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## SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTES of Meeting of the PLANNING AND BUILDING STANDARDS COMMITTEE held in Council Chamber, Council Headquarters, Newtown St Boswells, and via Microsoft Teams on Monday, 6th February, 2023 at 10.00 am

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Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr and S. Scott

Apologies:- Councillors N. Richards, E. Small and V. Thomson

In Attendance:- Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (F. Rankine), Democratic Services Team Leader, Democratic Services Officer (W. Mohieddeen).

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 9 January 2022.

**DECISION**

**AGREED to approve the Minute for signature by the Chair.**

2. **APPLICATION.**

There had been circulated copies of a report by the Chief Planning and Housing Officer on an application for planning permission under Section 36 of the Electricity Act 1989 which required consideration by the Committee.

**DECISION**

**DEALT with the applications as detailed in Appendix I of this Minute.**

3. **APPEALS AND REVIEWS.**

There had been circulated copies of a briefing note by the Chief Planning and Housing Officer on Appeals to the Scottish Ministers and Local Reviews.

**DECISION**

**NOTED that:**

(a) **There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 26 January 2023 which related to a site at Land West of Slipperfield House, Slipperfield Loch, West Linton.**

(b) **Review requests had been received in respect of:**

(i) **Erection of agricultural building (retrospective), Ravelaw Farm, Duns; and,**

(ii) **Erection of timber storage and processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission in principle for associated dwellinghouse with office for the timber processing facility, Land South**

**West of West Loch Farmhouse, Peebles;**

- (c) The following reviews had been determined as shown:
- (i) Change of use of land and plot layout to form extension to caravan park, Land West of Pease Bay Holiday Home Park, Cockburnspath – Decision of Appointed Officer Overturned (Subject to Conditions); and,
  - (ii) Erection of dwellinghouse and associated works, Land East of 16 Hendersyde Avenue, Kelso – Decision of Appointed Officer Overturned (Subject to Conditions and a Legal Agreement);
- (d) There remained 8 reviews previously reported on which decision were still awaited when the report was prepared on 21 December 2022 which related to sites at:

<ul style="list-style-type: none"><li>• Townfoot Hill, Land North West of Cunzierton House, Oxnam, Jedburgh</li></ul>	<ul style="list-style-type: none"><li>• Land North East of Runningburn Farm, Stichill</li></ul>
<ul style="list-style-type: none"><li>• Land at Silo Bins Edington Mill Chirnside, Edington Mill Road, Chirnside</li></ul>	<ul style="list-style-type: none"><li>• Land South West of Castleside Cottage, Selkirk</li></ul>
<ul style="list-style-type: none"><li>• Land South West of Corstane Farmhouse, Broughton</li></ul>	<ul style="list-style-type: none"><li>• Land North and East of Clay Dub, Duns Road, Greenlaw</li></ul>
<ul style="list-style-type: none"><li>• 17 George Street, Eyemouth</li></ul>	<ul style="list-style-type: none"><li>• Dove Cottage Gate Lodge Press Castle, Coldingham, Eyemouth</li></ul>

- (e) There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 26 January 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.

*The meeting concluded at 10.50 am.*

**APPENDIX I**  
**APPLICATION UNDER SECTION 36 OF THE ELECTRICITY ACT 1989**

<b><u>Reference</u></b>	<b><u>Nature of Development</u></b>	<b><u>Location</u></b>
22/01532/S36	Erection of Battery Electricity Storage System (BESS) and Associated Infrastructure	Land East of Fernyrig Farm, Coldstream

DECISION: Approved as per officer recommendation. SBC to advise the ECU that it does not object to the proposed development, subject to the recommended conditions as set out below:

1. The battery storage facility and associated infrastructure hereby approved shall be removed from the site no later than 38 years after the date when electricity is first generated unless otherwise approved by the Planning Authority through the grant of a further planning permission following submission of an application. Written confirmation of the commencement date of electricity storage shall be provided to the planning authority within one month of that date.  
Reason: In order to limit the permission to the expected operational lifetime of the battery storage facility and to allow for restoration of the site in the event that the use is not continued by a further grant of planning permission for a similar form of development.
2. No development shall commence until the following precise details have been submitted to and agreed in writing with the Planning Authority;
  - i. the final site layout,
  - ii. the design and appearance of all buildings and equipment to be installed within the site including their external material finish and colour
  - iii. the design and appearance of all acoustic barriers, fences and means of enclosure including their material finish and colour
 Reason: The final proposed site layout has not yet been determined therefore further details are require to achieve a satisfactory form of development which respects the character and amenity of the rural area.
3. No development shall take place except in strict accordance with a scheme of landscaping works, which has first been submitted to and approved in writing by the Planning Authority. Details of the scheme shall include
  - i. Existing and finished ground levels in relation to a fixed datum preferably ordnance
  - ii. Indication of existing trees, shrubs and hedges to be removed, those to be retained and, in the case of damage, proposals for their restoration
  - ii. Location of new trees, shrubs and hedges, which includes increased depth of the planting belt to the south and boundary planting to the north east, north and western sides of the site.
  - iv. Schedule of plants to comprise species, plant sizes and proposed numbers/density
  - v. programme for completion and subsequent maintenance.
 Reason: To ensure the satisfactory form, layout and assimilation of the development.
4. No development shall commence until precise details of the access upgrades of the existing forestry track from the A697 through the Crown Gorse plantation have been submitted to and agreed in writing with the Planning Authority. The upgraded access must comply with the Design Manual for Roads and Bridges CD 123 - Geometric design of at-grade priority and signal-controlled junctions. The submitted details must also confirm that suitable visibility splays are provided in either direction from the junction of the forestry track and the A697 to the satisfaction of the Planning Authority

and also identify all trees and areas of vegetation which are required to be removed and where relevant reinstated. Once agreed, the development should be undertaken in accordance with the agreed details.

Reason: To ensure that the site access is upgraded to a suitable standard to safely serve the development.

5. No development shall commence until a Construction and Environmental Management Plan ("CEMP") outlining site specific details of all onsite construction works, post-construction reinstatement, drainage and mitigation, together with details of their timetabling, has been submitted to and approved in writing by the Planning Authority. The CEMP shall include (but shall not be limited to):
  - a) Risk assessment of potentially damaging construction activities.
  - b) Identification of "biodiversity protection zones".
  - c) Method Statements to avoid or reduce impacts during construction, the location and timing of sensitive works to avoid harm to biodiversity features and the use of protective fences, exclusion barriers and warning signs.
  - d) The times during construction when specialist ecologist need to be present on site to oversee works.
  - e) Responsible persons and lines of communication.
  - f) The role and responsibilities on site of Ecological Clerk of Works (ECoW) or similar competent person.
  - g) A Drainage Management Plan
  - h) A Site Waste Management Plan

Thereafter the development shall be implemented in accordance with the approved CEMP unless otherwise agreed in writing with the Planning Authority.

Reason: To ensure that all construction operations are carried out in a manner that minimises their impact on road safety, amenity and the environment, and that the mitigation measures contained in the Environmental Statement accompanying the application, or as otherwise agreed, are fully implemented.

6. No development shall commence until the following Ecological mitigation measures have been submitted to and approved in writing by the Planning Authority and thereafter, no development shall take place except in strict accordance with those details. The submitted details shall include:
  - a) a Species Protection Plan (SPP) for; bats, breeding birds, badgers and red squirrels
  - b) A scheme detailing compensatory planting and habitat enhancements

Reason: To ensure that species and habitats affected by the development are afforded suitable protection during the construction and operation of the development.

7. No development shall commence until a scheme of decommissioning and restoration of the site including aftercare measures shall be submitted for the written approval of the Planning Authority. The scheme shall set out the means of reinstating the site to agricultural use following the removal of the components of the development. The applicants shall obtain written confirmation from the Planning Authority that all decommissioning has been completed in accordance with the approved scheme and (unless otherwise dictated through the grant of a new planning permission for a similar form of development) the scheme shall be implemented within 12 months of the final date electricity is generated at the site and in any case before the expiry of the time period set by Condition 1.

Reason: In to ensure that the site is satisfactorily restored following the end of the operational life of the development in the interests of the amenity of the area.

8. No development hereby approved shall commence until the detailed drainage design has first been submitted to, then approved in writing by the Planning Authority.

Thereafter the agreed details shall be fully implemented prior to the site becoming operational, unless otherwise agreed in writing.

Reason: To ensure the site is adequately drained and does not increase the likelihood of flooding within and beyond the site.

9. The free-field Leq(1 hour) noise levels emitted by plant and machinery used on the premises will not exceed the values detailed in Table 1 when measured externally at the nearest occupied residential Noise Sensitive Receptors, as existing or consented at the time of this consent unless otherwise agreed in writing with the Planning Authority.

Table 1: Noise Limits

Time	Descriptor	Frequency (Hz), dBZ								
		31.5	63	125	250	500	1000	2000	4000	8000
23:00 – 07:00	Night	79	61	49	41	34	30	27	24	23
07:00 – 23:00	Day	86	69	58	50	44	40	37	35	33

Reason: To protect nearby residents from undue noise and disturbance.

10. Prior to construction works commencing on site, an updated Construction Traffic Management Plan shall be submitted to and approved in writing by the planning authority.

Reason: To ensure appropriate mitigation measures are deployed to manage the impact of the construction traffic on the public road network.

11. Prior to construction works commencing on site, a vehicle wheel wash shall be installed at or close to the site entrance and all construction vehicles must use the wheel wash before exiting the site and travelling along public roads. The precise details of the wheel wash shall be agreed in writing with the planning authority prior to installation.

Reason: To minimise the risk of debris from the works being deposited onto public roads.

12. During the construction phase of development, provision shall be made for a road sweeper to be deployed along the A697 in the vicinity of the site entrance. The precise details of the frequency of road sweeping shall first be agreed in writing by the planning authority.

Reason: To ensure the public roads are kept clear of debris from the construction works.

13. All heavy goods vehicles carrying spoil or construction materials to and from the site shall be sheeted.

Reason: To prevent the spillage or deposit of any materials onto the public road.

Members also agreed that the retention of existing woodland as well as additional landscaping within the site would be required to ensure the successful completion and screening of the development. This view should be conveyed to ECU in the planning authority's response.

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