



21 July 2022

Local Review Body
Democratic Services Resources
Scottish Borders Council
Council Headquarters
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TD6 0SA

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Dear Sir/Madam,

Response to Planning Officer and Environmental Health Officer (EHO) comments made in relation to appeal 22/0008/RREF – Erection of 2no dwellinghouse at Land East of Delgany, Old Cambus, Cockburnspath (planning ref: 21/00739/PPP).

Savills, on behalf of their client FJ Usher's Children Trust, are replying to the further responses of Mr Paul Duncan (Planning Officer) and Mr Fraser Smith (Environmental Health Officer) of Scottish Borders Council with respect to the Local Review Body's request for their views on new information agreed at the meeting on 20 June 2022.

As far as we understand, the Local Review Body determined to proceed with the review of the above application with further procedures and asked the Planning Officer and EHO to respond to new information that was submitted by an objector: *'Noise levels of machinery operation at TD Trees and Land Services, Old Cambus, West Mains'*.

The EHO's response noted that they were aware of the general type of generating equipment and associated noise levels in use at TD Trees and Land Services and that the new information submitted by the objector is slightly different to the information submitted with application 14/00046/FUL. However, the new information did not change the EHO's opinion. The Planning Officer agreed with the EHO's view and stated that their opinion did also not change.

In response to these comments, we would like to make it quite clear that the Applicant is still of the view that no timber processing works take place at TD Trees and Land Services. The Noise Impact Assessment (NIA) undertaken by Bureau Veritas for the applicant did not capture any noise arising from the timber business and it only seems reasonable that the assessment is based on the output from the NIA, which has been undertaken by experienced and qualified noise assessment experts, rather than information submitted by objectors.

In addition, as far as the Applicant is aware, neither the Planning Officer nor the EHO undertook a site visit to understand the operations of the adjacent business and have therefore solely depended on information provided to them by neighbours and objectors to inform their assessment. We are dismayed that the expert advice appears to have been ignored without any apparent good reason.

We would remind the planning authority that consent was given to the timber business even though an existing house was in a closer position to the business than our client's proposed housing. Clearly noise from the timber business was not considered an issue for the house immediately adjacent to it. It should therefore not be an issue for the proposed houses which are further removed from it and have the existing house as a buffer in between.

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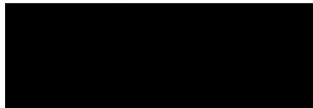


For noise to remain an issue in the determination of the application at Local Review, let alone in the planning application is in our view improper and highly disappointing. There is no robust evidence to prove that the adjacent business is processing any timber and thus causing any noise. In any case, noise was not given as a reason for refusal.

This issue around noise is a distraction from the core issue around the acceptability of the proposed housing in design terms which we have already dealt with in our submission to the LRB. This distraction is causing unreasonable delay to a site which we contend remains perfectly acceptable under the requisite policies of the Local Development Plan. Rural areas are in dire need of new housing in the current pressurised market conditions and this proposal will bring much needed housing to the area. The detailed design of the houses will be dealt with in subsequent AMSC applications when the planning authority will be able to control the outcome.

We implore the Local Review Body to accept our case and allow for this much-needed rural housing to come forward.

Yours faithfully



Hannah Belford
Senior Planner
for and on behalf of Savills (UK) Limited