

**APPENDIX I**  
**APPLICATION FOR PLANNING PERMISSION**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
19/00210/PPP	Re-development of auction mart facilities including and mixed use development comprising Class 1 retail, Class 2 professional, Class 3 (including sui generis) food and drink, Class 4-6 business/light industry, Class 7 hotel, Class 8 residential institutions (college/training centre), Class 9 dwellinghouses (including sui generis – flats) Class 10 non-residential institutions, Class 11 Assembly and leisure, access (including roundabout on A68), car parking, demolition of buildings and associated works.	Auction Mart and Land North East of Auction Mart Newtown St Boswells

Decision: Approved subject to the following conditions, Informatives and a legal agreement.

**Timescale**

1. Approval of the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site shall be obtained from the Local Planning Authority.  
Reason: to achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
  - (a) the expiration of five years from the date of this permission, or
  - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.  
Reason: to achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
3. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the matters specified in the conditions set out in this decision.  
Reason: to achieve a satisfactory form of development and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

**General**

4. A detailed master plan for the site, including a phasing programme, detailed design, built form and layout guidance, to be submitted to and approved in writing by the Planning Authority with the first application for approval of matters specified in conditions. The development then to be designed and implemented in accordance with the approved master plan.  
Reason: To ensure a well-planned and phased development and minimise adverse impacts on the scenic qualities of the National Scenic Area.

5. Any retailing elements within Zone B not to be stand-alone units and remain ancillary to the main Class 4-6 Uses, occupying no more than 10% of the overall gross floor area of each Use.

Reason: To ensure that the scale and nature of retailing elements remain ancillary to the main uses in compliance with LDP Policies PMD4 and ED3.

### Landscape

6. Further details and specification of all landscape proposals to be submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage, as part of the required Masterplan, including areas of open space, tree and hedgerow retention along the A68, B6398 and within and adjoining the wooded deans, measures to reduce landscape and visual impacts and provide visual containment to the development along the boundaries of the site, maintenance and management. Existing trees should be protected in accordance with BS 5837.

Reason: To protect the tree and hedge resource along the A68 and character of the NSA and to retain the amenity, screening effect and green corridor connectivity of the trees in this location until the detail of the future railway is known.

7. Prior to commencement of the development, details of the frontage landscaping treatment along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland.

Reason: To ensure that there will be no distraction to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

8. No development to occur within a buffer zone of at least 15 metres from the boundary of the woodland SAC/SSSI within the application site boundary and no development to commence until the planting of the buffer zone and boundary details with the development are submitted and agreed in writing by the Planning Authority, in consultation with Scottish Natural Heritage. The planting then to be carried out in accordance with the approved details and an agreed timescale.

Reason: To protect the existing woodland SAC/SSSI from damage during and after the development process and offset the impacts on the NSA and designed landscapes.

9. No development to occur within the "Community Rural Recreation Area" shown on the approved drawing NSB.AR(PL)012, the landscape and boundary treatments of this area to be submitted for the approval of the Planning Authority, in consultation with Scottish Natural Heritage, with the submission of the Masterplan and overall landscape proposals.

Reason: To protect the existing woodland resource from damage during and after the development process and offset the impacts on the NSA and designed landscapes.

10. No development to be commenced until a scheme of children's' playspace is submitted to, and approved in writing by, the Planning Authority. Once approved, the scheme to be implemented in accordance with an agreed timescale consistent with the provisions of the legal agreement.

Reason: To ensure the development makes adequate provision for children's' play space.

### Ecology

11. No development, other than works to existing footpaths approved separately under this consent, to be carried out within the boundaries of the River Tweed and Borders Woods SACs.

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

12. Prior to the commencement of development, the developer shall provide to the Planning Authority:
  - a) a copy of the relevant European Protected Species licence, or, Bat Low Impact Licence as appropriate
  - b) a copy of a statement in writing from Scottish Natural Heritage (licensing authority) stating that such a licence is not necessary for the specified developmentReason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3.
13. Prior to commencement of development, a Species Protection Plan for bats, otter, badger, other mammals, breeding birds, reptiles and amphibia 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, including demonstration through the design of the development that mammals will still be able to move freely between the fingers of the woodland SAC/SSSI. No development shall be undertaken except in accordance with the approved in writing SPP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP2 and EP3.
14. Prior to commencement of development a Construction Environmental Management Plan incorporating the latest good practice guidelines and statutory advice (including as outlined in GPP1, GPP2, GPP4, GPP5 and PPG6 and BS5837:2012 and consistent with any CAR licence requirements), to protect the River Tweed SAC, Borders Woods SAC, local waterbodies and biodiversity, shall be submitted to and approved in writing in writing by the Planning Authority in consultation with Scottish Natural Heritage. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
15. Prior to commencement of development a Construction Method Statement to manage, store and protect soils shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
16. Prior to commencement of development, a Landscape and Habitat Management Plan (LHMP) including measures identified in the EclA (neo Environmental, 03/10/2018) and additional ecological information, and ensuring the provision of a minimum 15m buffer no-development planted area around the designated woodland habitat and maintenance and creation of species rich grassland habitat, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. No development shall be undertaken except in accordance with the approved in writing LHMP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
17. Prior to the commencement of development an Ecological Clerk of Works (ECoW) shall be appointed to carry out pre-construction ecological surveys in order to monitor compliance with the Construction Environmental Management Plan, Species Protection Plans and Landscape and Habitat Management Plan and Invasive Non-Native Species Management Plan.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

18. Prior to commencement of development a sensitive lighting scheme incorporating the latest good practice guidelines (as outlined: Guidance Note 8/18 (2018): Bats and artificial lighting in the UK and consistent with the lighting submissions made to satisfy the Trunk Roads and Environmental Health conditions), to protect bats shall be submitted to and approved in writing by the Planning Authority. Any works shall thereafter be carried out strictly in accordance with the approved in writing scheme  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
19. Prior to commencement of development, an Invasive Non-Native Species Management Plan, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage, including measures to prevent non-native species becoming established in the SAC/SSSI woodland and buffer zone. Meadow seed mix should not include sainfoin *Onobrychis viciifolia*, or musk mallow *Malva moschzta*. No development shall be undertaken except in accordance with the approved in writing INNMP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.
20. Prior to commencement of development, a Woodland Management Plan for the SAC/SSSIs and associated buffer zone, shall be submitted to and approved in writing by the Planning Authority in consultation with Scottish Natural Heritage. The Plan should address planting of native tree and shrub species of local origin within the buffer. No development shall be undertaken except in accordance with the approved in writing WMP.  
Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1, EP2 and EP3.

#### Cultural Heritage

21. Detailed proposals for the retention, restoration, phasing, use and maintenance of the Category B Listed Auction Ring building, including preservation of its setting, must be submitted to and approved in writing by the Local Planning Authority with the first application for approval of matters specified in conditions. No development should commence until the proposals have been agreed. The development should then proceed in accordance with the agreed proposals, including timescale and phasing, and maintained in perpetuity  
Reason: To ensure the preservation and after-use of a building of special historic character.
22. The design, uses and layout of Zone "E" and the area marked for "future development", in proximity to the Category C Listed former Railway Hotel, should provide for the conservation and enhancement of the setting of the building and its features.  
Reason: To safeguard the setting of a building of special historic character.
23. 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.

### Trunk Road

24. Prior to the occupation of any part of the development hereby permitted, and following consultation with Transport Scotland as Trunk Roads Authority, the new roundabout junction with the A68(T), generally as illustrated on Goodson Associates Drawing No. 700 Rev. B, shall be completed and fully operational.

Reason: To ensure that the standard of access layout complies with the current standards and that the safety of the traffic on the trunk road is not diminished.

25. No development shall be commenced on the east side of the A68 trunk road, or to commence the construction of the western arm from the proposed new access roundabout on the A68(T), until such time as a scheme for the provision of appropriate pedestrian / cycle crossing facilities across the A68(T) has been submitted to and approved in writing by the Planning Authority, in consultation with Transport Scotland.

Reason: To ensure that the movement of pedestrians and cyclists is confined to the permitted means of access, without interfering with the safety and free flow of traffic on the trunk road.

26. The agreed pedestrian / cycle crossing facilities referred to in condition 25 will require to be constructed and fully operational, in consultation with Transport Scotland, prior to the commencement of any development on the east side of the A68 trunk road.

Reason: To ensure that the movement of pedestrians and cyclists is confined to the permitted means of access, without interfering with the safety and free flow of traffic on the trunk road.

27. Unless otherwise agreed in writing by the Planning Authority, after consultation with Transport Scotland, the number of residential units hereby permitted within the development shall not exceed 150.

Reason: To ensure that the scale of development does not exceed that assessed by the supporting Transport Assessment, and to ensure that the scale and operation of the proposed development does not adversely affect the safe and efficient operation of the trunk road network.

28. Prior to the commencement of the development details of the lighting within the site (consistent with the lighting submissions made to satisfy the Ecology and Environmental Health conditions) shall be submitted for the approval of the Planning Authority, after consultation with Transport Scotland, as the Trunk Roads Authority. The lighting then to be installed in accordance with the approved details and an agreed timescale.

Reason: To ensure that there will be no distraction or dazzle to drivers on the trunk road and that the safety of the traffic on the trunk road will not be diminished.

29. Prior to commencement of the development, details of the barrier proposals along the trunk road boundary shall be submitted to, and approved by, the Planning Authority, after consultation with Transport Scotland. The barriers then to be installed in accordance with the approved details and an agreed timescale.

Reason: To minimise the risk of pedestrians and animals gaining uncontrolled access to the trunk road with the consequential risk of accidents.

### Roads

30. All access roads, and form of development, must take account of the potential future expansion of the Borders Rail Line, including levels for the western arm of the proposed

roundabout, surrounding development and accesses to the Council and public car parks and industrial units.

Reason: To safeguard the extension of the Border Railway Line as per Policy IS3 of the Council's Local Development Plan.

31. All parking levels must be in accordance with SEStrans Parking Standards, with the exception of the residential development which should be in accordance with the standards in the Scottish Borders Local Development Plan.

Reason: To ensure the development hereby approved is served by an adequate level of parking.

32. Detailed engineering drawings must be provided at detailed planning stage relating to matters such as, but not limited to, road layouts, building floor levels, parking ratios, road and parking levels.

Reason: To ensure all development hereby approved is designed to acceptable gradients that allow for future development potential.

33. Swept path analysis for all prospectively public roads shall be required as part of any detailed application.

Reason: To ensure that all prospective public roads can accommodate all associated traffic including service, emergency and public transport vehicles where applicable.

34. A Transport Assessment must be submitted to, and agreed in writing by the Planning Authority, at detailed stage covering all aspects of transport associated with such a development and cover pedestrian, cycle and vehicular transport (including public transport). All measures identified via the agreed TA must be included within the detailed stage submission unless otherwise agreed in writing with the Planning Authority, following discussions with Transport Scotland if required, and completed to an agreed timescale thereafter.

Reason: To ensure the adjacent public road network can accommodate the traffic associated with the development hereby approved.

35. A Traffic Management Plan (TMP) covering each individual phase of the development hereby approved must be submitted to and agreed in writing by the Planning Authority prior to works commencing on each relevant phase of the development.

Reason: To ensure that all appropriate measures are in place to ensure the safety of residents and other road users during the construction phases of the development.

36. The development within Zone E to accommodate a new road link for access from the site to the Waste Water Treatment Works, as per planning consent ref. 19/01626/FUL.

Reason: To facilitate improved access for vehicles to the Waste Water Treatment Works.

### Pedestrian Access

37. A Path Planning Study should be commissioned within the title deed extent of the landowner affected. A detailed plan of public access (pedestrian, cycle, horse, all ability routes), across and out with the site, (existing, during construction and upon completion) should be provided by the developer for the consideration of the Planning Authority, in liaison with Scottish Natural Heritage. This should show:

1. All existing rights of way, core paths or other paths/ tracks used for public access;
2. Any diversions of paths - temporary or permanent - proposed for the purposes of the development;
3. Details of improvements which the developer will implement in terms of:
  - a. Upgrading the existing path network within the site boundary e.g. widening and surfacing the path as shown blue on map 2, replacing existing old timber steps as shown green on map 2, with raised steps and walkway;

- b. Provision of high-quality public access routes linking the site with the wider access network of paths and tracks;
- c. Provision of high-quality public access routes within the proposed development site, for example the creation of an easy access path/ footway around the development boundary constructed to an adoptable standard, as shown in red on the map 2;
- d. Provision of additional path furniture required in terms of signage and interpretation.
- e. Mitigation relating to the potential impacts of the footpath improvements on the character and integrity of the Borders Woods and River Tweed Special Areas of Conservation.

Reason: To ensure full pedestrian connectivity between the development and the existing path networks and to preserve the natural heritage of the designated sites containing the paths.

### Environmental Health

38. Unless otherwise agreed in writing and in advance by the Planning Authority, prior to any development commencing 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.

39. Information on impacts on local air quality, including cumulative impacts with other development, should be submitted with the first application for approval of matters specified as conditions and no development to commence until the information has been assessed and any recommendations arising from assessment have been agreed. The development should then proceed in accordance with any recommendations agreed.  
Reason: To ensure that impacts on local air quality are fully assessed and mitigated.
40. No development shall take place within any of the development zones west of the A68 until an Odour Impact Assessment on the potential for odour from the auction mart affecting new residential, commercial or public uses proposed in those zones, has been submitted to and been approved in writing by the Planning Authority. The Assessment shall be submitted with the first application for matters specified as conditions for any of the aforementioned zones and any mitigation then implemented in accordance with the approved Assessment and timescales.  
Reason: In order to protect residential amenity and ensure compatibility between proposed and existing uses.
41. No development shall take place until an assessment on the potential for noise from the development affecting residential or commercial properties in the area has been submitted to and been approved in writing by the Planning Authority. The assessment shall include, but not be limited to, noise sources identified in the submitted Noise Impact Assessment (neo Environmental, 3/1/19).  
If the assessment indicates that noise from the development is likely to affect neighbouring residential or commercial properties then a detailed scheme of noise mitigation measures shall be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The approved scheme shall be implemented prior to the operation of any uses and be permanently maintained thereafter.  
Reason: In order to protect residential or other amenity.
42. A report detailing the lighting scheme and predicted light levels at residential properties (and consistent with the lighting submissions made to satisfy the Trunk Roads and Ecology conditions) must be submitted to and be approved in writing by the Planning Authority with the first application for approval of matters specified as conditions. No development should commence until the report has been assessed and any recommendations arising from assessment have been agreed. The development should then proceed in accordance with any recommendations agreed, including timescale and phasing, and maintained in perpetuity  
Reason: To ensure that impacts of light pollution on residential amenity are fully assessed and mitigated.

### Water and Drainage

43. A scheme of water and drainage provision must be submitted to and be approved in writing by the Local Planning Authority, in consultation with SEPA, with the first application for approval of matters specified as conditions. No development should commence until the scheme has been agreed. The development should then proceed in accordance with the agreed scheme including timescale and phasing. The scheme shall include the following:
1. Detailed SUDs proposals in relation to site topography, taking into account the proximity of the River Tweed SAC/SSSI.
  2. Maintenance of the drainage systems including SUDs.
  3. No drainage connections to the trunk roads network.
  4. Overland flow pathways identified within the appendix of the submitted Flood Risk Assessment are maintained and no built development should be proposed or carried out within these areas.



5. All building finished floor levels are set a minimum of 600mm above existing ground levels

Reason: To ensure that the site is fully serviced and connected to public services, to ensure the long term functionality and maintenance of the system, to minimise flood risk, to safeguard the River Tweed SAC/SSSI and to ensure that the efficiency of the existing trunk road drainage network is not affected.

#### Other matters

44. An Energy Statement shall be submitted with the first application for approval of matters specified as conditions and no development to commence until the Statement and any recommendations have been agreed. The Statement should demonstrate feasibility studies into District Heating and its findings incorporated into the design of the development, illustrated in the required Design and Access Statement.

Reason: To ensure sustainable development and use of energy resources.

45. A Site Waste Management Plan shall be submitted with the first application for approval of matters specified as conditions and no development to commence until the Plan and any recommendations have been agreed. The Plan should incorporate provision for both construction and operation of the development and its findings incorporated into the design of the development, illustrated in the required Design and Access Statement.

Reason: To ensure sustainable waste management provision.

#### Informatives

1. In terms of Class 1 Retail development, there is preference for this to be concentrated within Zone E or the "Future Development Area" within the village centre rather than within Zone D towards the A68. Any applications for retail submitted within Zone D will be assessed sequentially, including an assessment of what opportunities there are for more central location for the proposed development.

2. Advice from SBC Access Officer

Mapping of the wider path network across the Scottish Borders can be found at:  
[www.scotborders.gov.uk/mapadvanced](http://www.scotborders.gov.uk/mapadvanced)

3. Advice from SBC Archaeology Officer

The ALGAO guidance for historic building recording can be found at:  
[www.algao.org.uk/sites/default/files/documents/ALGAO\\_Scotland\\_Buildings\\_Guidance\\_2013.pdf](http://www.algao.org.uk/sites/default/files/documents/ALGAO_Scotland_Buildings_Guidance_2013.pdf)

4. Advice from SBC Heritage Officer

The Masterplan required in Condition 4 should be prepared in full compliance with the "Placemaking" SPG and "Designing Streets" Guidance.

The retention of other historic structures and spaces associated with historic market use could positively inform new design interventions and reinforce connection to the past and strong placemaking

Similarly, the potential impact of development upon the setting and longer views of heritage assets and historic viewpoints out with the site should be demonstrably conserved and enhanced

5. Advice from SBC Flood Risk Officer

The applicant should be made aware that flooding can occur from other sources including run-off from surrounding land, blocked road drains, surcharging sewers and blocked bridges and culverts.

#### 6. Advice from SBC Environmental Health

In relation to air quality, new applications should be supported by such information as is necessary to allow a full consideration of the proposal on local air quality. It may also be necessary to consider cumulative impacts from other developments in the local area. Consideration should be given to the Institute of Air Quality Management 'Land-Use Planning & Development Control: Planning For Air Quality'.

In relation to lighting, consideration shall be given to the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting (2020).

In relation to odour assessment, this should be guided by Institute of Air Quality Management "Guidance on the assessment of odour for planning".

In relation to noise assessment, this shall be carried out by a suitably qualified acoustic consultant/engineer and shall take into account the provisions of BS 8233:2014 Guidance on sound insulation and noise reduction for buildings, and BS 4142:2014 Methods for rating and assessing industrial and commercial sound.

#### 7. Advice from Transport Scotland

The applicant should be informed that the granting of planning consent does not carry with it the right to carry out works within the trunk road boundary and that permission must be granted by Transport Scotland Roads Directorate . Where any works are required on the trunk road, contact details are provided on Transport Scotland's response to the planning authority which is available on the Council's planning portal.

Trunk road modification works shall, in all respects, comply with the Design Manual for Roads and Bridges and the Specification for Highway Works published by HMSO. The developer shall issue a certificate to that effect, signed by the design organisation.

Trunk road modifications shall, in all respects, be designed and constructed to arrangements that comply with the Disability Discrimination Act: Good Practice Guide for Roads published by Transport Scotland. The developer shall provide written confirmation of this, signed by the design organisation.

The road works which are required due to the above Conditions will require a Road Safety Audit as specified by the Design Manual for Roads and Bridges.

Any trunk road works will necessitate a Minute of Agreement with the Trunk Roads Authority prior to commencement.

#### 8. Advice from Roads Planning

All prospectively public roads shall be subject to a Road Construction Consent application. This must include details of, but not restricted to, road levels, geometry, lighting and drainage (including SUDS).

Technical Approval shall be required for any retaining structures which are to be adopted by the Council.

Design details of all retaining structures which are adjacent to prospectively public roads but are to remain private must be submitted to the Council for approval.

## 9. Advice from SEPA

Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- a. is more than 4 hectares,
- b. is in excess of 5km, or
- c. includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25°

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details.

Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory services team in your local SEPA office at:

### NOTE

Mr Tim Ferguson, Ferguson Planning spoke in support of the application.

<u>Reference</u>	<u>Nature of Development</u>	<u>Location</u>
20/00665/FUL	Demolition of existing flats and erection of 109 houses incorporating amenity housing and district air source heat pump with associated external works including parking and roads	Land at Beech Avenue and Laurel Grove, Galashiels

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

1. The proposed residential units shall meet the definition of "affordable housing" as set out in the adopted Scottish Borders Local Development Plan 2016 and accompanying supplementary planning guidance and shall only be occupied in accordance with arrangements (to include details of terms of occupation and period of availability) which shall first have been submitted to and approved in writing by the Planning Authority.

Reason: The permission has been granted for affordable housing, and development of the site for unrestricted market housing would attract contributions to infrastructure and services, including local schools.

2. No development shall commence until precise details (including samples where requested by the Planning Authority) of all external wall and roof finishes for the approved buildings, and full details of the surfacing of all shared surfaces and footways have been submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To ensure the material finishes respect the character and appearance of the surrounding area.

3. No development shall commence until a revised masterplan has been submitted to and agreed in writing by the Planning Authority to address the following access and parking matters;

- a) A turning head shall be provided in front of Block 7, capable of serving Refuse Collection Vehicle movements.

- b) Parking spaces displaced as a result of item a) shall be repositioned at suitable locations elsewhere within the development, where necessary.

- c) The vehicular access to the undercroft parking area shall be amended to allow appropriate visibility for drivers entering and existing the access.

Once agreed the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Reason: To ensure provide safe vehicle movements throughout the application site and ensure sufficient parking provision is provided.

4. No development shall commence until a site plan identifying the precise location of protective barriers in accordance with BS5837:2012 to protect trees identified for retention on Drawing No 20471 of the Arboricultural Implication Assessment and Tree Protection Proposals has first been submitted to and agreed in writing with the Planning Authority. Thereafter the protective barriers shall be erected prior to the commencement of any development works (including demolition works) and the barriers shall only be removed when the development has been completed. Thereafter, the trees shall be retained in perpetuity unless otherwise agreed in writing with the Planning Authority.

Reason: To protect and retain trees which enhance the visual amenity of the surrounding area.

5. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority, thereafter the development shall be completed in accordance with the approved details unless otherwise agreed in writing with the planning authority.

Details of the scheme shall include:

- a) location and design, including materials, of all walls, fences and gates;

- b) soft landscaping works including planting schedules and formation of wildflower meadows;

- c) existing and proposed services such as cables, pipelines, sub-stations;

- d) other artefacts and structures such as street furniture, play equipment;

- e) the design and location of all bin stores including their means of enclosure;

- f) a programme for completion and subsequent maintenance.

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

6. Prior to occupation of the first dwellinghouse hereby approved, a scheme of street lighting details (including a programme for completion) shall be submitted to and agreed in writing by the Planning Authority and thereafter the lighting shall be installed as per the approved details.

Reason: In the interests of road and pedestrian safety and to safeguard residential amenities and limit light pollution.

7. No development shall commence until written evidence is provided to the Planning Authority that mains water, foul and SUDS complaint surface water drainage connections are available to serve the development. All public mains services shall be provided prior to occupancy of the dwellinghouses hereby approved and shall be maintained thereafter throughout occupancy of the dwellinghouses  
Reason: To ensure the development is adequately serviced and to maintain existing surface water run-off levels from the site.
8. Any noise emitted by air source heat pumps installed at the dwelling units hereby approved shall not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within all noise sensitive properties (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2. All air source heat pumps shall be maintained and serviced in accordance with the manufacturer's instructions so as to stay in compliance with the aforementioned noise limits.  
Reason: To protect the residential amenity of nearby properties.
9. No development shall commence until the developer has provided the Planning Authority with either;

  - a) a copy of the relevant European Protected Species licence,
  - b) a copy of a statement in writing from Scottish Natural Heritage (NatureScot) (licensing authority) stating that such a licence is not necessary for the specified development

Reason: To protect the ecological interest in accordance with Local Development Plan policies EP1 and EP3.
10. No development shall commence until the following Ecological Mitigation Measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:

  - a) a Species Protection Plan (SPP) for bats
  - b) a SPP for breeding birds which shall include a pre-development supplementary survey, in the event that development works are sought to be commenced during the breeding bird season (March to August)

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.
11. No development shall commence until a scheme submitted by the Developer (to identify and assess potential contamination on site. No construction work shall commence until the scheme has been submitted to, and approved, by the planning authority, 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, un
  - c) undertaking a detailed investigation of the nature and extent of contamination on site, and assessment of risk such contamination presents.

- d) 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).
- e) 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.
- f) 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.

- 12. The development hereby approved shall only be carried out in strict accordance with a programme of phasing which has first been submitted to and approved in writing by the Planning Authority.

Reason: To ensure that the development of the estate proceeds in an orderly manner.

#### Informative

- 1. The applicant shall give consideration to the provision of electric vehicle charging points and associated infrastructure.

#### NOTE

Mr Gavin Yuill, Camerons, Strachan, Yuill Architects and Mr Gregor Booth, Waverley Housing spoke in support of the application.