up areas. Both the Council's Roads Planning Service and Transport Scotland are satisfied that the local and trunk road network can support a development of this scale.

Roads Access

Direct vehicular access to the site would be taken from the hammerhead at the end of the distributor road. A large shared turning area would be formed at the site entrance. No concerns have been raised with the proposed access arrangements.

Active Travel

The proposed site benefits from adequate pedestrian connectivity to the rest of the town centre via the 'Red Bridge' and Middle Pier. For cyclists, a secure, weatherproof facility would be provided adjacent to the new office and storage building. A condition is recommended to control the details of this facility and to secure its delivery.

Transport Scotland request the agreement of a Travel Plan to help promote active and sustainable travel to the site once the development is operational. Roads share this sentiment. The applicant has agreed to this. An appropriately worded condition is attached.

Parking

A new car park would be provided at the entrance to the site with a capacity of 32 car parking spaces (4 for disabled users) and 3 motorcycle spaces. The car park is separated from the working yard by fencing and would be shared with users of the existing Fishmarket building. An existing public car park is also located nearby, around 130m from the site, with direct pedestrian connectivity. The Roads Planning Service are content with the proposed parking arrangements. Policy IS7 (Parking Provision and Standards) is satisfied.

Access to Greenends Gully

The Greenends Gully is a sheltered location for divers to access the water and is said to be particularly suitable for beginners and those with mobility difficulties. Divers use an existing private vehicular access to transport heavy diving equipment close to the diving waters. All objections to the application arose from concern that the vehicular access would be lost as a result of the proposed development. The application is clear that the road would require rerouting and that this will be catered for. Precise arrangements for rerouting are yet to be finalised, but various options may be viable in practical terms. It should be noted that vehicular access to the dive site is privately controlled and there are currently no planning controls to maintain the access. The applicants wish to maintain the access is welcomed and a planning condition is attached to control the delivery of this.

There would be no planning grounds to require improvements to the existing access road.

Access/ Open Space

There are no protected Key Greenspaces within the vicinity of the proposed site, but the screen mound comprises open greenspace which is accessible to the public. There are footpaths in both the east/ west and north/ south directions. The original proposals included perimeter fencing on in a north/ south direction which would have obstructed access across the screen mound. The applicant has agreed to amend the route of the proposed fence, which has addressed this issue. It also reduces the prominence of the fence from key views from the east and west, including long views from the Eyemouth Fort area. The revised proposals satisfy LDP policies EP11 (Protection of Greenspace) and IS5 (Protection of Access Routes).

Flood Risk

Local Development Plan policy IS8 states that development will not be permitted if it would be at significant risk of flooding from any source or would materially increase the probability of flooding elsewhere.

The site's proximity to the harbour gives rise to coastal flooding risk. Part of the site is located within SEPA's 1 in 200 year coastal flood risk area. However, the building would be erected well above the 1 in 200 year flood level, and the proposed use would fall within the Least Vulnerable Use per SEPA's land Use Classification. The development is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems. There are therefore no flood risk objections, and the proposals are considered to satisfy policy IS8. Nevertheless, the applicant is advised to incorporate flood resistant and resilient materials to account for issues such as sea spray, which SEPA's 1 in 200 year flood level does not account for.

Residential Amenity

The nearest dwellinghouse is located over 100m from the proposed building. Whilst operational impacts such as noise and construction effects such as dust can affect a wide area, in the context of an active harbour site, it is unlikely that this development would give rise to any significant amenity issues. The proposals are considered to satisfy LDP policy HD3 (Residential Amenity).

Ecology

The proposed site is located within close proximity of designated sites and would be capable of accommodating breeding birds, badgers and otters, although none were recorded. Seals are also known to be active within the harbour but are said to be transient to disturbance. Potential effects on these interests would mainly relate to the proposed construction phase of the development. Pollution and sediment could also arise during construction. An outline Construction Environmental Management Plan (CEMP) was submitted with the application and has broadly satisfied the Ecology Section and NatureScot (formerly known as SNH). Conditions are required to secure a full CEMP, a Species Protection Plan and an enhancement plan. Subject to compliance with these conditions, the proposed development would protect the ecological interests and would satisfy the Council's ecological policies EP1, EP2 and EP3.

Services

The development would connect to the public water supply and public mains sewer. Scottish Water were consulted on the proposals but have not responded. There is no reason to believe these connections could not be secured. There are no proposals for surface water drainage at this stage, but this can be secured by condition.

Contaminated Land

The Contaminated Land Section recommend site investigation and risk assessment to establish whether there are any land contamination issues. Any need for mitigation would be identified through this process. This can be secured by our standard contamination condition.

CONCLUSION

Following revisions secured during the processing of the application, and subject to compliance with the schedule of conditions, the development will accord with the relevant provisions of the Local Development Plan 2016 and there are no material considerations that would justify a departure from these provisions.

RECOMMENDATION BY CHIEF PLANNING AND HOUSING OFFICER:

I recommend the application is approved subject to 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 commence until a scheme of details for the rerouting of the dive site access road has first been submitted to and agreed in writing by the Planning Authority. The scheme of details shall include plans and drawings of the rerouting and a timetable for delivery that ensures vehicular access is provided during the construction and

operational stages of the development hereby approved. Thereafter, the rerouting of the dive site access road shall be delivered in strict accordance with the scheme of details, unless otherwise agreed in writing by the Planning Authority.

Reason: So that vehicular access to the dive site is maintained during the construction and operational stages of the development hereby approved.

3. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing on site, a scheme will be submitted by the Developer (at their expense) to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the Council, and is thereafter implemented in accordance with the scheme so approved.

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:-

- a) 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
- b) 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.
- c) 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).
- d) 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.
- e) 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.

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.

Reason: To ensure that the potential risks to human health, the water environment, property, and, ecological systems arising from any identified land contamination have been adequately addressed.

4. No demolition works shall take place to Smeaton's Wall until the applicant has secured the implementation of a programme of archaeological works (which may include excavation) in accordance with a Written Scheme of Investigation outlining a Historic Building Survey which has been formulated by, or on behalf of, the applicant and submitted to and approved in writing by the Planning Authority. Access should be afforded to allow archaeological investigation, at all reasonable times, by a person or persons nominated by the developer and agreed to by the Planning Authority. Results will be submitted to the Planning Authority for review in the form of a Historic Building Survey Report.

Reason: To preserve by record a wall of historical interest.

5. Prior to any works to the existing screening mound, the precise details of any alterations to this mound shall first be submitted to and agreed in writing by the Planning Authority. The details shall include proposals any seeding/ planting details and a timetable for delivery, completion and ongoing maintenance. Thereafter, the development shall be carried out wholly in accordance with the approved details.

Reason: To secure control over the precise details of any alterations required to the existing screening mound, in the interests of landscape and visual interest.

6. Prior to the construction of the building hereby approved, precise details of the following items shall be submitted to and approved in writing by the Planning Authority:

- All external materials, colours and finishes including those of walls, roofs and windows (including details of glass colour/ tint and specification);
- West elevation mullion design;
- PV panels, including the colour of the frames, and details of any associated equipment;
- Antennae and any other rooftop plant or equipment;
- Guttering and rainwater goods;
- Surface materials (including details of Smeaton's Wall line reinstatement in paving stone);
- Fencing, gates, walls and edge protection, including car park screening;
- Crane;
- External lighting of the site; and
- Substation details.

Thereafter, the development hereby approved shall be carried out wholly in accordance with details that have first been agreed in writing by the Planning Authority.

Reason: To secure control over detailed design considerations and ensure a satisfactory form of development that contributes appropriately to its setting.

7. Prior to commencement of development, a Species Protection Plan (SPP) for otter, badger and breeding birds shall be submitted to and approved in writing by the Planning Authority. The SPP shall incorporate provision for a pre-development supplementary survey and a mitigation plan. No development shall be undertaken except in accordance with the approved SPP.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

8. Prior to commencement of development, a Construction Environmental Management Plan incorporating the latest good practice guidelines and statutory advice (as outlined in *Nearf Na Gaoithe Operations & Maintenance Facility Outline Construction Environmental Management Plan, ITP Energised, 15/05/2020*) to protect the Berwickshire & North Northumberland Coastal SAC shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with a scheme that has first been approved in writing by the Planning Authority.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

9. Prior to construction of the building hereby approved a Biodiversity Enhancement Plan shall be submitted to and approved in writing in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved scheme.

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

10. Prior to construction of the building hereby approved, precise details of surface water drainage, and written evidence on behalf of Scottish Water that mains water and foul drainage connections shall be made available to serve the development, shall be provided for the written agreement of the Planning Authority. Thereafter, the agreed servicing and surface water drainage arrangements shall be made operational prior to occupancy of the development, unless otherwise agreed in writing by the Planning Authority.
Reason: To ensure the development is adequately serviced.
11. Prior to the development hereby approved becoming operational, the car parking arrangements shown on the approved site plan Reference 100 P-02 shall be formed and thereafter so retained, in perpetuity, unless otherwise agreed in writing with the Planning Authority.
Reason: To ensure adequate parking is provided prior to the development becoming operational.
12. Prior to the development hereby approved becoming operational, a comprehensive Travel Plan that sets out proposals for reducing dependency on the private car shall be submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland. The Travel Plan shall identify measures to be implemented, the system of management, monitoring, review, reporting and the duration of the plan.
Reason: To be consistent with the requirements of Scottish Planning Policy (SPP) and PAN 75 Planning for Transport.
13. Prior to the development hereby approved becoming operational, details of siting and design of the proposed cycle storage facilities, including details of implementation and completion, shall be submitted to and agreed in writing by the Planning Authority. The facilities shall be implemented in accordance with the agreed scheme of details and shall be retained in perpetuity thereafter, unless otherwise agreed in writing by the Planning Authority.
Reason: To control the detail of the proposed cycle storage facilities, and to ensure they are delivered as part of the development.

Information for the applicant

1. It should be borne in mind that only contractors first approved by the Council may work within the public road boundary.
2. Flood Risk Officer Advice: adoption of water resilient materials and construction methods are strongly recommended.
3. SEPA Advice: The storage of fuel should comply with CAR General Binding Rule 28 to minimise pollution risk. We refer the applicant to pollution guidelines at: <https://www.netregs.org.uk/media/1475/gpp-2-pdf-jan-2018.pdf>. The car parking area should be designed to comply with GBR10. If the existing screen mound is contaminated and reused appropriately as part of the planning permission on site there are no waste implications. If the soils are contaminated or soils are needing to be discarded for any reason then they will be classed as waste. Therefore, there will be waste management licencing implications and SEPA's local regulatory team should be consulted. Details of regulatory requirements and good practice can be found on the SEPA website or contact a member of the regulatory services team at: ELB@sepa.org.uk

DRAWING NUMBERS

<u>Type</u>	<u>Reference</u>	<u>Received Date</u>
Location Plan	002 REV-01	18.05.20
Floorplan	0009 REV P-01	18.05.20
Floorplan	0010 REV P-00	18.05.20
Floorplan	0011 REV P-00	18.05.20
Plans and Elevations	104 REV P-01	18.05.20
Sections	111 REV P-01	18.05.20
Roof Plan	0020 P-02	25.08.20
Site Plan	100-P-02	25.08.20
Elevations	120-P-03	25.08.20
Elevations	121-P-03	25.08.20
Elevations	122-P-02	25.08.20

Approved by

Name	Designation	Signature
Ian Aikman	Chief Planning and Housing Officer	

The original version of this report has been signed by the Chief Planning and Housing Officer and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Paul Duncan	Assistant Planning Officer



20/00523/FUL

Land North West Of Fishmarket
Gungreen Quay
Eyemouth

