

# Land to the West of Pease Bay Holiday Park, Cockburnspath

784 – A117626

## Planning Application 21/01081/FUL Local Review Appeal - Statement of Case

Verdant Leisure

November 2022

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1.0	INTRODUCTION .....	1
2.0	REASON FOR REFUSAL.....	2
3.0	SITE AND SURROUNDING AREA.....	3
4.0	PLANNING HISTORY .....	4
5.0	PROPOSED DEVELOPMENT .....	5
6.0	NATIONAL AND LOCAL PLANNING POLICY RELEVANT TO THIS APPEAL.....	8
7.0	GROUND OF APPEAL .....	13
8.0	CONCLUSIONS AND THE BALANCING ARGUMENT .....	28

## APPENDICES

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APPENDIX 1 – TIMELINE FOR PLANNING APPLICATION 21/01081/FUL – PEASE BAY HOLIDAY PARK

APPENDIX 2 – BROCHURE FROM GRAVITAS ILLUSTRATING THE FLEXMSE VEGETATED WALL SYSTEM

APPENDIX 3 – PLANNING CASE OFFICER REPORT FOR PLANNING APPLICATION 21/01081/FUL – PEASE BAY HOLIDAY PARK

## 1.0 INTRODUCTION

- 1.1 This Appeal Statement (the 'Statement') has been prepared by Tetra Tech Planning (formerly WYG) on behalf of Verdant Leisure (the 'Appellant') in support of a Local Review planning appeal against the refusal of planning permission by Scottish Borders Council (the 'LPA') of an application for the;  
*"Change of use of land and plot layout to form extension to Caravan Park"*.
- 1.2 This change of use application was received and validated by Scottish Borders Council on the 6<sup>th</sup> July 2021 under application reference number 21/01081/FUL.
- 1.3 This Appeal Statement is to be read in conjunction with the Planning Statement and all the supporting documents that accompanied the planning application. This Statement sets out the evidence that demonstrates that there would *not* be significant harm caused to the landscape character and visual quality of the Berwickshire Coast Special Landscape Area in which the proposal is located.
- 1.4 We contend that the LPA did not give sufficient acknowledgement to the positive economic benefits arising from the expansion of the Pease Bay Holiday Park and the negligible effects any expansion would have on the landscape character and visual amenity of the site and surrounding area.
- 1.5 The appeal proposal would provide positive opportunity for economic growth, whilst maintaining the quality and integrity of the landscape and nearby surroundings and having negligible impacts on residential amenity, traffic levels or ecological matters. For the reasons outlined in this Statement, we request that this appeal be allowed.

## 2.0 REASON FOR REFUSAL

- 2.1 This planning application was determined under delegated powers on the 22<sup>nd</sup> August 2022. The date of the decision notice is 24<sup>th</sup> August 2022.
- 2.2 The single reason for the Council's decision to refuse planning decision was:
- “The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.”*
- 2.3 Both SEPA and the local authorities flood risk team initially raised objections, however, these were rescinded once further information was provided to their satisfaction.
- 2.4 The Landscape Officer raised an objection, and these were not withdrawn, despite additional submissions and clarifications submitted during the course of determination. The Appellant's offer of a meeting to help understand concerns and explain the additional evidence was not accepted by the Council.
- 2.5 There were no comments provided by ecology, environmental health or economic development teams.
- 2.6 The single reason for refusal clearly shows that all other issues were considered acceptable to the LPA. The Appellant contends that the refusal is not warranted or evidenced.
- 2.7 This Statement sets out how the Local Planning Authority (LPA) did not determine the application in accordance with the relevant national and local planning policy guidance, material considerations and expert professional advice provided by its Officers.
- 2.8 This Statement demonstrates how the proposed development does in fact comply with relevant national and local planning policy and guidance and would contribute towards the Scottish Government and the Scottish Borders Council's objective of supporting economic growth in rural areas particularly in the leisure and tourism industry.
- 2.9 A timeline is provided in Appendix 1, which demonstrates the sequence of events that have taken place following submission of the planning application and the difficulties faced by us as the agent and the Appellant to progress this application to a conclusion.
- 2.10 This timeline shows that the Local Planning Authority has not dealt with matters expeditiously and that responses from internal and statutory consultees including the Landscape Officer were delayed. Despite repeated requests for a meeting to discuss the proposals with the Council's Landscape Officer, no meeting was forthcoming.

### 3.0 SITE AND SURROUNDING AREA

- 3.1 The site comprises a vacant plot of grassland located on a north-facing hillside overlooking Pease Bay. The plot of land is an irregular shape and is approximately 1.2 hectares in size.
- 3.2 The site is bounded to the south by an unnamed country road. This road leads north-west from the site to the A1 roundabout, which is located to the north of Cockburnspath village. Beyond the unnamed road to the south is a mixture of vacant grasslands and open fields. The immediate northern edge of the site is bound by Cockburnspath burn, a small stream that marks the boundary between the proposal and vacant shrubland.
- 3.3 The site is bound to the east by the existing Pease Bay Holiday Park, which predominantly comprises of holiday lodges, static caravans and includes an on-site shop and entertainment complex. Beyond the vacant shrubland to the north is the western half of the Pease Bay Holiday Park. Beyond this is Pease Sands Beach which faces out to Pease Bay.
- 3.4 In terms of the wider context, the site is located on the Berwickshire coast, approximately 2.8km from Cockburnspath village. The site lies on the western edge of the designated Berwickshire Coast Special Landscape Area ('SLA'). The site is in proximity to two Great Trails; the Southern Upland Way and the Berwickshire Coastal Path. These paths follow the coastal cliffs from the village of Cove to the north of the site, offering wide views of Pease Bay.
- 3.5 The existing Pease Bay Holiday Park contains 330 pitches which are allocated or occupied by a mixture of privately owned caravans and lodges (300) and short term lets, also known as hire fleet units (23 caravans and 7 lodges).

## 4.0 PLANNING HISTORY

- 4.1 There are two pieces of planning history that are relevant to this appeal site. Firstly, an application was submitted in August 2018 for the extension of the caravan park to include 25 additional lodges spread across two tiers under application reference 18/01041/FUL.
- 4.2 Application 18/01041/FUL was, however, withdrawn in October 2018 following comments received from the Council's Landscape Officer. The Landscape Officer considered that that the development should be a single tier rather than two tiers, be farther set back from the existing roadside and include planting between the road edge and the lodges to screen them from the retaining wall and road.
- 4.3 A new application with a revised design was submitted in December 2019 under reference 19/01709/FUL. An original submission of 22 lodges over two tiers (14 lodges on the upper tier and 8 lodges on the lower tier) that would be separated by a retaining wall structure. Following issues raised in the determination period with regards to flood risk and landscape, the number of lodges was reduced to 18 (11 lodges on the upper tier and 7 lodges on the lower tier).
- 4.4 This application was ultimately refused in April 2020 for three separate reasons. It was the view of the Landscape Officer that the proposed development would have an adverse effect on the landscape and rural visual amenity due to, in large part, the retention of the two separate tiers. The proposal was also refused on grounds of flood risk. Thirdly, the proposal was refused on the grounds that it did not adhere to local planning policies concerning wastewater treatment.

## 5.0 PROPOSED DEVELOPMENT

### DETAILS OF THE PLANNING APPLICATION

- 5.1 The proposal under application 21/01081/FUL sought planning permission for:  
*“Change of use of land and plot layout to form extension to Caravan Park”*  
on Land West of Pease Bay Holiday Home Park, Cockburnspath, Scottish Borders.
- 5.2 The proposal is to add 19 lodges to an existing holiday park, in a small, steep hillside pasture adjoining the western edge of the existing park, thereby increasing the number of pitches to 349. The lodges would be similar in design to those in the existing park with a colour palette designed to complement the surrounding context.
- 5.3 This proposal introduced a fresh design, which was supported by detailed landscape advice in order to expressly address the previous concerns raised in application 19/01709/FUL (see above Planning History).
- 5.4 A package treatment works would be located in the north-east corner of the site but would be fully buried. No other buildings - for example toilets, offices, social buildings, or anything else - are proposed, since these are already present in the existing park.
- 5.5 The proposed layout is shown in the Pease Bay 02 Landscape plan r03 below.



Figure 1 – Pease Bay Landscape Plan

- 5.6 In addition to a Planning Statement, the application was supported by the following information:



- Completed Application Forms and Certificates;
- Planning Statement
- Site Location Plan (dwg ref: 21001 – 003);
- Proposed Design (dwg ref: 21001 – 004B);
- Landscape and Visual Appraisal Report;
- Landscape Plan (dwg ref: 02 rev 3);
- Plant Specification and Schedule;
- Flood Risk & Drainage Assessment (includes Drainage Plan);
- Ecological Appraisal;
- Gravitax FlexMSE Brochure; and
- Supporting photographs.

5.7 Once developed, the proposal would provide a level of continuity to the already established Pease Bay Holiday Park. The holiday park is operating close to full capacity at peak seasons and the development would alleviate the high demand in holiday makers. This is also in line with the Scottish Government's objective of economic growth in its rural areas.

#### Summary of the Application Submission

##### Layout Plans

- 5.8 Plans were submitted with the application, which sought to show how the proposals would fit in to the existing context. The plans indicated that the site would be accessed to the south-east with a new, small junction, connecting the development to the unnamed road to the south. The site would also be accessed through a footpath to the east, connecting the development to the established Pease Bay Holiday Park.
- 5.9 The plans also set out where the two tiers of lodges would sit, with one tier to the north and one to the south sitting adjacent to the road. Most of the landscape planting and mitigation measures are incorporated to the north and northwest of the proposal.
- 5.10 The upper tier, containing 12 lodges, would be set below the existing public road which would be supported by a Gravitax flex MSE vegetated retaining wall structure (see Appendix 2). The lodges on this tier would be oriented at different angles to avoid a regimented appearance and minimise the overall footprint of the scheme.
- 5.11 The lower tier, containing 7 lodges, would be separated from the upper tier by another Gravitax flex MSE vegetated retaining wall structure. Please see the details of the proposal contained in the Planning Statement, planning drawings and the Landscape and Visual Appraisal accompanying the planning application.

##### Landscape and Visual Appraisal

- 5.12 The submission was accompanied with a Landscape and Visual Appraisal report following standard guidance for the assessment of landscape and visual amenity effects caused by development

projects; *Guidelines for Landscape and Visual Impact Assessment 2013*. It was produced by a suitably qualified Landscape Architect.

5.13 In terms of landscape impacts, the appraisal, which included consideration of proposed mitigation which the Appellant is committed to, shows that effects on the character of the landscape would be small at worst. Largely this is because of the enclosed nature of the bay and the extent to which the existing holiday park already dominates the landscape of the bay. Measures to design out adverse effects have also ensured that the effect on landscape character would be small at worst.

5.14 The report conducted appraisals on the visual impact experienced by identified groups, nearby residents, people visiting for work or recreation and people passing through the area. The report outlined any mitigation measures that could be incorporated into the design to minimise effects on landscape and visual amenity, ultimately concluding that the effects of the proposal on visual amenities would be 'negligible'.

#### Ecology Appraisal

5.15 An ecological appraisal was conducted on the site and its surroundings. The report concluded that there was no conclusive evidence of any specifically protected species regularly occurring on the site or the surrounding area which would be negatively affected provided site development is carried out with appropriate mitigation measures. Additionally, any vegetation that is to be cleared as a result of the development has low ecological significance to the area.

#### Flood Risk Assessment and Drainage

5.16 The submission included a flood risk assessment and drainage report. The report concluded that the proposal site is at very low risk of flooding from surface water, groundwater or sewers, there would be no risk of flooding from the nearby coast or reservoirs. It was considered that there would not be an increase in flood risk to the already established Pease Bay Holiday Park to the east. The report recommended that a drainage management and maintenance schedule should be submitted to and approved by the LPA prior to construction.

## 6.0 NATIONAL AND LOCAL PLANNING POLICY RELEVANT TO THIS APPEAL

6.1 The single reason for the Council's decision to refuse planning decision was:

*“The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.”*

6.2 The following sets out the relevant national policies for Scotland and the local planning policies for Scottish Borders, which address the matters raised in the refusal reason.

### National Planning Framework 3 (NPF3)

6.3 The NPF3 sets out Scotland's long-term strategy with regards to planning for economic development, regeneration, energy, environment, climate change, transport and digital infrastructure. It intends to provide a framework that will guide these areas of development over the next 20 to 30 years.

6.4 Paragraph 1.7 states that Scotland's coasts are an internally recognised environment that has the potential to drive economic growth in sectors such as tourism. Throughout the NPF3, tourism is noted as being one of the Scottish Government's key sectors, which has significant opportunities for growth.

6.5 Paragraph 2.2 states that the Scottish Government are seeking to build upon economic success with further investment and capitalise on natural assets and areas that benefit from existing advantages. The Scottish Government Economic Strategy identifies several key sectors for further growth of which leisure and tourism are considered priorities.

6.6 Paragraph 2.8 further reaffirms the Scottish Government's support for growth in priority sectors, promoting a place based approach to development.

6.7 Paragraph 2.24 also reaffirms the support for rural areas by investing in the tourism industry.

6.8 Paragraph 4.4 states that whilst growth of the tourism industry is a priority, particularly in rural areas, this must be managed carefully to promote the sustainable management of materials and the environment.

### National Planning Framework 4 (NPF4)

6.9 The NPF4 will be the 4<sup>th</sup> iteration of Scotland's National Planning Framework, intended to guide planning through to 2045. The framework is currently in draft form with the Scottish Government seeking to adopt the framework by the end of 2022.

6.10 The draft framework sets out an overarching spatial strategy for Scotland including priorities, spatial principles and action areas. It incorporates further national and regional developments and strategies.

6.11 The framework places emphasis on ‘Southern Stability’ – (relevant area to this appeal) with priorities for the area including economic growth for rural towns and villages by means of sustainable development, population retention and preservation and enhancement of the natural environment. Local Planning Authorities in this region are required to produce local plans that will reflect these aims.

#### Scottish Planning Policy (SPP)

6.12 The SPP sets out national planning policies that reflect the Scottish Minister’s priorities for the operation of the planning system and for the development and use of land. Section 3D of the Town and Country Planning (Scotland) 1997 Act states that all development proposals must be determined in accordance with the development plan with the ultimate objective of contributing to sustainable development. The SPP states that proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising.

6.13 The SPP requires consistency in the application of policy across Scotland and allows for flexibility to reflect local circumstances. It directly relates to;

- the preparation of development plans;
- the design of development, from initial concept to delivery; and
- the determination of planning applications and appeals.

6.14 With regards to development in rural areas, Paragraph 79 gives support to delivering sustainable development linked to tourism and leisure, whilst ensuring the character of the area, the service function of small towns is protected and enhanced. It also supports protecting, enhancing and promoting access to cultural heritage, natural heritage, including green infrastructure, landscape and the wider environment.

6.15 Paragraph 93 states that the planning system should promote business development that increases economic activity whilst safeguarding and enhancing the natural and built environment. It also states that due weight should be given to the net economic benefit of a proposed development.

6.16 Paragraph 94 requires plans to align with relevant local economic strategies in order to meet the needs and opportunities of indigenous firms and inward investors, once again affirming that tourism is a key sector for Scotland’s growth.

6.17 Paragraph 105 notes that planning authorities should consider the potential to promote opportunities for tourism in their development plans, which would include new developments or the enhancement of existing premises.

6.18 Paragraph 202 sets out that development management decisions should take account of potential effects on landscapes and the natural and water environment. It also advises developers to minimise adverse impacts through careful planning and design, considering the services that the natural environment is providing and maximising the potential for enhancement.

### Relevant Adopted Local Development Plan Policies

- 6.19 As referred to above, planning law requires that applications for planning permission must be determined in accordance with the Local Development Plan unless material considerations indicate otherwise.
- 6.20 The relevant adopted planning policies relating to this appeal consists of the Scottish Borders Local Development Plan (LDP) Volume 1: Policies and Local Development Plan Volume 2: Settlement Profiles, both of which were adopted on 12<sup>th</sup> May 2016.
- 6.21 The following policies were considered relevant to the planning application itself;
- PMD1: Sustainability;
  - PMD2: Quality Standards
  - ED7: Business Tourism and Leisure Development in the Countryside;
  - ED8: Caravan and Camping Sites;
  - ED10: Protection of Prime Agricultural Land and Carbon Rich Soils;
  - HD3: Protection of Residential Amenity;
  - EP1: International Nature Conservation Sites and Protected Species;
  - EP2: National Nature Conservation Sites and Protected Species;
  - EP5: Special Landscaped Areas;
  - EP13: Trees, Woodland and Hedgerows;
  - EP14: Coastline
  - EP15: Development Affecting the Water Environment;
  - IS5: Protection of Access Routes;
  - IS7: Parking Provision and Standards;
  - IS8: Flooding; and
  - IS9: Waste Water Treatment and SUDS.
- 6.22 However, the decision notice, which refused consent, considers the proposal to be contrary to the following specific policies:
- PMD2: Quality Standards;
  - ED8: Caravan and Camping Sites;
  - EP5: Special Landscape Areas; and
  - EP14: Coastline.

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Policy PMD2 – Quality Standards

6.23 This policy states that developments are expected to be sustainable, of a high quality and integrate well with the Scottish Borders landscape and townscapes. The policy expects developments to adhere to the following;

- a) *In terms of layout, orientation, construction and energy supply, the developer has demonstrated that appropriate measures have been taken to maximise the efficient use of energy and resources, including the use of renewable energy and resources such as District Heating Schemes and the incorporation of sustainable construction techniques in accordance with supplementary planning guidance. planning applications must demonstrate that the current carbon dioxide emissions reduction target has been met, with at least half of this target through the use of low or zero carbon technology;*
- b) *it provides digital connectivity and associated infrastructure;*
- c) *it provides for Sustainable Urban Drainage Systems in the context of overall provision of Green Infrastructure where appropriate and their aftercare and maintenance.*
- d) *it encourages minimal water usage for new developments;*
- e) *it provides for appropriate internal and external provision for waste storage and presentation with, in all instances, separate provision for waste and recycling, and depending on the location separate provision for composting facilities;*
- f) *it incorporates appropriate hard and soft landscape works, including structural or screen planting where necessary to help integration with its surroundings and the wider environment and to meet open space requirements. In some cases, agreements will be required to ensure that landscape works are undertaken at an early stage of development and that appropriate arrangements are put in place for long term landscape and open space maintenance;*
- g) *It considers, where appropriate, the long-term adaptability of buildings and spaces;*
- h) *It creates developments with a sense of place based on the clear understanding of the context designed in sympathy with Scottish Borders architectural styles, this need not exclude appropriate contemporary under an innovative design;*
- i) *It is of a scale, massing, height and density appropriate to its surroundings and, where an extension or alteration, appropriate to the existing building;*
- j) *It is finished externally in materials, the colours and textures of which complement the highest quality of architecture in the locality and, where an extension or alteration, the existing building;*
- k) *It is compatible with, and respects the character of the surrounding area, neighbouring uses, and neighbouring built form;*
- l) *It can be satisfactorily accommodated within the site;*
- m) *It provides appropriate boundary treatments to ensure attractive edges to the development that will help integration with its surroundings;*
- n) *It incorporates, where appropriate, adequate safety and security measures, in accordance with current guidance on ‘designing out crime’.*

#### ED8: Caravan and Camping Sites

- 6.24 This policy acknowledges the increasing demand for caravan space and holiday home in the Scottish Borders, stating that new caravan and camping facilities will be supported in locations that are environmentally acceptable and that fit with wider tourism, economic and regeneration objectives.
- 6.25 The policy will support new and extended caravan sites provided they adhere to the following criteria;
- a) *Must be of the highest quality and in keeping with their local environment and should not cause unacceptable environmental impacts;*
  - b) *Must be acceptable in terms of impact on infrastructure; and*
  - c) *Must be in locations free of flood risk.*

#### EP5: Special Landscape Areas

- 6.26 The site falls within the Berwickshire Coast Special Landscape Area (SLA) to which policy EP5 clarifies. The policy ensures that Special Landscape Areas are afforded adequate protection against inappropriate development.
- 6.27 The policy states:

*'in assessing proposals for development that may affect Spatial Landscape Areas, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact. Proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.'*

#### EP14: Coastline

- 6.28 The Council's approach to the preservation of the coastline is outlined in this policy. The policy seeks to prevent inappropriate developments at coastal settlements and wider areas, development proposals at coastal locations will only be permitted where:
- a) *the proposal is located within the Burnmouth, Eyemouth and St Abbs settlement boundary; or*
  - b) *the proposal is appropriate under Local Development Plan policies; or*
  - c) *the development requires a coastal location; and*
  - d) *the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site as assessed under other relevant Local Development Plan policies.*

## 7.0 GROUNDS OF APPEAL

### INTRODUCTION

- 7.1 The following section sets out the reasons why we consider the Local Planning Authority has not determined the application in accordance with all relevant national and local planning policy guidance, material considerations and expert professional advice.
- 7.2 This section seeks to demonstrate how the proposed development would comply with all relevant national and local development planning policy and guidance. Consequently, we consider that the proposed development would contribute towards the Scottish Government's and the Scottish Borders Council objective to drive economic growth in sectors such as tourism and to build upon economic success with further investment and capitalise on natural assets and areas that benefit from existing advantages.
- 7.3 In addressing the single refusal reason for application 21/01081/FUL, the main appeal considerations are:
- whether or not the proposal would have a significant adverse landscape and visual impacts to the landscape quality of the Berwickshire Coast Special Landscape Area to warrant refusal; and
  - whether the Local Planning Authority has given sufficient acknowledgement to the economic benefits or other material considerations to outweigh any perceived harm arising from the proposed development.

### WHETHER OR NOT THERE WOULD BE SIGNIFICANT ADVERSE LANDSCAPE AND VISUAL EFFECTS TO THE LANDSCAPE QUALITY OF THE BERWICKSHIRE COAST SPECIAL LANDSCAPE AREA

#### A. Landscape and Visual Appraisal Report - Eden Environment Ltd (April 2021)

- 7.4 The Landscape and Visual Appraisal Report prepared by Eden Environment Ltd (April 2021) on behalf of Verdant Leisure, and which was submitted in support of the planning application 21/01081/FUL, provided a fresh consideration of the landscape and visual effects of an entirely new scheme.
- 7.5 It takes into account the comments and concerns raised by Scottish Borders Landscape Officers relating to the previous applications. The ways in which their comments and concerns have been addressed and taken into account are addressed in Chapter 5 of the Appraisal.

#### Changes to the landscape during construction and operation

- 7.6 The Landscape and Visual Appraisal Report (April 2021) confirms that the changes to the landscape and visual environment during construction would differ from the future baseline in the following ways:
- construction site access with associated signage from the D149. Traffic management measures may be required at times;
  - bare ground and substantial changes in levels in the earthworks; and



- machinery and plant in operation, including large mobile cranes during installation of the lodges.

7.7 During the operational period, expected to be more than 40 years, the landscape and visual environment would differ from the future baseline in the following ways:

- terraced ground level, supported by two retaining walls, replacing the sloping natural topography;
- nineteen new lodges occupying the site in replacement of the existing rough pasture, bracken and bramble. Existing gorse lower on the site would not be affected; and
- people and traffic on a site which is currently essentially unused.

#### Proposed mitigation

7.8 The Landscape and Visual Appraisal Report (April 2021) confirms that the following measures have been included in the application scheme (the subject of this appeal), and therefore have been taken into account in the appraisal of effects on landscape and visual amenity.

- Gorse would be used extensively for screen planting, for deterrence planting (keeping people away from steep parts of the site) and for landscape restoration;
- Within the existing site Scots pine have been planted (or have self-seeded) in a number of locations and would provide effective year-round screening of views. Pine and birch would be used to visually break up the lines of lodges, providing interest and variety to their setting and settling them into the landscape. Trees would be located carefully, to avoid interrupting seaward views for the occupants of the lodges, or creating an undesirably shady environment where ground flora would not thrive, leaving a bare surface;
- Ground modelling would be an unavoidable requirement on this steeply-sloping site. Retaining walls would be needed between the D149 road and the upper tier of lodges, and between the two tiers of lodges. Rather than rock-filled gabions or cast reinforced concrete, the walls would be constructed using the Flex-MSE vegetated retaining wall system. Flex-MSE can be hydroseeded with a variety of different groundcover species or planted with shrubs or scrub in pre-formed pockets in the face or the top of the wall. The result would be a retaining wall which is completely covered in vegetation, which allows further screen planting on and around it, and has an extremely long design life (please see Appendix 2 which contains a brochure of the Gravitas FlexMSE vegetated wall system);
- The layout of the upper tier has been adjusted so that the westernmost six lodges would be set further from the road. This would provide a wedge of space between the road and the top of the retaining wall, which would be planted with gorse to filter views of the new development, while continuing to allow views over the gorse towards the beach and Greenheugh Point. The gorse planting would continue along the roadside between the verge and the top of the retaining wall, reducing views of the new lodges without interfering with wider views to the beach and the landscape to the east.

7.9 A colour strategy has been developed for the lodges and for features of the lodges to include either:

- Dark green-black;

- mid to dark olive-toned greens; or
- saturated cool browns for the lodges.

7.10 The proposals include the use of textures that are fragmented and matte in order to be less reflective, more recessive and to help break up expanses of the same colour.

7.11 The proposals include measures to break up expanses of the same colour should be employed, including:

- having overhangs on roofs, to cast shadows and break up expanses of colours;
- using a range of colours for the lodges so that there is not one combined expanse of the same colour, and so the development has a more mottled appearance, especially when seen in long distance views;
- using different colours for decks, railings, window frames and doors etc. to fragment the appearance of the elevations of lodges; and
- shrub planting and trees between and in front of lodges to blur the appearance of the lodges and break up the expanses of colours and horizontal lines.

7.12 The proposed mitigation measures are illustrated in the extract plan below taken from the Pease Bay 03 Planting plan r02 submitted with the planning application.



Figure 2 – Pease Bay Planting Plan

Summary effects on landscape character

7.13 A summary of the effects on the landscape character are summarised in the extract table below taken from the Landscape and Visual Appraisal Report (April 2021).

Summary of impacts on landscape character		
Receptor	Sensitivity	Magnitude of change
Landform	Moderate	Small
Land cover	Moderate	Small
Settlement	Slight	Negligible
Perception	Moderate	Small
<p><b>Summary</b>                      The appraisal of effects on landscape character has concentrated on the published characteristics of the area because they enable structured discussion of the most important aspects: the distinctive landform of Pease Bay, the land cover, the nature of existing development within the bay and the way in which the landscape’s character is perceived by people. The appraisal, which includes consideration of proposed mitigation which the applicant is committed to, shows that effects on the character of the landscape would be small at worst. Largely this is because of the enclosed nature of the bay and the extent to which the existing holiday park already dominates the landscape of the bay. Measures to design out adverse effects have also ensured that the effect on landscape character would be small at worst.</p>		

7.14 The appraisal of effects on landscape character has concentrated on the published characteristics of the area because they enabled structured discussion of the most important aspects: the distinctive landform of Pease Bay, the land cover, the nature of existing development within the bay and the way in which the landscape’s character is perceived by people.

7.15 The appraisal, which includes consideration of proposed mitigation which the Appellant is committed to, shows that effects on the character of the landscape would be small at worst. Largely this is because of the enclosed nature of the bay and the extent to which the existing holiday park already dominates the landscape of the bay. Measures to design out adverse effects have also ensured that the effect on landscape character would be small at worst.

Summary effects on visual amenity

7.16 A summary of impacts of visual effects is shown below in the extract table 7.4 taken from the Landscape and Visual Appraisal Report (April 2021).

## 7.7 Summary of impacts on visual amenity

**Table 7.4 Summary of effects on visual amenity for all receptors**

Summary of impacts on visual amenity		
Receptor	Sensitivity	Magnitude of change
Old Linhead	High	Negligible to medium adverse, becoming negligible beneficial over time.
Existing holiday park permanent residents	High	No change.
Old Cambus West Mains	High	Negligible adverse.
Existing holiday park holidaymakers	Moderate	Negligible adverse.
Southern Upland Way	Moderate	Small adverse.
Berwickshire Coastal Path	Moderate	Negligible adverse.
Local people on the D149	Moderate	Small adverse.
Old Linhead workshops	Moderate	Negligible adverse at worst.
Pease Sands	Moderate	Small adverse.
Travellers on the A1107 (westbound only)	Moderate	Negligible adverse at worst.

### Summary

Effects on visual amenity would be no more than small adverse for any receptor. “Small adverse” means “The development, or part of it, would be visible but would not alter the overall balance of features and elements that comprise the existing view, or the extent and depth of the view”. Largely this is due to the mitigation measures which have been proposed, almost all in relation to landscape and visual effects: careful choice of colours, setting the lodges below the level of the adjacent road, moving the western lodges away from the road to provide more space for planting, extensive planting of appropriate local tree and shrub species including gorse, and the use of an entirely vegetated retaining wall system instead of reinforced concrete or gabions

- 7.17 The Landscape and Visual Appraisal Report (April 2021) found that the effects on visual amenity would be no more than small adverse for any receptor. “Small adverse” means “The development, or part of it, would be visible but would not alter the overall balance of features and elements that comprise the existing view, or the extent and depth of the view”.
- 7.18 Largely this is due to the mitigation measures which have been proposed as part of the current scheme, almost all in relation to landscape and visual effects: careful choice of colours, setting the lodges below the level of the adjacent road, moving the western lodges away from the road to provide more space for planting, extensive planting of appropriate local tree and shrub species including gorse, and the use of an entirely vegetated retaining wall system instead of reinforced concrete or gabions.

### Cumulative effects

- 7.19 In terms of cumulative effects, the Landscape and Visual Appraisal Report (April 2021) found that local landscape character is already very strongly influenced by the existing holiday park. Taken in isolation, the proposed extension has its own effects; but considered as part of an already-modified landscape, its effects are negligible. In particular, the effects of both the existing holiday park and the proposed extension are closely contained within the local landscape of Pease Bay, leaving the surrounding landscape almost entirely unchanged, with minor cumulative effects on views.

B. Response by Eden Environment Ltd to Scottish Borders Council's Landscape Officer comments on the Landscape and Visual Appraisal Report (April 2021)

7.20 On the 2<sup>nd</sup> November 2021, the Appellant's landscape advisor – Eden Environment Ltd - responded to comments made by Scottish Borders Landscape Officer to the submitted Landscape and Visual Appraisal. Eden Environment Ltd had prepared detailed responses and these are summarised below.

7.21 The Landscape Officer's single key issue related to potential visual intrusion and obstruction of views of the Special Landscape Area (SLA) from the sensitive receptors including settlements, the public road and long-distance footpaths.

7.22 Eden Environment Ltd responded the proposed scheme would not cause any obstruction of views of the SLA, other than of the developed area itself, because the new lodges would be below the line of any wider views of any part of the SLA from any possible public viewpoints.

7.23 Eden Environment Ltd accepted that the proposed scheme would be visible from three dwellings:

- A small part of the extreme southern part of the curtilage of Old Linhead, namely rough ground between the entrance gate and a derelict barn, but not from any part of the house;
- windows at a single hilltop bungalow at Old Cambus West Mains, over 1 km from the site (discussed further below);
- and (possibly) a single upstairs gable end window in the nearby farmstead also at Old Cambus West Mains, over 1.2 km from the site.

7.24 However, Eden Environment Ltd did not agree with the Scottish Council's Landscape Officers contention that visual intrusion or obstruction of views could be a 'Key Issue' from any of these places:

*"individually or collectively, either because of the distance or (in the case of Old Linhead) due to the absence of any view from any part of the house or garden."*

7.25 Eden Environment Ltd also considered that:

*"Insufficient account had been taken of the proposed screen planting, in particular the proposed trees at the western end of the site between the holiday park and Old Linhead."*

7.26 In terms of effects on landscape character, Eden Environment Ltd noted that the Council's Landscape Officer did not consider effects on landscape character to be a "Key Issue". The Council's Landscape Officer had commented that the 'scale of change' of the landform is likely to be small but no supporting information had been provided regarding anticipated ground levels, heights of retaining walls, gradients and heights of banking at the terrace ends.

7.27 In response, Eden Environment Ltd had stated in relation to landform that their judgement was based on:

*"the way the shape of the landform is perceived, and how the changes to landform caused by the proposed scheme would alter the character of the landscape. The landscape of Pease Bay is characterised by the way the undulating inland landscape transitions abruptly to the steep slopes which run down to the beach and foreshore, and the consequent enclosure of the bay compared*

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*with the surrounding countryside. The proposed scheme would insert steps, or terraces, into the steep slopes, but the overall gradient and shape of the landscape would remain unchanged.”*

7.28 The Council’s Landscape Officer had concerns that the extensive lengths of the 2 terraces and retaining walls could have a greater impact on the character of the landscape than assessed. Furthermore, the lodges and their associated hardstanding, access road and dark mass of roofs may serve to emphasise the hard engineering of the retaining structures and terraces albeit that mitigation planting is proposed.

7.29 Eden Environment Ltd responded to this point by stating:

*“The steeply-sloped “risers” of the terraces, the slopes between the terraces, and some of their horizontal surfaces, would be clad in semi-natural vegetation, which would soften the appearance of the hard engineering, and there would be few hard edges or corners. Previous applications proposed the use of stone-filled steel mesh gabions, which would remain prominent and hard-edged; the current application, utilising the Flex-MSE system, which would be entirely covered in vegetation, is very different. We wonder whether the Landscape Officer was provided with the details of this retaining wall system, including the Flex-MSE brochure and supporting images, which were submitted with the application.”*

7.30 The Council’s Landscape Officer had considered that in landscape character terms there is a distinct transition between the contained Pease Bay valley and the open expansive tops. The Council’s Landscape Officer considered that low ridge heights have been indicated to limit intrusion on the views, but this was not supported with details of proposed ground levels, lodge types and ridge heights to show how this will be achieved.

7.31 Eden Environment Ltd responded to this point stating

*“It is incorrect to state that the proposed lodges would be on the threshold of the transition where a viewer moves from the open countryside down into the enclosed bay. The road begins to descend into the bay at the south-eastern end of the garden wall at Old Linhead, or thereabouts. The first lodge would be down the hill about 76m south-east of this point. The top of the first lodge’s roof would be lower than the adjacent road, and the road itself is several metres lower than, as well as 76m east of, the “threshold” at Old Linhead. The lodges would all be lower than the line of sight from any part of the road to any more distant view, for example the beach or the coastline beyond.*

*The Landscape Appraisal does not specify details of the lodge types or dimensions, other than to say that they would be “similar in design to those in the existing park”. The existing and proposed lodges are of a standard design and size. The cross-section in the landscape report, and those in the submitted Architects Plus Proposed Design drawing, are based on the dimensions of the existing lodges.”*

7.32 In terms of visual effects, the Council’s Landscape Officer considered that the proposed extension would appear as a spur rising up out of the valley. The Council’s Landscape Officer considered that there is the potential for the site to appear as an anomaly in the view and draw the eye of the viewer.

7.33 Eden Environment Ltd responded to this point stating:

*“It is incorrect to state that the extension would appear “separated from the existing caravan park by its elevation and the intervening headland”. In fact, the higher lodges of the existing site*

*can already clearly be seen from this point, adjacent to the proposed extension - not separated from it by the headland. We have provided, with this letter, a full-sized copy of the visualisation and the original image upon which it was based, which demonstrate this clearly. Those images also show that the proposed lodges are depicted using tints and shades, which are a good match to the existing, adjacent lodges. In this visualisation, the Flex-MSE retaining wall has actually been over emphasised by being coloured plain grey when in fact it would be covered in vegetation. All of the other proposed landscape planting has also been left off this drawing for clarity, but in reality would assist with settling the development into the site.*

*Note that the upper lodges in the existing holiday park are in a variety of retiring colour schemes, not the stark whites and greys of the existing caravans in the lower parts of the site. The proposed lodges would replicate the appearance of the upper lodges, as shown.*

*In our opinion these figures, which represent a very small part of the wider view from Old Cambus West Mains, demonstrate that the magnitude of change in view would be negligible, as stated in our report.”*

7.34 The Council’s Landscape Officer considered that for walkers, cyclists and drivers, the proposed lodges would be seen stepping up the hill towards Old Linhead and for those descending the road the lodges will appear close to the viewer. The Officer contended the scale of rooftops in proximity to one another in addition to the hard construction of the access road, parking and retaining wall may contribute to a greater magnitude of effects than described. Concern was expressed that the low planting proposed to allow retention of views may not sufficiently mitigate the proposal from these locations.

7.35 In response to this point Eden Environment Ltd stated:

*“The Flex-MSE system allows vegetation to be planted directly into the top of the retaining wall itself, unlike traditional retaining wall systems. Gorse and low shrubs are proposed along the roadside so as to screen the barrier and the nearby roofs, without blocking more distant views. All of the roofs of the lodges would be lower than the adjacent road, so they would not interfere with views to any part of the landscape beyond.*

*Apart from the low planting along the roadside, more substantial planting is proposed at the western end of the site nearer to Old Linhead, as shown on the Planting Plan. This does not appear to have been taken into account in the Landscape Officer’s response. The trees, when mature, would help to screen or at least filter views towards the site, both from the area around Old Linhead and for people travelling eastwards along the paths and the road. They would also help to screen or at least filter views of not only the proposed new park, but also the existing holiday park.”*

7.36 In response to the Council’s Landscape Officer’s point that the lodges also appear to be much further away from the road edge than shown in the drawings, Eden Environment Ltd stated:

*“the photomontage has placed, scaled and orientated the proposed new lodges correctly in relation to the road, the existing lodges, the landscape and the buildings beyond.”*

7.37 The Council's Landscape Officer had considered the magnitude of change for people travelling north westwards from Greenheugh Point is likely to be greater than assessed and that the density of development with 2 rows of lodges will be more apparent from this location.

7.38 In response to this point, Eden Environment Ltd stated:

*"It is incorrect to state that "where the coastal path meets the road the extent to which the development climbs up out of the 'bowl' will be seen clearly." In our report we correctly stated that for walkers approaching the road from the east the proposed site "would remain in view (apart from on the upper parts of the stairway [which brings the path down to the road]) until the path joins the D149." It would not be seen clearly, however: in fact, the new extension would be almost entirely hidden by the existing lodges, due to the upwards vertical angle of view, and because the new lodges would be almost all behind and below the existing lodges in the view. Once walkers join the road the extension would be entirely hidden behind roadside trees and nearby existing caravans. I attach a copy of a photograph from this location which clearly demonstrates these points."*

7.39 The Council's Landscape Officer had raised concerns about the cumulative visual effects that could arise from some viewpoints and sequential effects from the footpath and road network. Eden Environment Ltd responded to this point by stating:

*"In our opinion, it is likely that the proposed screen planting at the western end of the site would reduce views of both the existing and the proposed sites, both for people approaching along the road and for people approaching along the clifftop path from the west."*

7.40 In response to the Council's Landscape Officer's comments that a single tier layout set further back from the road edge could be supported and a lower elevation for the lodges would also achieve a closer link visually to the existing caravan park where mitigation planting could relate to the wooded sides of the burn, Eden Environment Ltd stated:

*"We stand by our appraisal and believe that the effects of the current scheme on landscape and views would be as we report them: small or negligible adverse, and in some cases slightly beneficial."*

C. Response by Eden Environment Ltd to Scottish Borders Council's Landscape Officer email dated 24<sup>th</sup> February 2022

7.41 Eden Environment Ltd responded to further comments made by the Council's Landscape Officer to the Landscape and Visual Appraisal Report (April 2021) in an email dated 24<sup>th</sup> February 2022.

7.42 The Council's Landscape Officer had accepted that the height and scale of buildings had now been provided as demonstrated on Additional Sections 1-3. The Council's Landscape Officer agreed that the roof ridges are mostly shown below road level and therefore obstruction of views across the wider landscape is likely to be limited. However, the Council's Landscape Officer considered the angle of view in a normal viewing field can be from the horizontal to 35 degrees below the horizon therefore there is still potential for the more local views of the bay and beach to be partially obscured particularly in close proximity to the units when approaching from the west. A photomontage visualisation of this key view would have been helpful in this respect.

7.43 Eden Environment Ltd responded to these points by stating:

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*“See View 1.jpg provided. This view is from a point 59.4m downhill from the entrance gate to Old Linhead; View 2.jpg shows the view back towards Old Linhead from exactly the same point, for context. From this point, the nearest corner of the closest lodge would be a further 41.2m (horizontal distance) down the slope to the south-east, with the remaining lodges curving away around the slope towards the first existing roadside lodge in the distance. It is clear that no views of the bay or the beach could be obscured, even partially.”*

7.44 An extract of View 1.jpg is provided below:



7.45 An extract of View 2.jpg is provided below:



7.46 In the same email, the Council’s Landscape Officer considered the scale of the site, particularly when seen in the foreground of the existing development and from the path network and beach will make

a considerable intrusion on views and have negative effects on visual amenity. The Council's Landscape Officer stated that the '*more substantial planting*' proposed for the western edge of the site would be a welcome contribution in many ways, but it might also obstruct dramatic views across the bay and SLA on the western approach.

7.47 Eden Environment Ltd responded to this point stating:

*"It is very unlikely that the tree and shrub planting at the western end of the scheme (just downhill from Old Linhead) would obstruct dramatic views across the bay and the SLA, because it would be placed on ground which falls steeply from the road and the curtilage of Old Linhead. Refer to the Planting Plan and see also View 3, which shows the ground on which it would be planted. A "copse and gorse mix" and specific trees are proposed here. The gorse would be placed in the higher areas, near the road, and the trees in the lower areas, closer to the burn. The intention is to screen views of the lodges but without blocking the more distant views."*

7.48 An extract of View 3.jpg is provided below:



7.49 The Council's Landscape Officer helpfully acknowledged that in principle the flex-MSE system could provide a 'softer,' greener approach to retaining wall construction that would be an improvement on the gabion basket proposal. The Council's Landscape Officer sought to still raise concerns over landscape and visual impacts associated with the changes of levels producing steep retaining walls and terraces on the valley bluffs, as well as comments relating to maintenance and watering implications, runoff from rainfall, roadside barriers, stilts, fencing, railings, decking, and bin stores.

7.50 Eden Environment Ltd responded to these points stating:

*"A pedestrian safety railing is mentioned in the summary of our report on page 62, but clearly it should have been detailed much earlier in the report. Other items listed here would be mostly out of sight in views from above (mainly the road), and trivial in the context of the new lodges due to the distance from public viewpoints below (for example the beach). They would make no difference to the assessment of impacts on landscape character or visual amenity."*

D. Conclusions on whether or not there would be significant adverse landscape and visual effects to the landscape quality of the Berwickshire Coast Special Landscape Area

- 7.51 From the above analysis, it is the Appellant's contention that the proposed development to add 19 lodges to an existing holiday park would not result in significant adverse landscape and visual effects upon the surrounding landscape area.
- 7.52 The evidence submitted by Eden Environment Ltd in their Landscape and Visual Appraisal Report (April 2021) strongly indicates that there would be no significant adverse effects arising from the proposal. All the technical evidence shows that the effects on the character of the landscape would be 'negligible' or 'small at worst', and the visual effects would be no more than 'small' adverse for any receptor. In terms of cumulative effect, the submitted evidence shows that taken in isolation, the proposed extension has its own effects; but considered as part of an already-modified landscape, its effects are 'negligible'.
- 7.53 Whilst the Council's Landscape Officer has retained concerns about the proposals, these are unfounded. The Council's Landscape Officer has conceded that that the 'scale of change' of the landform is likely to be small and that the low ridge heights have been indicated to limit intrusion on the views. The Council's Landscape Officer has also agreed that the roof ridges are mostly shown to be below road level and therefore obstruction of views across the wider landscape is likely to be limited and that the more substantial planting proposed for the western edge of the site would be a welcome contribution.
- 7.54 The Council's Landscape Officer has not prepared any independent counter evidence to demonstrate the concerns expressed. Instead, the decision to refuse planning permission in this case has relied upon unsubstantiated comments.
- 7.55 A timeline is provided in Appendix 1, which demonstrates the sequence of events that have taken place following submission of the planning application and the difficulties faced by us as the agent and the Appellant to progress this application to a satisfactory conclusion.
- 7.56 This timeline shows that the Local Planning Authority has not dealt with matters expeditiously and that responses from internal and statutory consultees, including the Council's Landscape Officer were delayed. Despite repeated requests for a meeting to discuss the proposals with the Council's Landscape Officer, no meeting was forthcoming from Council Officers. It is considered that this level of service and lack of understanding and lack of willingness to discuss the proposals has been unacceptable.
- 7.57 The Appellant's evidence in the form of the Landscape and Visual Appraisal Report (April 2021) and subsequent submissions demonstrates that the proposals would be in compliance with LDP Policy PMD2 - 'Quality Standards' by virtue of the significant hard and soft landscape works that are proposed as part of the scheme, including structural or screen planting where necessary to help integration with its surroundings. The scheme would also be of a scale, massing, height and density appropriate to its surroundings. The scheme would use external materials, colours and textures, which would be compatible with, and respects the character of the surrounding area.
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- 7.58 The proposals would be compatible with LDP Policy ED8 – ‘Caravan and Camping Sites’ because it would be of the highest quality and in keeping with their local environment and should not cause unacceptable environmental impacts.
- 7.59 In accordance with LDP Policy EP5 – ‘Special Landscape Areas’ the proposals would safeguard the landscape quality of the SLA and will not have significant adverse effects on landscape or visual amenities.
- 7.60 The proposals would accord with LDP Policy EP14 – ‘Coastline’ as the development would be an appropriate development in this coastal setting, given the proposal would create a very small addition of 19 additional lodges to the existing substantial caravan site comprising 330 pitches, and would thereby increase the number of pitches to 349.

WHETHER THE LOCAL PLANNING AUTHORITY HAS GIVEN SUFFICIENT ACKNOWLEDGEMENT TO THE ECONOMIC BENEFITS OR OTHER MATERIAL CONSIDERATIONS FROM THE PROPOSED DEVELOPMENT.

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- 7.61 Tourism is recognised at the national level (in both the National Planning Framework 3 and Scottish Planning Policy) as one of the six key economic sectors which support Scotland’s economy, a sector which has significant opportunities for growth and that it should be promoted and supported through local planning policy.
- 7.62 The emerging National Planning Framework 4 sets out that local development plans should support the resilience of the tourist sector and that new or extended tourist facilities should be extended (including caravan sites) in locations which can contribute to the viability, sustainability, and diversity of the economy.
- 7.63 Tourism in 2019 was noted as being a major driver in the national economy, worth an estimated £11.6bn to the national economy and with record levels of overnight stays being recorded. The commitment to tourism as a key sector has also been reiterated as crucial in Scotland’s post-Covid19 recovery. At the local level, tourism is noted as one of the main employment sectors in the area which should be supported and expanded, as noted in the Council’s adopted Policy (ED7 and ED8).
- 7.64 The LDP Policy EP5 – ‘Special Landscape Areas’ states that proposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.
- 7.65 Local Plan Policy EP14 – ‘Coastline’ states that development proposals at coastal locations will only be permitted where the benefits of the proposal clearly outweigh any damage to the landscape character or to the nature conservation value of the site as assessed under other relevant Local Development Plan policies.
- 7.66 The Planning Case Officer Delegated Report (please see Appendix 3) stated that the Community Council noted that the existing holiday park benefits from its own shop and entertainment complex. Whilst this makes the holiday park more attractive to visitors, it is likely to reduce visitor demand for existing shops and businesses outwith the holiday park. The Planning Case Officer considered it unlikely that the development would make any significant contribution to the sustainability of local shops, services or the regeneration of the nearest towns. The Planning Case Officer concluded overall

that the level of economic benefit that can realistically be expected from this development is considered to be modest, even at a local level.

- 7.67 The Planning Statement submitted with planning application 21/01081/FUL sets out the clear economic benefits of the proposed extension to Pease Bay Holiday Park. This was re-enforced in a subsequent letter submitted by Tetra tech Planning to the Case Officer on the 26<sup>th</sup> May 2022.
- 7.68 The proposal is to develop the site to contain an additional 19 pitches. These pitches will accommodate a mixture of privately owned lodges (12) and lodges which would be hired out for short term lets, or “hire fleet” lodges (7). The Appellant has experienced significant demand for pitches, both the hire fleet and privately owned pitches and there is a need to develop and provide additional pitches. The Appellant, and wider tourism sector in general, also anticipates a significant uplift in demand for UK staycations and the extension to the park would allow the client to meet projected demand.
- 7.69 The privately owned lodges can accommodate four people and the hire fleet lodges can accommodate a maximum of six people. Therefore, the proposed development has potential to accommodate an additional 90 people at a time. The Planning Statement confirms that whilst there would be economic benefits arising from the development of the additional lodges, it is recognised that most of these benefits will be realised from the hire fleet lodges.
- 7.70 The existing site contains 30 hire fleet units which provide approximately 1,500 bookings per annum, with an average of four people per booking (the hire fleet can accommodate up to six people) which equates to approximately 6,000 visitors per year. Based on these observed trends and maximum occupancy, the addition of seven hire fleet units could potentially attract between 1,400 to 2,100 additional holiday makers per year to the area.
- 7.71 These additional people would make a positive contribution to the local economy and would provide a boost through patrons of the expanded site using local services and by providing a customer base to other local facilities, such as local shops, attractions, pubs and restaurants. It is therefore expected that the expansion of the site could help aid in the recovery of the tourism sector post COVID 19 as well.
- 7.72 The existing site employs 20 to 30 people, depending on the time of year. Additional employment is anticipated to be generated on site. With the creation of additional groundskeeping positions, maintenance staff to cater for the additional hire fleet units and an increase in administration / catering staff. It is anticipated that the equivalent of 3.5 full time positions could be created as a result of the proposed development. There is also the potential for additional seasonal based jobs to be created at peak demand times. In addition to this direct employment, the proposals will also help to support jobs indirectly via supply chains.
- 7.73 The Appellant would contend that the Planning Case Officer has failed to give sufficient weight to the economic benefits of the proposal and appears to have solely relied on third party representations from the Community Council (please see Appendix 3). It is noted that the Council's Economic Development service did not respond to the consultation request on application 21/01081/FUL, but they were supportive of the previous application that was refused. The Planning Case Officer has failed to recognise the full economic benefits of the proposed extension as part of the balancing arguments as to whether or not the benefits of the development would outweigh any landscape and
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visual harm in accordance with LDP Policies EP5 and EP14. The Appellant disputes the Planning Case Officers assertions and the above evidence demonstrates the significant benefits that the proposed extension would bring to the local area.

## 8.0 CONCLUSIONS AND THE BALANCING ARGUMENT

8.1 The single reason for the Council's decision to refuse planning permission was:

*“The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.”*

8.2 In Section 7.0 above, this Statement of Case has demonstrated that the proposed extension of the existing Pease Bay Holiday Park with 19 lodges would not cause significant adverse effects to the landscape character of the Berwickshire Coast Special Landscape Area or visual amenity. All the technical evidence shows that the effects on the character of the landscape would be 'negligible' or 'small at worst', and the visual effects would be no more than 'small' adverse for any receptor. In terms of cumulative effect, the submitted evidence shows that taken in isolation, the proposed extension has its own effects; but considered as part of an already-modified landscape, its effects are 'negligible'.

8.3 Furthermore, in Section 7.0 above, it has been demonstrated that the proposed extension would provide positive economic benefits to the local area in terms of local employment on site (i.e. the equivalent of 3.5 full time positions) as well as visitors using local services and by providing a customer base to other local facilities, such as local shops, attractions, pubs and restaurants.

8.4 In terms of the balancing argument, the fact is the appeal proposal would provide significant mitigation and there would be no significant adverse harm to the Berwickshire Coast Special Landscape Area. The proposals would bring about net economic benefits, generate investment and local employment, and provide a very significant level of protection of the landscape character and visual amenities on the site. The proposals would therefore be fully compatible with terms of LDP Policies PMD2, ED8, EP5 and EP14.

8.5 A timeline is provided in Appendix 1, which demonstrates the sequence of events that have taken place following submission of the planning application and the difficulties faced by us as the agent and the Appellant to progress this application to a satisfactory conclusion.

8.6 This timeline shows that the Local Planning Authority has not dealt with matters expeditiously and that responses from internal and statutory consultees, including the Council's Landscape Officer were delayed. Despite repeated requests for a meeting to discuss the proposals with the Council's Landscape Officer, no meeting was forthcoming from Council Officers. It is considered that this level of service and lack of understanding and lack of willingness to discuss the proposals has been unacceptable.

8.7 In light of the above, we contend that there are no planning grounds to dismiss this appeal and refuse planning permission for the extension of the existing Pease Bay Holiday Park with 19 additional lodges. For the reasons outlined above, we request that this appeal be allowed.

## APPENDIX 1 – TIMELINE FOR PLANNING APPLICATION 21/01081/FUL – PEASE BAY HOLIDAY PARK

Date	Action	Party
25/06/2021	Application submitted and paid	Tt
29/06/2021	Submission pack uploaded to application page	SBC
05/07/2021	Neighbourhood Notification List (Notified)	SBC
06/07/2021	Application validated with determination date of 03/09/2021	SBC
08/07/2021	Consultation reply from Transport Scotland Confirms no objection against proposal	Consultee
19/07/2021	Flood Risk Officer Consultation reply requesting additional information	SBC
22/07/2021	Outdoor Access Officer Consultation reply (no objection)	SBC
30/07/2021	Community Council Consultation reply (objection)	Consultee
02/08/2021	Consultation reply from Roads Planning requesting further information. Response dated 29/07/21	SBC
23/08/2021	Submission of additional information to flood risk and drainage officer covering: <ul style="list-style-type: none"> <li>- Flood Risk</li> <li>- Revised Drainage Calculations</li> <li>- Post Development Exceedance Flow Routes</li> <li>- Filter Drain Details</li> <li>- Attenuation</li> </ul> Also queried if landscape response had been received.	Tt
24/08/2021	Agent Response to Flood Risk Officer uploaded to application page	SBC
24/08/2021	Submission of additional information requested by Roads Planning. Queried if landscape response had been received	SBC
31/08/2021	Chased DM Officer on outstanding consultee responses (Landscape, Roads Planning and Flood Risk & Drainage). Requested extension to 10/09/2021	Tt



02/09/2021	Agent to DM Officer (PPA Agreement) ‘Ongoing including response by applicant agent to objector comments – Applicant agent by Friday 10 <sup>th</sup> September 2021’ ‘Determination by SBC – SBC by Friday 17 <sup>th</sup> September 2021’ Confirmed proposed extension was acceptable on same day	SBC/Tt
08/09/2021	Response from Flood Risk Officer requesting further information	SBC
10/09/2021	Agent to DM Officer (PPA Agreement) ‘Ongoing including response by applicant agent to objector comments – Applicant agent by Wednesday 22 <sup>nd</sup> September’  ‘Determination by SBC – SBC by Wednesday 13 <sup>th</sup> October’	SBC/Tt
16/09/2021	Submission of agents’ response to objections from Community Council and residents. Also queried if responses had been received from Roads Planning and Landscape.	Tt
21/09/2021	Submission of further information requested by Flood Risk & Drainage officer on 08/09/2021	SBC
23/09/2021	Emailed DM Officer noting agents’ response to Community Council and resident objections had not been uploaded to application page Queried if response from Landscape had been received.	Tt
23/09/2021	Agent Flood Comments Response <ul style="list-style-type: none"> <li>- Overland Flow Paths</li> <li>- Expected Flood Depths</li> <li>- Burn Capacity</li> </ul>	Tt
24/09/2021	Agent response to Community Council and residents uploaded to application page	SBC
28/09/2021	Community Council Consultation respond to our comments and maintain objection	Consultee
04/10/2021	Chased DM Officer for comments from Landscape Officer	Tt
09/10/2021	Response from Council Landscape Officer uploaded to page and sent to agent (dated 07/10/2021)	SBC
08/10/2021	Contact DM Officer confirming sight of Landscape Officer’s comments	Tt

13/10/2021	Agent / DM Officer (PPA)  'Amended Plans – Applicant by Wednesday 3 <sup>rd</sup> November 2021'  'Determination by SBC – SBC by Wednesday 24 <sup>th</sup> November 2021'	SBC/Tt
08/11/2021	Notified Officer and sent across additional plans/drawings produced by Eden environmental in response to Landscape Officer's comments.  Vast majority of the information was provided as part of the original submission, comprising precedent images, technical brochures etc.  Information sent as attachments and via We Transfer  Requested meeting with DM Officer and Landscape Officer	Tt
10/11/2021	DM Officer confirmed receipt of additional information	SBC
16/11/2021	Emailed DM Officer noting that recently submitted information had not been uploaded to application page	Tt
22/11/2021	Chased DM Officer for Landscape Officers response and highlighted recently submitted additional information was still not uploaded to application page	Tt
24/11/2021	DM Officer responds confirming he had not reviewed the additional information	SBC
25/11/2021	PS chased DM Officer querying when a review of the application will occur.	Tt
01/12/2021	Chased DM Officer for update on application, noting agreed extension date had passed	Tt
16/12/2021	Emailed DM Officer with information that had not been uploaded to website, which was originally submitted 08/11/2021	Tt

16/12/2021	<p>Spoke to DM Officer on phone who confirmed that no response had been received from the Landscape Officer and the WeTransfer link containing the additional information had expired.</p> <p>Emailed DM Officer with information contained within the expired WeTransfer link</p> <p>Agent to DM Officer (PPA/Flood Risk)</p> <p>‘Consideration of Landscape Response – SBC by 28<sup>th</sup> January 2022’</p> <p>‘Determination by SBC or request/s for further information required to bring application to a conclusion – SBC by 18<sup>th</sup> February 2022’</p>	Tt
17/12/2021	Council uploads information relating to Flex-MSE retaining wall system	SBC
20/12/2021	<p>Additional information on Flood Risk and Drainage calculations sent to DM Officer</p> <p>Revised PPA agreement uploaded to application page with determination set for 18/02/2022</p>	Tt
20/01/2022	Phone call with Head of Planning (Barry Fotheringham) requesting an update. Referred to DM Manager (Julie Hayward).	Tt
21/01/2022	Emailed DM Manager explaining that whilst information was uploaded on the 17/12/2021 it was provided on 08/11/2021	Tt
27/01/2022	<p>Chased DM Officer for an update on the application</p> <p>Officer responded confirming information had been sent to Flood Risk team. Also confirmed that no comments had been received from Landscape Officer, but a meeting had been scheduled with them</p>	Tt/SBC
28/01/2022	Responded to DM Officer’s email querying when meeting with Landscape officer would occur.	Tt
01/02/2022	Chased DM Officer on application status	Tt

08/02/2022	DM Officer confirmed on 07/02 he had met with Landscape Officer and noted there were outstanding considerations from Flood Risk and Roads Planning.  Requested an overview of discussions with Landscape Officer and noted that additional information relating to previous request from Roads Planning was sent on 08/11/2021 and information relating to Flood Risk was sent on 20/12/2021	SBC/Tt
16/02/2022	Chased DM Officer (email and phone) requesting update  Arranged phone call for 16/02. DM Officer indicated on call that application was heading towards a refusal based on landscape impacts and SEPA had capacity to respond to applications again  Followed up call with email to DM Officer requesting meeting with them and Landscape Officer	SBC/Tt
23/02/2022	Flood Risk Officer Consultation Reply	SBC
28/02/2022	Emailed DM Officer noting Flood Risk Officer had responded and chasing for update on outstanding responses.	Tt
01/03/2022	Scottish Environment Protection Agency submit holding objection re Flood risk. Clarification for waste water drainage from LPA	Consultee
11/03/2022	Chased DM Officer and Landscape Officer for meeting date	Tt
02/03/2022	Comments from Landscape Officer uploaded to application page	SBC
04/03/2022	Agent to DM Officer and Landscape requesting meeting and submitting photographs relating to LVIA	Tt
17/03/2022	Submitted rebuttal comments from Eden Environmental to Council along with viewpoint photographs	Tt
30/03/2022	Follow up message to DM Officer noting that the recently submitted information had not been uploaded and requested a meeting with Landscape Officer	Tt
07/04/2022	Emailed DM Officer noting the recently submitted information had not been uploaded and reiterated request for meeting with Landscape Officer	Tt

04/05/2022	PS emailed and called officer for an update.	Tt
12/05/2022	Emailed DM Officer and manager after a phone call. Noted that response from Roads Planning following additionally submitted information was outstanding, that our Response to SEPA was incoming and requested meeting with Landscape	Tt
20/05/2022	Chased DM Officer and manager re meeting with Landscape	Tt
26/05/2022	Submission of letter regarding economic benefits of the proposed scheme and response to SEPA and Flood Risk Officer (plans, sections, topographic data, surface water attenuation). All information uploaded to application page 02/06/2022	Tt
22/06/2022	Chased DM Officer on responses from SEPA and Flood Risk Officer	Tt
29/06/2022	Chased SEPA and Flood Risk Officer directly for responses to additional information. Also chased DM Officer separately	Tt
30/06/2022	SEPA removal of objections and recommendation to contact water permitting team	Consultee
04/07/2022	Received email from Ian Chalmers confirming he had taken over the case from the previous Flood Risk Officer	SBC
07/07/2022	Chased Ian Chalmers on response re Flood Risk and Drainage	Tt
08/07/2022	Flood Risk Officer - Removal of objection to the proposal on the ground of flood risk	SBC
12/07/2022	Chased DM Officer following removal of objections for a decision to be issued	Tt
19/07/2022	Chased DM Officer for decision notice to be issued	Tt
28/07/2022	Roads Planning Conditions Conditions to be attached to the consent if granted; <ul style="list-style-type: none"> <li>- Approval in Principle and Technical Approval for the retaining structures.</li> <li>- Detailed design of the safety barrier.</li> <li>- The construction details and formation of the access from the public road.</li> </ul>	Consultee
28/07/2022	Chased DM Officer for decision notice to be issued	Tt
29/07/2022	EL chased DM Officer for decision notice to be issued	Tt

02/08/2022	EL chased DM Officer for decision notice to be issued. DM Officer responded noting the application could not be supported.	Tt
16/08/2022	PS called and emailed case officer for an update.	Tt
17/08/2022	Email dated 12/07/2022 uploaded to application page Reiteration of economic benefits and landscape objections	SBC
17/08/2022	Scottish Water Consultation Reply Capacity assessment	Consultee
22/08/2022	Decision Notice issued	SBC

**APPENDIX 2 – BROCHURE FROM GRAVITAS ILLUSTRATING THE  
VEGETATED WALL**

**Gravitas**  
International Ltd



**Flex MSE™**  
Vegetated Wall System





## Simplicity, Adaptability, and Longevity

Flex MSE is a Patented engineered solution for vegetated retaining walls and erosion control.



Flex MSE Bags and interlocking Plates are used to build naturally resilient Geomodular structures.

A unique soft building material which exhibits hard material qualities, Flex MSE adapts to events that would ruin lesser systems, and only gets stronger and greener as time goes on.

Flex MSE is a Patented system which leverages Mechanically Stabilized Earth (MSE) principles along with geotextile technology to create strong and easy to install Geomodular block structures.

- Economical
- Eco Friendly
- Permanent
- Aesthetically Pleasing

## Build it Green

### Building with Flex MSE

Flex MSE is one of the easiest systems on the market to install, vegetate and maintain.

#### Flex MSE Bags are:

- Filled with sand and soil
- An ideal 'planter block' for many types of vegetation
- Water and root permeable
- Flexible enough to create almost any shape

#### Flex MSE Plates are:

- Made from 100% recycled material
- Designed to bridge the gap between Bags to create an interlocking connection
- Engineered with Friction Strips for greater Bag to Bag contact and Grid Hooks to mechanically connect to Geogrid

The Flex MSE Vegetated Wall system provides the strength of interlocking components without the need for concrete, rebar, wire mesh or other formwork.



## Applications & Uses



**Vegetated Culvert Headwalls**



**Riverbank Protection**



**Highway Walls**



**Landscaping and Development**

### Infrastructure and Erosion Control

- Slope Repairs
- Retaining Walls
- Highway Walls
- Bridge Abutments
- Noise Barriers
- Levees/Dikes

### Commercial and Residential

- Landscaping
- Garden Walls
- Site Leveling and Optimization
- Golf Courses and Parks

### Anywhere Land Meets Water

- Vegetated Culvert Headwalls
- Streambank Protection
- Riverbank Protection
- Coastal Protection
- Irrigation Canals
- Ponds and Reservoirs
- Ditch Linings

### Emergency Use

- Permanent Flood Protection Walls
- Wind and Storm Protection Walls
- Blast Walls and Bunkers

# Build it Green

## Flex MSE Advantages

- **Flex MSE cuts installation times.**

Flex MSE walls install in 2/3 to 1/2 the time of conventional walls.

- **Flex MSE walls are easy to construct.**

DIY'ers to professional contractors can install Flex MSE using our simple installation methods.

- **Flex MSE is lightweight and easy to transport.**

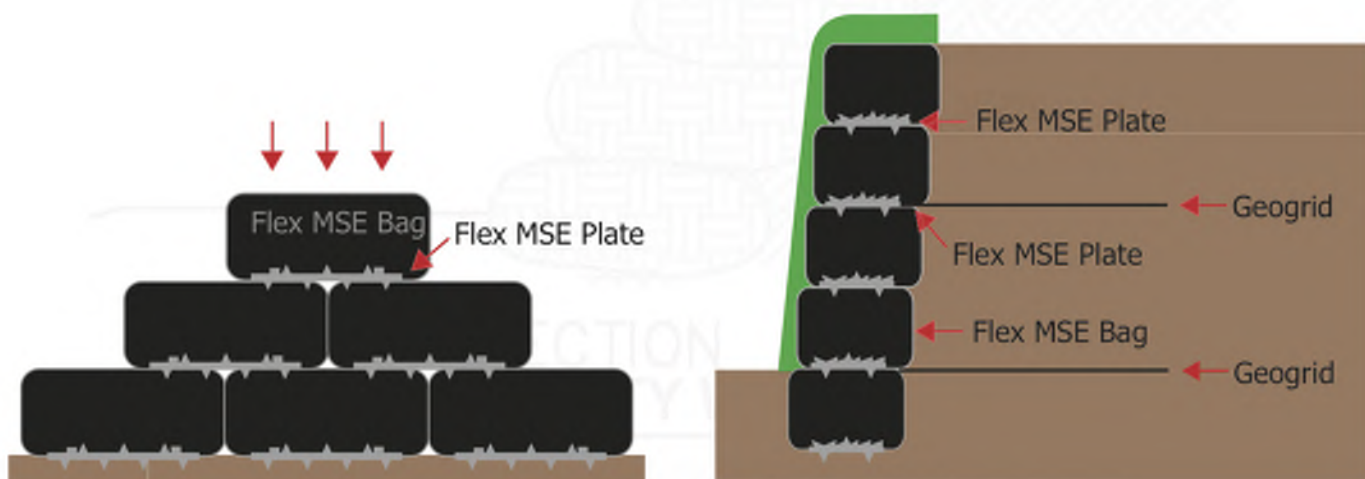
1,000 ft<sup>2</sup> of unfilled Flex MSE units ship on a single pallet.

- **Flex MSE is ideal for a wide variety of applications.**

Flex MSE works seamlessly with culverts and landforms and integrates perfectly with other building materials and systems.

- **Flex MSE is cost effective.**

The all-in costs for a Flex MSE wall are generally 40-50% less than other systems. Savings in machine, material and transportation costs make Flex MSE an obvious choice for helping generate project cost savings.



## Installation & Vegetation

### Installation

- Dig a shallow, relatively level trench and place a row of Flex MSE Interlocking Plates at the bottom of the trench about 76mm (30") apart.
- Place the first row of Flex MSE Bags end to end centered over the Plates.
- Place Flex MSE Plates on top of each Bag row centering them over the joint between the Bags.
- Lay the next row of Bags squarely over the Flex MSE Plates, creating an offset 'running bond' pattern.
- Tamp or lightly compact the Bags to create a level course.
- Place and compact Backfill every two courses or as required.
- Repeat this process until the desired height is reached, adding reinforcement as required.
- When using Geogrid, our Plate's Patented Grid Hook secures geogrid at select layers.

### Vegetation:

- A key advantage of Flex MSE is its ability to accept almost all types of vegetation.
- Vegetation can include grasses, ground cover, flowers, vines and small shrubs.
- Hydroseeding or live planting/staking finished walls are examples of Vegetation methods that work well with the Flex MSE system.



Beginning Construction



Underway



Applying Hydroseed



After Vegetation

No.	Size	Material	Qty

## Build it Green

### Flex MSE System Component Specification

#### Flex MSE Plate

Provides a positive connection between the Flex MSE Bags, effectively interlocking each and every Bag into one solid unit. The Flex MSE Plate incorporates our Patented Friction Strips and two Geogrid Hooks per Plate.

Height	42 mm (1.65")
Length	285 mm (11.22")
Width	99 mm (3.90")
Spikes	11
Hooks	2
Weight	63g (2.2 oz)



#### Flex MSE Bag

Flex MSE Bags provide the ideal planter block for permanent vegetation. These Bags have a filtering functionality to prevent soil particle seepage while permitting water and roots to pass.

##### Unfilled:

Width	380 mm (15")
Length	890 mm (35")

##### Filled:

Width	300 mm (12")
Length	760 mm (30")
Height	140 mm (5.50")





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The Flex MSE system is subject to pending and registered patents worldwide.

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**APPENDIX 3 – PLANNING CASE OFFICER REPORT FOR PLANNING APPLICATION 21/01081/FUL –  
PEASE BAY HOLIDAY PARK**



**SCOTTISH BORDERS COUNCIL**

**APPLICATION TO BE DETERMINED UNDER POWERS DELEGATED TO  
CHIEF PLANNING OFFICER**

**PART III REPORT (INCORPORATING REPORT OF HANDLING)**

**REF:** 21/01081/FUL

**APPLICANT:** Mr Graham Hodgson

**AGENT:** Tetra Tech

**DEVELOPMENT:** Change of use of land and plot layout to form extension to Caravan Park

**LOCATION:** Land West Of Pease Bay Holiday Home Park  
Cockburnspath  
Scottish Borders

**TYPE:** FUL Application

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**DRAWING NUMBERS:**

<b>Plan Ref</b>	<b>Plan Type</b>	<b>Plan Status</b>
KAV	Topographical Plan	Refused
FR004 REV P01	Other	Refused
FR003 REV P01	Other	Refused
FR002 REV P01	Other	Refused
FR001 REV P01	Other	Refused
21001-005	Proposed Sections	Refused
21001-004 REVB	Proposed Site Plan	Refused
21001 - 010	Proposed Sections	Refused
21001 - 009	Proposed Sections	Refused
21001 - 008	Proposed Sections	Refused
21001 - 007	Proposed Sections	Refused
21001 - 006	Proposed Sections	Refused
21001 - 003	Location Plan	Refused
03 REV 02	Landscaping Plan	Refused
02 REV 03	Landscaping Plan	Refused
0100 REV P03	Other	Refused
FLEX RETAINING SYSTEM	Other	Refused
FLEX RETAINING SYSTEM BROCHURE	Brochures	Refused
FLEX RETAINING SYSTEM EXAMPLE	Photos	Refused
FLEX RETAINING SYSTEM EXAMPLE	Photos	Refused
FLEX RETAINING SYSTEM EXAMPLE	Photos	Refused
FLEX RETAINING SYSTEM EXAMPLE	Photos	Refused
FLEX RETAINING SYSTEM EXAMPLE	3D View	Refused
FLEX RETAINING SYSTEM EXAMPLE	Photos	Refused

**NUMBER OF REPRESENTATIONS: 4**

**SUMMARY OF REPRESENTATIONS:**

In addition to the local community council (see comments further below) four members of the public from four separate households objected to the application.

The issues raised are summarised below:

- landscape impact to a Special Landscape Area
- overdevelopment of an area of natural beauty
- development not contained within natural bowl of Pease Bay
- impacts to views to Pease Bay and/ from Berwickshire Coastal Path and Southern Uplands Way
- lack of community/ economic benefits
- additional traffic/ traffic speeds/ road safety
- road is poor standard and condition/ state of repair and unsuited to accommodating increased traffic
- heavy vehicles and walkers use the road
- no public transport links
- noise
- flood risk
- it has not been demonstrated that waste water can be dealt with without negative impacts to public health, the environment, and the quality of the nearby burn and coastal waters.

No letters of support were received.

## CONSULTATIONS

SBC Access: According to the records held in the Planning & Economic Development Section there is one core path adjacent to this area of land. This is the Scottish Borders section of the Southern Upland Way.

SBC Ecology: No officer in post at the time of consultation.

SBC Economic Development: No response.

SBC Environmental Health: No response.

SBC Flood Risk (1st response): SEPA flood risk mapping indicates that the site is at risk from a flood event with a return period of 1 in 200 years. Requested that the applicant rerun the model reported within their Flood Risk Assessment (FRA) for a 1:200 year + 35% climate change event. Additionally requested a post-development flow path drawing for the site. Disagreed with the FRA and requested some attenuation and flow control within the site.

SBC Flood Risk (2nd and 3rd responses): An updated drainage drawing shows that the post development exceedance flows will be routed away from the caravans. Further information and clarifications was sought on other matters. Requested greenfield runoff calculations be rerun for a 1:200 year + climate change event.

SBC Flood Risk (4th response): Objection removed. New topographical information provided confirms that the proposed caravans are significantly higher (more than 8 metres) than the Cockburnspath Burn, and are very unlikely to be at risk of flooding at a 1 in 1000 year flood event. Drainage layout drawing "A117626-TTE-00-ZZ-DR-0100-P03" shows surface water attenuation has been increased to an appropriate 150m<sup>3</sup>. The drawing also shows suitable controls to surface water discharge to address the issue of flooding to low lying caravans downstream of the application site.

SBC Landscape (1st response): Objects. The application is accompanied by a Landscape and Visual Appraisal (LVA) that includes an assessment and summary of the effects on landscape and visual amenity and proposals for mitigation.

This notes that 2no. terraces 40m wide x 218m long with retaining walls would be created. In addition earth works in association with the steep access from the D149 will be required. The report summarises that the 'scale of change' of the landform is likely to be small. I have concerns that the extensive lengths of the 2 terraces and retaining walls are likely to have a greater impact on the character of the landscape than assessed. Furthermore the lodges and their associated hardstanding, access road and dark mass of roofs may serve to emphasise the hard engineering of the retaining structures and terraces particularly in close proximity to the site albeit that mitigation planting is proposed.

In landscape character terms there is a distinct transition between the contained Pease Bay valley and the open expansive tops. The movement from open landscape to enclosure provides an element of concealment and surprise when descending from the cliff tops into the valley, where suddenly the view opens out and the rugged coastline comes into view. The proposed lodges are on the threshold of the transition where the views are most dramatic. Low ridge heights have been indicated to limit intrusion on the views but this has not been supported with details of proposed ground levels, lodge types and ridge heights to show how this will be achieved. The single section through the site is insufficient to support this proposal.

For walkers, cyclists and drivers heading south east on the D149 the view of the site will be of roof tops below road level. For those heading north west on the same road the lodges will be seen stepping up the hill towards Old Linhead. Although the LVA describes the ridge heights remaining below road level to minimise intrusion in the view, there is insufficient information to support this in the form of cross sections, building heights, retaining wall heights and proposed levels. For walkers on the D149 particularly those descending the road the lodges will appear close to the viewer. The scale of rooftops in close proximity to one another in addition to the hard construction of the access road, parking and retaining wall in my view may contribute to a greater magnitude of effects than described. The Armco roadside barrier and proposed fence may also exacerbate the negative effects.

I'm not convinced by the photomontage 7.9 photographed in fairly overcast winter conditions where no element of parking, access road, terracing or decked areas are shown. The lodges also appear to be much further away from the road edge than shown in the drawings. I consider the magnitude of change for people travelling north westwards from Greenheugh Point is likely to be greater than assessed. From the east of Pease Bay where the coastal path meets the road the extent to which the development climbs up out of the 'bowl' will be seen clearly. The density of development with 2 rows of lodges will be more apparent from this location, especially as views out from the lodges facing eastward will be desired, potentially limiting options for and success of mitigating planting.

Fig 7.10 from the beach demonstrates again how this site extends out of the valley. A roof line of the 2 tiers or photomontage would have been valuable in providing a clearer picture of the situation as experienced from the beach. In this case I can't agree that the scale of change would be small as the double row of lodges would appear on a vertical face of the cliff, (in comparison to much of the existing site on the horizontal plane) facing the viewer and covering a significant portion of the enclosing cliffs. Again it is likely that open views are maintained from the lodges and therefore the existing and proposed mitigating planting will be at risk of removal or being cut back to open up views.

Cumulative visual effects would arise from some viewpoints and sequential effects from the footpath and road network. In my opinion these effects are likely to be considerable particularly on approach from Old Linhead south eastwards where the densely developed site would appear in the foreground of views of the existing caravan park. Cumulative effects may also be greater than assessed in local views when heading westwards on the Berwickshire Coastal Path where the site would be seen as an extension to the current caravan park leading up the hillside, albeit that it won't breach the cliff containment of Pease Bay. However cumulative effects should lessen over time if the proposed planting reaches maturity, never the less from a number of viewpoints this proposal will be seen as a significant extension to the existing situation having potential adverse impacts on visual amenity.

An in depth colour assessment has been carried out of the potential colours for the lodges concluding that mid-dark, olive-greens should be used for harmony and to be recessive in the views.

While I broadly agree with this assessment and recommendations the results need to be applied to lodge roofs as well as ancillary structures such as under-build, decking, railings, stilts, which have a tendency to stand out in views.

SBC Landscape (2nd response): Maintains objection.

Clearer indication of the height and scale of buildings has now been provided as demonstrated on Additional Sections 1-3. I agree that the roof ridges are mostly shown below road level and therefore obstruction of views across the wider landscape is likely to be limited. However, the angle of view in a normal viewing field can be from the horizontal to 35 degrees below the horizon therefore there is still

potential for the more local views of the bay and beach to be partially obscured particularly in close proximity to the units when approaching from the west. A photomontage visualisation of this key view would have been helpful in this respect. I remain of the opinion that the scale of this site, particularly when seen in the foreground of the existing development and from the path network and beach will make a considerable intrusion on views and have negative effects on visual amenity. The 'more substantial planting' proposed for the western edge of the site, whilst it would be a welcome contribution in many ways, might also obstruct dramatic views across the bay and SLA on the western approach.

With regard to the flex-MSE system this was considered at the time of the original response. I acknowledge in principle that it could provide a 'softer,' greener approach to retaining wall construction that would be an improvement on the gabion basket proposal. However, I am of the opinion there could still be considerable landscape and visual impacts associated with the heavily engineered changes of levels producing steep retaining walls and terraces on the valley bluffs. The use of flex-MSE also raises questions regarding plant establishment in this exposed coastal location including maintenance and watering implications. The impact of runoff from the road/erosion risk from heavy rain fall may need to be considered too.

As mentioned previously, a further concern is the need for roadside barriers, stilts, fencing, railings, decking, bin stores etc and the additional impacts these will have on visual amenity particularly from views in close proximity and from the beach. Will the very steep and high retaining walls as seen in the Additional Sections require physical barriers for pedestrian safety purposes? Little or no mention is made of these associated structures nor visualisations provided to demonstrate the impacts.

I remain of the opinion that this proposal will have a greater impact on the character of the landscape and on visual amenity than that assessed. The majority of the units would be at a higher elevation than almost any other caravans within the existing park. In addition, this site forms a distinct spur away from the valley floor that climbs the steep valley sides and makes an important contribution to the containment and setting of the existing caravan park development.

SBC Roads Planning: No objection to the principle of this development, but initially raised concerns regarding the gradients of the road within the site, the new junction which is to be formed and the level difference between the site and the existing public road. Later confirmed submitted long section drawings to show these to be satisfactory. Requested conditions to secure AIP and technical approval required for the retaining structures, detailed design of the safety barrier and construction details and formation of the access from the public road.

Cockburnspath & Cove Community Council: Object. We acknowledge that there have been further measures to mitigate the landscape and visual impact of the extension, but continue to have concerns, as do neighbours.

This application destroys gorse land (which is such a feature of our coastline) and changes the coastline and its appreciation, by coming "out of the bowl" of the current development boundaries of the site; it does nothing to encourage less reliance on vehicle use and in fact will contribute to an increase in road use and car transport; it does not encourage the efficient use of resources - eg solar power; rain water collection etc. Further, as stated in our previous objection to this development, there is virtually no support to the local economy, as visitors are encouraged to remain on site and use the on-site provisions. Whilst there is a minimal (usually seasonal) employment bonus, this is temporary in nature and the assertion that it will create further 3.5 jobs is ludicrous, even when using the developer's own figures.

In the Planning Statement in support of this application (section 5.2 in particular) some claims are made which we consider spurious.

We would comment that visitors to Pease Bay do not contribute to the local economy in any measurable way. There are two local shops within Cockburnspath, access to these being wholly dependent on cars; the nearest pub (outwith Pease Bay itself) or restaurant is located in Dunbar, or Coldingham. Visitors are encouraged to remain within the park, which has its own pub, restaurant and leisure complex and we consider the addition of the numbers of visitors anticipated, to only have benefit to the applicant. We cannot see that any workers during the construction phase etc will drive to

Cockburnspath for goods, when they have them next door, on the Pease Bay site. Such statements are, quite frankly, misleading, and designed to attempt to create a sense of benefit where there is none.

PMD2 (Quality Standards) states that development should be in harmony with its surroundings and can be satisfactorily accommodated within the site. The extension proposed will bring the Leisure Park outwith the current landscape "bowl" in which it sits, and impact the road usage and residential amenity of neighbours even more so than currently. In addition, when viewed from Old Cambus (Delgany bungalow and West Mains farm and steading) it will have an adverse visual impact on the coastline. It will have a major impact on Old Linhead (adjacent) removing the current "boundary" between this private home and the leisure complex, impacting on privacy, creating the potential for more noise, and will have negative impacts on the Southern Upland Way (road and track); the Berwickshire Coastal Path; the Hutton Way (which we are trying to support given the tercentenary of James Hutton) and the Berwickshire Cycle path.

EP5 & EP14 - The area is part of the Berwickshire Coast SLA, and the development outwith its current "bowl" will have an adverse impact on the SLA. Contrary to these policies, any benefits of this development, in our opinion, do not outweigh the level of landscape damage.

EP11, EP3 and EP13 also relate to the protection of greenspace - particularly important here to neighbours at Old Linhead as a "separation boundary" and to the protection, rather than damage, to the gorse sea braes which are such a feature of our coastline here. Local biodiversity is not being respected nor supported in this application.

We would also add that last year, during extensive periods of rain, there was significant landslip at Pease Dean (opposite the proposed site) and along the sea braes. Coastal erosion and landslip are becoming more and more of a feature of living in this area, and we are concerned that the work proposed to create a tiered site may contribute to further landslip.

ED8 (Caravan and Camping Sites) states that extensions to existing caravan sites will be supported in locations that can support the local economy - as mentioned above, this is not the case - and must not cause unacceptable environmental impacts. Particularly in this respect, neighbours and the community council have the strongest of concerns regarding the Pease Bay road access to the site:

- The road is narrow and most of its length relies on passing places
- The road has a national speed limit of 60mph
- The verges are already badly eroded especially as it narrows beyond the Wig Wam development and this, according to neighbours, has been largely caused by the large cranes used to move lodges at Pease Bay Leisure Park
- No pavements exist, and part of the road is also the Southern Upland Way
- It is also part of the cycle network in this area
- Pedestrians and cyclists currently feel unsafe on the road due to the speed and volume of traffic, most of which is accessing Pease Bay
- The addition of 19 lodges may mean an increase in cars of 38 - 40. Many lodges currently have 2 cars associated with them, and "fleet hire" lodges may attract more as they sleep 6 in each
- Traffic surveys completed some years ago, took measurements of traffic volume in November and February - in February the site is shut and November is off season. Further traffic census should be completed during June, July and August when traffic is at its peak
- Farm access to Linhead farm is becoming more and more difficult as their land and driveway exit on to the Pease Bay road above the caravan site, and on a bend. Slow moving farm machinery takes its life in its hands exiting and crossing the road already without the addition of any new lodges
- Cove Farm Cottages (4 homes) and all of New Cove (encompassing Cove Farm and associated neighbours numbering 9 ) also access and egress on to this road and are all finding the increase in traffic a big issue due to the narrowness of the road, and users of the caravan site being unaccustomed to road etiquette re passing places - many are also driving close to the national speed limit.

IS4 and IS5 relate to transport and development, infrastructure and the protection of access routes. There is no sustainable transport to Pease Bay, which relies entirely on car use. No bus services or other links provide any form of access. IS5 aims to keep open any route and access rights, and these

are being gradually eroded (SUW, Cycle paths and Berwickshire Coastal Path) due to the level and speed of traffic to Pease Bay. Also, the SUW will be negatively impacted (adjacent to Old Linhead) as it runs adjacent to the new proposed extension, which will be much closer than at present.

HD3 seeks to protect the residential amenity of neighbours and in our opinion and those of neighbours this proposal will negatively impact on their peaceful enjoyment of their properties from potential noise, increased traffic close to garden grounds (which is already an issue) in particular Old Linhead and Cove Farm Cottages. The potential for damaging effects on all of the properties having access to the Pease Bay road however, is obvious. Indeed, Old Linhead already suffers noise nuisance, and it is inconceivable to further impact on their amenity.

The Agent has indicated that they intend to use the D149 for construction access, but the exact route will be agreed under CMP should the application succeed. They are however, aware of the complications of coming from the south. We would recommend that a TMP be proposed should this application be successful, as it is going to be a lengthy construction period, and require significant soil extraction and landscape remodelling, plus the addition of a further 19 lodges, all of which will need to be transported to site. Whatever construction route is used, it will cause a great deal of difficulty to those who reside in the area and use the country roads for walking, cycling and access to their properties.

Currently the road is in poor condition. Although we acknowledge that other traffic uses this route, the larger heavier vehicles, which are causing such damage, are accessing Pease Bay. In addition to the construction type traffic, there are routine deliveries to the Pease Bay shop, pub, gas supplies and many many supermarket delivery vans which also contribute to the increasing volume of traffic.

The Community Council has no difficulty in promoting and supporting responsible tourism to the area, and certainly appreciates that this can have positive impacts on the local economy. However, there are, in our view, no positives to this application, and the disbenefits far outweigh the very minimal benefits to Cockburnspath and Cove.

SEPA (1st response): Lodged holding objection based on a lack of information. Based on SEPA Fluvial Flood Maps, the site is partially at risk during a 1:200 year event as well as a 1:1000 year event, which this type of holiday accommodation has to take cognisance of due to falling within the most vulnerable land-use category. The lodges are generally set back from the watercourse but it is unclear what height differences exist between the lodges and the Cockburnspath Burn. Further information also required on foul drainage.

SEPA (2nd response): Objection removed. The topographic survey shows the caravans are at least 8m above the Cockburnspath Burn. The proposed caravans would be at low risk of flooding in a 1 in 1000 year fluvial event. Regarding foul drainage, SEPA welcome the changes made to the proposal, but note that the layout is indicative at this time and will require additional surveys of site utilities to identify the most appropriate route. SEPA recommend that the applicant contact the SEPA water permitting team to ensure treatment for the burn can be met. There may be a need for stricter limits but this will be decided by the water permitting team at licence application. Bathing water sensitivity is paramount here.

Transport Scotland: No objection.

Visit Scotland: No response.

## **PLANNING CONSIDERATIONS AND POLICIES:**

Local Development Plan 2016:

PMD1: Sustainability

PMD2: Quality Standards

ED7: Business, Tourism and Leisure Development in the Countryside

ED8: Caravan and Camping Sites

ED10: Protection of Prime Quality Agricultural Land and Carbon Rich Soils

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  
EP13: Trees, Woodlands and Hedgerows  
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

Proposed Local Development Plan 2020

All relevant policies are still to be considered at Examination, with the exception of IS5: Protection of Access Routes of the proposed LDP, which is therefore a material consideration.

Other Considerations:

Biodiversity Supplementary Planning Guidance 2005  
Landscape and Development Supplementary Planning Guidance 2008  
Local Biodiversity Action Plan Supplementary Planning Guidance 2001  
Local Landscape Designations Supplementary Planning Guidance 2012  
Placemaking and Design Supplementary Planning Guidance 2010  
Waste Management Supplementary Guidance 2015

National Planning Framework 3  
Scottish Planning Policy 2014  
Scottish Borders Tourism Strategy and Action Plan 2013-2020  
Visit Scotland's Scottish Borders Factsheet 2019 (Jan 2021)

**Recommendation by** - Paul Duncan (Assistant Planning Officer) on 22nd August 2022

## SITE DESCRIPTION

The proposed site is an undeveloped, north-facing hillside located adjacent to Pease Bay holiday park within Berwickshire Coast Special Landscape Area (SLA). It mainly comprises semi-improved grassland, with areas of gorse, scrub and bracken. The site is bound to the north by the Cockburnspath burn, and to the south by the verge of an unclassified public road that connects with the A1 at a roundabout north of Cockburnspath village.

Pease Sands beach and holiday park are located to the east and north-east of the proposed site. Holiday lodges extend up to the far south-east corner of the holiday park which is mostly occupied by static caravans. The holiday park benefits from its own on-site shop and entertainment complex.

Two of Scotland's Great Trails, the Southern Upland Way and the Berwickshire Coastal Path pass the site. Both routes follow the coastal cliffs from the village of Cove to the north of the site. There are long, wide views across Pease Bay to Greenheugh Point and to the proposed site from hillocks that sit above the bay. Heading south, the footpath descends into the steeply sloping cleuch of Cockburnspath Burn. Further south, the path passes the nearest dwellinghouse to the site, 'Old Linhead', before the routes join the public road to the south of the proposed site.

## PLANNING HISTORY

This application follows previous applications on the same site:

18/01041/FUL - 25no plot extension (withdrawn).

19/01709/FUL - initially submitted as a 22no plot extension, revised to an 18no plot extensions of the holiday park (refused due to landscape harm, flood risk and foul drainage issues).

## PROPOSED DEVELOPMENT

The application seeks planning permission for the change of use of the land to site holiday lodges, and works to facilitate this. Cut and fill engineering works would form two platformed tiers of plots on the north side of the minor public road. A new vehicular access would be formed off the unclassified road in the south-east corner of the site. The top tier of lodges would be served by a new internal road that would run parallel with the public road. In total, the development would accommodate 19no new holiday lodges increasing the total number of pitches at Pease Bay Holiday park to 349no. Of the 19, some 12no would be for private occupation (i.e. holiday homes owned by private individuals) with 7 available for short term holiday let (referred to within the application as hire fleet units). The lodges would meet the definition of a caravan, meaning permission is not sought or required for the lodges themselves.

Significant engineering works would be required. The existing public road would be supported by high retaining walling, vegetated utilising the Gravitas Flex MSE system. Of the top tier lodges, 9no would have in-curtilage, nose-in parking. The remaining 3no top tier lodges and the 7no lodges on the lower tier would utilise a 10 bay communal parking bay located roughly midway along the top tier. A further high retaining walling would separate the lower and top tier, also to be vegetated. A crash/ Armco barrier and fence are proposed off the public road, to provide safety to road users and pedestrians due to the steep drop created by the required engineering works. Paths would provide pedestrian access between the existing site and the proposed development. Soft landscaping is also proposed.

## SUPPORTING INFORMATION

- Planning Statement
- Landscape and Visual Appraisal Report
- Flood Risk and Drainage Assessment
- Ecological Appraisal
- 3D visualisations

## ASSESSMENT

- Principle

Local Development Plan (LDP) policy ED8 (Caravan and Camping Sites) is a key policy for this application and is supportive of proposals for caravan park extensions in locations that can support the local economy and the regeneration of towns, and that accord with the Scottish Borders Tourism Strategy and Action Plan. Policy EP14 (Coastal Policy), which aims to afford the Borders coastline with adequate protection from inappropriate development, is significant, and Policy ED7 (Business, Tourism and Leisure Developments in the Countryside) is also of some relevance. National level policies are also relevant. Broadly speaking, these promote economic development and activity, including tourism opportunities, provided the natural environment is safeguarded or enhanced. The National Planning Framework 3's spatial strategy also emphasises the importance of our coast as an economic opportunity and a resource to be protected and enjoyed.

The application supporting statement sets out the potential economic benefits of the proposed development. These can largely be classified as potential direct benefits, namely direct employment, and potential indirect benefits, including visitor spend in the wider local economy and resultant indirect employment, and employment in supply chains.

In relation to direct benefits, the supporting statement states that the existing 330no plot site employs between 20 and 30 people, depending on the time of year. It anticipates a further 3.5 FTE permanent positions could be created as a result of the proposed 19no plot development to attend to groundskeeping, maintenance, administration and catering, with further jobs created at peak times. The Community Council has questioned these figures, which do seem potentially ambitious compared to the level of existing employment (even accounting for the greater proportion of short term holiday let - aka hire fleet - units proposed, which would likely generate greater direct employment).



In terms of indirect benefits, it is generally accepted that caravans occupied as holiday homes provide less economic impact than short-stay holiday rentals where visitors are rotated and are likely to spend more money in the local economy. The application supporting statement acknowledges that most of the economic benefits would be realised by the smaller number of hire fleet lodges.

The supporting statement indicates the proposed 7no new short term holiday let units could generate between 1400 and 2100 additional holiday makers to the area per year. However, this is based on maximum occupancy, which is not currently achieved by the existing short term holiday let units. The Community Council considers these claims to be spurious and state that visitors to Pease Bay do not contribute to the local economy in any measurable way. The views of Visit Scotland were sought on this application and earlier applications, but have declined to comment on any. The Council's Economic Development service also did not respond to the consultation request but were supportive of the previous application.

LDP policy ED8 acknowledges the importance of tourism to economic growth, but seeks to ensure such developments balance other impacts. The pre-ambule specifically notes that caravan developments can be particularly visually intrusive in coastal locations. The Berwickshire coast is a key tourism and economic asset for the surrounding area and is given special protection by LDP policy EP14 (Coastal Policy). Visually intrusive development has the potential to harm this asset, resulting in longer term economic harm. This must also be factored into any assessment of potential economic benefits.

Policy ED8 also draws a clear distinction between caravan site developments which are close to towns, and those in more remote countryside locations as is proposed here. The policy favours caravan site developments within or on the edge of towns which support local shops, services and regeneration objectives. The nearest town or village here is Cockburnspath, around a mile from the site, where shop and service provision is very limited. Coldingham and Eyemouth are a significant distance from the site. The Community Council note that the existing holiday park benefits from its own shop and entertainment complex. Whilst this makes the holiday park more attractive to visitors, it is likely to reduce visitor demand for existing shops and businesses outwith the holiday park. It seems unlikely that the development would make any significant contribution to the sustainability of local shops, services or the regeneration of the nearest towns.

The application supporting statement has set out the potential economic benefits that might accrue from the development, which is helpful, and there is no doubt that some of these benefits would materialise. Overall, however, the level of economic benefit that can realistically be expected from this development is considered to be modest, even at a local level.

Finally, it should be noted that whilst LDP policy ED8 lists Pease Bay holiday park as an existing caravan site, this does not confer any particular significance for this application. The list identifies the main caravan sites in the Borders, which are subject of special policy protection from loss, which is not proposed here.

#### - Landscape and Visual Impacts

The proposed site is located within the Berwickshire Coast Special Landscape Area (SLA). The Local Landscape Designations SPG describes the cliffs and bays of the Berwickshire Coast SLA as one of the most dramatic sections of Scotland's east coast. The coastal landscape around Cockburnspath is described as wild, dramatic, and expansive, with steeply sloping landform providing pleasing, secluded landscapes with attractive colours. The SPG recommends that development along the coastal edge is carefully considered.

Local Development Plan policy EP5 (Special Landscape Areas) states that for developments which may affect SLAs, the Council will seek to safeguard landscape quality and will have particular regard to landscape impact, including visual impact. Proposals with a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national and local importance. Policy EP14 (Coastline) provides specific protection to Berwickshire's undeveloped coastline. More generally, policy PMD2 (Quality Standards) requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders landscape surroundings.

In objecting to the earlier application for an extension of 25 plots, the Council's Landscape Section raised particular concerns with: the extensive engineering works; siting the proposed plots across two separate

tiers, with the upper tier close to the public road; the extent of retaining structures required; and the density of the proposed development. The refused 18 plot proposals raised similar concerns.

The latest revised proposal generally retains the same general design approach and layout, but with greater mitigation of landscape and visual impacts. The proposed plots would extend across two tiers, but with two rather than three banks of retaining structures, which would comprise stacked sand and earth-filled bags hydroseeded to vegetate the walling (using the Flex-MSE system), rather than the gabion baskets previously proposed. The density of the developed area is largely unchanged. Further landscaping is also proposed and there are proposals for lodge colours.

The applicant commissioned a Landscape and Visual Impact Appraisal (LVIA) which was submitted alongside the application. The Council's Landscape Section has reviewed the proposals and LVIA and disagrees with some of its conclusions.

The proposed development would see the undeveloped hillside site transformed by cut and fill earthworks to create two arced tiers of densely arranged holiday lodge/ caravan plots. The applicant's landscape architects considers the earthworks to produce steps or terraces into the wider slopes with the overall gradient and shape of the landscape remaining unchanged. Whilst this may be the case, there is agreement with the Council's Landscape Section that the resulting scale of change would seem significant, and greater than small, as is assessed by the LVIA.

The existing caravan site is considered to have a high adverse visual and landscape impact, but is well contained by landform as it sits within the lower plains of the bay that surround Pease Sands. Both the Council's Landscape Section and objectors have again expressed concern that this new development would spread up the sides of the 'bowl' around Pease Bay, extending away from the existing developed area in the form of a spur.

Two of Scotland's Great Trails, the Southern Upland Way and the Berwickshire Coastal Path pass the site, along the public road adjacent to the site (or, more likely, its verge). The proposed development would be visually prominent at close range for various key public visual receptors. There is disagreement on whether views of the bay and beach may be obscured by the development. The likely impact of the development on long views does not appear to be disputed however. The development would be seen in the foreground of such views, with negative effects on visual amenity.

A crash barrier is required to prevent vehicles exiting the public road down to the lower level of the site. This is required along the public road for the full length of the developed parts of the site as well as where the vehicular access enters the site on high, made-up ground. Crash barriers have a harsh visual aesthetic and may have an incongruous appearance at this location. The crash barrier would also be a significant visual impact concern and could not be mitigated by planting, as is proposed (the Roads Planning Service has verbally confirmed objection to this). A fence is also required to prevent pedestrians falling into the site. The adverse visual intrusion of a lengthy section of crash barrier and the heavily engineered vehicular access at this location would be high. Dependent on final design, the fence (referred to as a pedestrian safety railing in the LVIA) could be impact visual amenity in this location.

Cumulative visual effects would arise, including sequential effects from the footpath and road network. The Landscape Section consider these effects to be considerable, particularly on approach from Old Linhead. Whilst planting is proposed between Old Linhead and the lodges this would take many years to mature and the applicant's landscape architect acknowledges this may not fully screen the development from such long views. The Landscape Section is also concerned views from the Pease Sands beach and Greenheugh Point may be affected, though any such impacts would seem more minor, as well as impacts from stilts, fencing, any additional railings and decking.

The Landscape Section acknowledge the potential benefits of the proposed Flex MSE system, but considers the level of retaining walling and levels changes would still result in considerable adverse landscape and visual impacts.

The application has been assessed on the basis that the Flex MSE system is feasible, however, reliance on this system would have raised further questions and concerns. There is no detailed design for the walling system, which would require to be prepared by a qualified engineer. The resulting scheme may require greater land-take than envisaged, affecting feasibility. An additional concern would be the practical

feasibility of the system in terms of its relationship with the public road and its verge. Discussions to date have not ruled out the principle of using such a system. However it would appear that the system may require the insertion of a geogrid (and potentially backfill) into the hillside, under the road verge, with a range of possible implications. There are further concerns in terms of plant establishment on an exposed, north-facing, coastal hillside, and in terms of maintenance and potential erosion implications. This may prove difficult to address or to regulate retrospectively through the planning system, for example in the event the system failed for any reason.

LDP policy PMD2 (Quality Standards) criterion (e) requires all development to provide appropriate internal and external provision for waste storage. Bin storage can have a significant visual impact and a sensitive, discreet approach often requires careful planning. No details have been provided regarding the management of waste. As well as the visual impact of such requirements, they could also impact opportunities for mitigatory planting.

The Landscape Section maintains its objection on the basis that the development would be harmful to the landscape character of the SLA. There is agreement with this conclusion. It is considered that the proposed development would have a significant adverse impact to landscape and visual amenity, and to the landscape quality of the Berwickshire Coast Special Landscape Area.

#### - Road Safety

Policy PMD2 requires developments to have no adverse impact on road safety and adequate vehicular access.

Vehicular access to the site would be taken from a new junction with the unclassified public road. The public road connects with the A1 at a roundabout near Co'path and with the A1107 Coldingham Tourist Road. The road is steep and winding in places. It crosses a ford on the far side of the holiday park.

There is significant community concern that traffic might increase on the minor road. Heavy vehicles use the road, which is narrow with passing places for much of its length back to Cove. There is also objector concern at the road's state of repair, and the impact on road safety arising during the construction phase of development. The Community Council request a traffic management plan as regards to the latter. As noted above, the road is used by the Southern Upland Way and the Berwickshire Coastal Path and there is no pavement. There are also no public transport links, therefore the development would be reliant on the private car.

The application proposes the erection of a crash barrier on the north side of the public road. This was previously a requirement of the Roads Planning Service. The precise details would require confirmation and agreement but this could be dealt with by planning condition. A condition would also be required to allow the technical assessment of the proposed retaining walls for the public road. The acceptability of this system is yet to be confirmed, but to date the Roads Planning Service has not indicated it is unacceptable. Otherwise the Service does not object to the application, or the additional traffic levels generated on the public road or wider road network. Transport Scotland also offer no objection in terms of traffic impacts on the A1 trunk road and the aforementioned roundabout.

#### - Vehicular Access

The new junction would be located in the south east corner of the site. The Roads Planning team are satisfied by the proposed vehicular access proposals. The proposals satisfy LDP policy PMD2 criterion (q) in this regard.

#### - Parking

Top tier lodges 1-9 (using the plot numbering system shown on landscape plan 03) would each be served by head-in parking bays. The remaining ten lodges, including three lodges on the top tier, would share a communal 10no bay parking area. The lodges on the lower tier would need to access the communal parking area by a staircase. There would be no dedicated turning head. Roads Planning are satisfied by the provision of parking proposed within the site and raise no concerns at the absence of dedicated turning. LDP policy IS7 (Parking Provision and Standards) is considered to be satisfied.

#### - Residential Amenity

Policy HD3 (Residential Amenity) states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The nearest dwellinghouse to the site is 'Old Linhead', located a short distance to the north-west of the site. Given the distances involved, there are no privacy concerns. Old Linhead and other residences at Cove Farm would also be affected by increased traffic levels and resulting noise and disturbance. The Environmental Health team have not responded to the consultation request but their response to an earlier application raised no such concerns, nor in terms of noise more generally, and there is no reason to find differently.

#### - Flood Risk and Surface Water Drainage

Policy IS8 of the Local Development Plan states that development will not be permitted if it would be at significant risk of flooding.

A peripheral portion of the proposed site is located within SEPA's 1 in 200 year flood risk area due to proximity to the Cockburnspath Burn. Plots and roads infrastructure would be outwith this area, being set back from the burn. A greater part of the site is understood to be within SEPA's 1 in 1000 year flood risk area. Scottish Planning Policy 2014 (SPP) defines this as being at low to medium risk of flooding and states that a flood risk assessment may be required for the most vulnerable uses. SEPA's land use vulnerability guidance identifies caravans and chalets as being within the most vulnerable use category.

Both SEPA and the Flood Risk Officer lodged holding objections initially. The concerns of both, in relation to attenuation, the discharge rate, and the 1 in 1000 year floor risk area, have been addressed and these objections have been removed. Had the application been supported, it may have been appropriate to attach a planning condition or conditions to ensure the delivery of attenuation/ drainage measures outlined in the Flood Risk Assessment.

#### - Ecology

Ecological interests include the nearby Pease Bay Coast Site of Special Scientific Interest (SSSI) located around 270m to the north, and the Cockburnspath Burn, which bounds the site to the north. Potential environmental impacts could arise during the construction phase (e.g. pollution/ sediment discharge to the burn) and operational phases (e.g. lighting of the site may impact bats) as well as by the loss of habitats. There is also objector concern that landslips may occur.

The applicant submitted an Ecological Impact Appraisal (EclA) with the application. The same report was lodged previously and was carried out in 2018. This found no connectivity to the SSSI, and judged habitats within the site itself to be of low ecological value. No conclusive evidence of protected species was found but breeding birds were considered likely to feed on scrub during the breeding season.

There was no Ecology Officer in post at the time of submission, however the Council's Ecology Section assessed the previous proposals based on the same EclA, which it is acknowledged is now some years old. Potential construction impacts could be managed by a suitable Construction Environment Management Plan, which could incorporate comments from an engineer to address possible landslip concerns. On a largely precautionary basis, the Ecology Section recommended that potential impacts on protected species could be mitigated by means of a Species Protection Plan for bats, badger, breeding birds and reptiles. The Ecology Section also recommended agreement of an updated Landscape and Biodiversity Enhancement Plan and did not object to the previous application subject to such conditions.

#### - Waste Water Drainage

LDP policy IS9 (Waste Water Treatment and SUDS) states that the preferred method of dealing with waste water (i.e. foul waste) associated with new developments would be the direct connection to the public sewerage system. For development in the countryside, the use of private sewerage may be acceptable provided negative impacts to public health, the environment, watercourses or ground water can be avoided. Policy EP15 (Development Affecting the Water Environment) is also relevant in this regard. Private foul drainage arrangements are proposed and would be the subject of licencing by SEPA. Waste water would be

treated by package treatment, with outfall subject to UV filtration before discharge to sea via the Cockburnspath Burn. The proposals are indicative and would require to be controlled by fully suspensive planning condition. SEPA advise that the applicant contact their permitting team to ensure suitable treatment can be achieved. This is an important point and could be relayed by applicant informative.

- Other Matters

The application form states that a public water is proposed. Scottish Water has confirmed capacity. Planning conditions could secure provision and ensure no private supply is used unless agreed by the Planning Authority.

No access routes would be directly affected by the proposals. There is therefore no conflict with LDP policy IS5 (Protection of Access Routes). Indirect impacts such as visual impact would be significant and are considered further above.

The proposed site is classified as Prime Agricultural Land by the James Hutton Institute, however it is steeply sloping semi-improved grassland and does not meet this standard in practical terms.

**REASON FOR DECISION:**

The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.

**Recommendation:** Refused

- 1 The proposals are contrary to Local Development Plan policies PMD2 (Quality Standards), ED8 (Caravan and Camping Sites), EP5 (Special Landscape Areas), and EP14 (Coastline). The siting and design of the proposed development would have a significant adverse landscape and visual impact on the landscape quality of the Berwickshire Coast Special Landscape Area. The benefits of the development, including economic benefits, would not outweigh this harm. This conflict with the Local Development Plan is not overridden by any other material considerations.

**“Photographs taken in connection with the determination of the application and any other associated documentation form part of the Report of Handling”.**