

SCOTTISH BORDERS COUNCIL PLANNING AND BUILDING STANDARDS

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 March, 2023 at 10.00 am

Present:- Councillors S. Mountford (Chair), J. Cox, M. Douglas, D. Moffat, A. Orr, N. Richards, S. Scott, E. Small and V. Thomson

In Attendance:- Planning and Development Standards Manager, Lead Planning Officer (B. Fotheringham), Lead Roads Planning Officer (D. Inglis), Solicitor (S. Thompson), Lead Officer Heritage and Design (D. McLean), Heritage and Design Officer (S. Roberts), Democratic Services Team Leader, and Democratic Services Officer (W. Mohieddeen)

ORDER OF BUSINESS

The Chair varied the order of business as shown on the agenda and the Minute reflects the order in which the items were considered at the meeting.

1. **MINUTE.**

There had been circulated copies of the Minute of the Meeting held on 6 February 2023.

DECISION

AGREED to approve the Minute for signature by the Chair.

2. **NEWSTEAD SUPPLEMENTARY PLANNING GUIDANCE: NEWSTEAD CONSERVATION AREA APPRAISAL AND MANAGEMENT PLAN**

There had been circulated copies of a report by Director Infrastructure and Environment that proposed approval for public consultation of the Draft Newstead Conservation Area Appraisal and Management Plan Supplementary Planning Guidance. The Newstead Conservation Area Appraisal and Management Plan (CAA & MP) was the first of a programme for review of all 43 conservation areas in the Scottish Borders. The review would result in a CAA & MP being produced for each conservation area. It was proposed that the Draft Newstead Conservation Area Appraisal and Management Plan Supplementary Planning Guidance, detailed in Appendix A of the report, was subject to public consultation for a period of 12 weeks. Responses received as part of the public consultation would be used to inform a finalised CAA & MP. A summary of responses to the public consultation and the finalised CAA & MP would be brought back to Planning and Building Standards Committee for adoption. The Chair invited Sanne Roberts, Heritage and Design Officer, and Debbie McLean, Lead Officer Heritage and Design, to present the report and answer Members' questions. Conversation areas were explained and Members were advised that there were 43 conversation areas in the Scottish Borders. The Conservation Area Appraisal set out the history of the area and identified special architectural and historic interest, including elements such as layout, views, landscape, trees, buildings, structures and spaces. The Management Plan provided guidance on how change can happen in a way that preserved and enhanced special character which included development guidelines and enhancement opportunities. Local authorities were obligated to produce CAAs and MPs under the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and were also a requirement of the National Planning Framework 4 and the Local Development Plan under Policy EP9. The purpose

of the CAA and MP for Newstead was to provide clarity and transparency for the planning process, promote special aspects the local community and heritage of the area, and to support local funding applications. The Lead Officer Heritage and Design presented slides of the Newstead Conversation Area. The Appraisal summarised the historic context of the village and its architectural character. The Management Plan set out guidance on maintenance and planning advice. A 12-week consultation on the CAA and MP was proposed with responses to be collated and inform a report and supplementary planning guidance to be submitted to the Committee at a future meeting. In response to a question on solar panels, Members were advised that there was guidance available to help with net zero ambitions and discrete climate actions for conversation areas. The draft Management Plan also referred to available advice on replacement windows and doors which advised owners of their responsibilities. Members were advised that the CAA and MP were to help the Committee balance area conservation aspects in planning decisions and not to prevent development. The consultation was due to begin after Easter 2023 and a report would be anticipated to be presented to the Committee in the autumn. It was anticipated there would be two conservation reviews per year.

DECISION

AGREED the draft Newstead Conservation Area Appraisal and Management Plan Supplementary Planning Guidance for public consultation.

3. UPDATE ON NATIONAL PLANNING FRAMEWORK AND IMPLICATIONS FOR LOCAL DEVELOPMENT PLAN AND PLANNING DECISIONS

3.1 The Chair invited the Planning and Development Standards Manager to present an update on the National Planning Framework 4 (NPF4). NPF4 was adopted by the Scottish Government on 13 February 2023 and differed substantially from previous iterations which were largely focused on facilitating development and economic growth at a very strategic level. While these would remain important considerations, the document signalled a different emphasis which prioritised climate action and an ambition to achieve a net zero, sustainable Scotland by 2045. NPF4 would have a significant bearing on how local authorities undertook preparation of Local Development Plans (LDPs). In particular, NPF4 guided how local authorities could quantify future housing requirements and allocate development sites. NPF4 became part of the development plan and replaced the SESPlan regional development plan and the 2014 Scottish Planning Policy which were now no longer Scottish Government policy. There were three parts to NPF4 covering the National Spatial Strategy for Scotland 2045, the National Planning Policy, and annexes which added detail to the framework. There were six spatial principles which were detailed as:

- A just transition to net zero;
- Conserving and recycling of assets;
- Local living;
- Compact urban growth;
- Rebalanced development; and,
- Rural revitalisation.

3.2 These principles were expected to deliver on three overarching themes linked to the UN sustainable development goals which were:

- Sustainable places;
- Liveable places; and,
- Productive places.

3.3 NPF4 covered regional priorities for 5 geographic areas in Scotland. The Planning and Development Standards Manager advised there was one area that directly affected and one area that indirectly affected the Scottish Borders – one that covered the central belt, and the other that covered south Scotland. Priorities for south Scotland included the protection of environmental assets and stimulation of investment in natural and engineered solutions to climate change whilst decarbonising transport and building resilient physical and digital connections; increasing the population by improving local

liveability and supporting sustainable rural development and supporting local economic development whilst making substantial use of the area's world-class environmental assets to innovate and lead greener growth.

- 3.4 There were 33 policies in part 2 of NPF4 grouped by the three overarching themes. These were effectively directions for matters to be covered in revised Local Development Plans but, because it became a formed part of the development plan, also included matters which would be considered in the determination of individual planning applications. Where there were contradictory policies, NPF4 acknowledged them and confirmed that decision-makers were to determine which priorities were to take precedence. Part 3 of NPF4 set out appendices which provided additional detail on national development, spatial priorities and housing allocations. NPF4 was now referred to in planning reports and officers were content there was not major inconsistencies with the LDP2. Copies of NPF4 would be circulated by officers to the committee and support from officers on NPF4 would be available. Development of the next local development plan would incorporate developments in the policy framework outlined in NPF4.

DECISION

NOTED the update.

4. **PLANNING PERFORMANCE FRAMEWORK FEEDBACK**

The Planning and Development Standards Manager presented slides on an update on a summary of feedback from the Scottish Government on the annual planning performance framework. The 11th iteration of the Planning Performance Framework was presented which was established in 2012 to provide a rounded approach to assess the planning service incorporating indicators for performance and good practice. Speed of decision-making was not the only indicator, but there was focus on effectiveness and performance. Indicators were ranked on a red-amber-green scale and Scottish Borders Council attained 12 green rating and one red rating. The 'red' rating on the local development plan was due to the local development being over 5 years old which was affected by Covid-19 response. Decision-making timescales were shown to be 'green' rated across three indicators. The Chair noted this was the best report on the Planning Performance Framework since he had joined the committee on 2012.

DECISION

NOTED the update.

5. **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) **Two appeals had been received in respect of:**
- (i) **Installation of signage to gable wall (retrospective), 1 Hall Street, Galashiels; and,**
 - (ii) **Change of Use of an existing agricultural building to dwellinghouse, The Old Cow Shed, Lennel, Coldstream;**
- (b) **There remained one appeal previously reported on which a decision was still awaited when the report was prepared on 23 February 2023 which related to a site at Land West of Slipperfield House Slipperfield Loch, West Linton.**
- (c) **Review requests had been received in respect of:**

- (i) **Erection of boundary fence (retrospective), 100 Abbotseat, Kelso; and,**
 - (ii) **Erection of 4 no dwellinghouses, Land West of Greenburn Cottage, Auchencrow,**
- (d) **The following reviews had been determined as shown:**
- (i) **Erection of residential holiday let with associated facilities, Townfoot Hill, Land North West of Cunzier-ton House, Oxnam, Jedburgh – Decision of Appointed Officer Overturned (subject to conditions).**
- (e) **There remained 9 reviews previously reported on which decisions were still awaited when the report was prepared on 23 February 2023 which related to sites at:**

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

- (f) **There remained one Section 36 Public Local Inquiry previously reported on which a decision was still awaited when the report was prepared on 23 February 2023 which related to a site at Land West of Castleweary (Faw Side Community Wind Farm), Fawside, Hawick.**

URGENT BUSINESS

Under Section 50B(4)(b) of the Local Government (Scotland) Act 1973, the Chair was of the opinion that the item dealt with in the following paragraph should be considered at the meeting as a matter of urgency, in view of the need to make an early decision or to keep Members informed.

6. UPCOMING WIND FARM PLANNING APPLICATIONS

The Lead Planning Officer provided Members with a position update on wind energy planning applications that were likely to be considered by Committee in the coming months. The Cloich wind farm application was likely to be presented to the Committee on at its 27 March meeting and Members were offered the opportunity to have a site visit. Officers would contact members to arrange a date for a site visit and transport could be available. Accessible points would be selected at the site visits to support Members with mobility needs. In response to a question from Members, the Lead Planning Officer advised that section 36 applications related to applications that exceeded 50 megawatts were determined by the Scottish Government Energy Consents Unit and that Scottish Borders Council were a consultee. Section 42 applications were related to modifications of earlier granted permissions for wind farms such as extension of lifespan or changes in height. Heights of turbines which were to be considered were averaging between 150 metres and 200 metres. In response to a question regarding studies that informed wind farm applications, the Planning and Development Standards Manager advised that previous guidance from Ironside Farrar may still have a role in the context of NPF4 in determining responses to wind farm applications depending on suitability and context. With regards to roads in wind farm applications, this would only come to Committee for consideration if roads there were new roads planned. Cumulative impact of windfarms in landscapes were usually considered to guide development.

DECISION
NOTED the update.

The meeting concluded at 11.20 am.