

APPENDIX F - PLANNING RESPONSE

The proposed use of the identified location(s) for a travellers site(s) will require planning permission under the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, as it will involve a change of use of land.

The fee for this type of application is currently set at £401. Where additional works are proposed such as the provision of welfare units, perimeter fencing etc, these will be calculated separately. Further advice and clarification of the fees can be provided once the preferred site has been identified and the precise nature of the development has been agreed.

It should be noted that the level of supporting information required to supplement an application will vary depending on specific site constraints. For example, the site at Ettrick Mill, Selkirk is currently zoned in the Scottish Borders Local Development 2016 for Business and Industrial use under Policy ED1. The zoned site (reference zEL15 – Riverside 6) is a district business and industrial site where the preferred uses should fall within Use Classes 4 (Business), 5 (General Industrial) & 6 (Storage & Distribution) of the Use Classes Order. Development other than Classes 4, 5 & 6 may be acceptable however on District sites in order to, where appropriate, allow a more mixed use area. Proposals, such as the proposed traveller's site, will be considered against the following criteria:

- a) the loss of business and industrial land, ensuring it does not prejudice existing and long term requirements for employment land; and
- b) the alternative use will offer significant benefits to the surrounding area and community that outweigh the need to retain the site in industrial use; and
- c) there is a constraint that would prevent it from becoming marketable for business & industrial use in the future; or
- d) a more mixed use land pattern is now considered acceptable by the Council.

Should an application be submitted a detailed supporting statement, addressing the criteria set out above will be required.

Within the LDP, there are a number of site requirements that must also be addressed. Although it is likely that the Selkirk Flood Protection Scheme will reduce risk posed by the Ettrick Water, a flood risk assessment may be required for this site. The Council's FPO will confirm. Archaeological interests require investigation and mitigation measures may be required. Also, given the historical use of the site as a mill, a contaminated land investigation and any mitigation may be required. The setting of the A Listed Ettrick Mill and its setting must be retained. Any new building, hard surfacing, landscaping or means of enclosure will need to be considered sympathetically.

Where an application is submitted for a change of use of and (and any structures associated with the proposed use, such as shower/toilet blocks, hand standing, perimeter fencing/gates etc), all supporting information must be submitted at the time of submission. This may include (depending on the chosen site(s)) a supporting planning statement, detailed site plan, block plan and elevation drawings, contaminated land survey, flood risk assessment, archaeological survey etc.

Once registered and validated, all neighbours within 20m of the application site boundary will be formally notified and identified consultees will receive formal consultation. An advert will also be placed in the local press. Neighbours and other third parties will have a statutory period of 21 days from the date of validation in which to respond, although the planning authority will continue to accept representations up until the application is determined. Statutory and non-statutory consultees will also have 21 days in which to provide a response although the Community Council will have 28 days owing to their monthly cycle of council meetings.

Members should be aware that the Council has a statutory 2 month period in which to determine a planning application, although this may be extended depending on the complexity of the application and whether the application requires referral to the Planning and Building Standards Committee. The planning authority will always endeavour to process the application as quickly as possible under the Council's scheme of delegation but where it is proposed to approve the application where there is a substantial body of opposition (more than 5 objections from separate households), or the application is significantly contrary to the development plan, then application will be referred to committee. Members should be aware that the application will also be referred to committee if there is an objection from a statutory consultee such as SEPA or where notice is given by a 'committee of 5 elected members' (a committee referral) within one month of the date of receipt and validation of the application.