

From: Dods, Ranaid <Ranaid.Dods@scotborders.gov.uk>

Sent: 07 Mar 2023 11:57:24

To: localreview@scotborders.gov.uk

Cc: idoxdmslive@scotborders.gov.uk

Subject: Land South West of West Loch Farmhouse, Peebles - 22/00933/FUL and 23/00001/RREF

Attachments:

Fiona,

In response to your request of 22nd February for further information relating to the impact of NPF4 on the above planning application and subsequent review, the relevant policies from NPF4 are set out below.

Relevant NPF4 policies

3 Biodiversity; **4** Natural places; **5** Soils; **7** Historic assets and places; **9** Brownfield, vacant and derelict land and empty buildings; **13** Sustainable transport; **14** Design, quality and place; **17** Rural homes; **18** Infrastructure first; **22** Flood risk and water management; **23** Health and safety; **26** Business and industry; **29** Rural development.

| Key policies considered in NPF4 |
|--|
| 3 – Biodiversity The lack of ecological information submitted with the application means the potential impact on the natural environment could not be gauged and it has not demonstrated that appropriate measures would be in place to conserve, restore and enhance biodiversity nor that any potential adverse impacts, including cumulative impacts, of development proposals on biodiversity, nature networks and the natural environment have been minimised through careful planning and design. The development may have a detrimental impact on nature networks and connections or enhancing biodiversity. There may be an adverse impact on mature trees adjacent to the site as a result of the proposed development and there may be biodiversity loss through disturbance resulting from both the groundworks required and the industrial operations proposed on the site. |
| 4 - Natural places The lack of ecological information submitted with the application means the potential impact on the natural environment could not be gauged. However, the development proposes a timber storage and processing yard and this industrial facility, by virtue of its type, location or scale, may have an adverse effect on the natural environment of the area and on species protected by legislation. The application did not demonstrate that the development proposals are not likely to have an adverse effect on species protected by legislation or that the proposal would meet the relevant statutory tests or that the level of protection required was factored into the planning and design of the development. The development would, therefore, be contrary to the terms of policy 4. |
| 5 – Soils This is an undeveloped greenfield site, sloping from the north west boundary (approximately 283m AOD) to the public road on the south eastern edge of the site (approximately 281m AOD) with a higher area in the centre of the field (being approximately 286.5m AOD). The level difference between the high points of the field and the boundary with the public road is therefore in the order of 5.5m. The sectional drawing PEN22S01-10-106 A shows the degree to which, along that section line, the ground level would be altered. That shows a reduction in ground level, through the removal of soil, of somewhere in the order of 2.6m. A reduction in the order of 1.2m would be required for the timber chipping building. The degree of soil disturbance required to create the level site (roughly 0.98ha in area free of bunding and planting) required for this development would be significant given the size of the site and would, therefore, be contrary to the requirements of policy 5. |
| 9 - Brownfield, vacant and derelict land and empty buildings The site is greenfield within the countryside. The land is not allocated for industrial purposes or housing nor is either proposal supported explicitly by policies within the LDP. The development would be contrary to policy 9. |
| 14 - Design, quality and place The proposal would introduce an industrial process into a rural setting and would alter fundamentally the character of the area and would not allow the easy introduction of different uses, other than different industrial uses or storage and distribution, which would also be at odds with the rural setting. The introduction of an industrial process to this rural |

location and the noise and potential impact on air quality associated with that would be detrimental to the amenity of the surrounding area. The development would not, therefore, be consistent with the six qualities of successful place set out in NPF4.

17 - Rural homes

Policy 17 requires that development is, amongst other things, suitably sited to be in keeping with the character of the area. The application site is an isolated rural greenfield site, there is no building group within close proximity to the site and it is not allocated for housing in the LDP. The isolated house would be out of character with the area.

Additionally policy 17 requires, amongst other things, that any new dwellinghouse would need to demonstrate a necessity to support the sustainable management of a viable rural business and there is an essential need for a worker to live permanently at or near their place of work. The business proposed would not be appropriate for this rural location and the necessity for a house has not been demonstrated.

The proposal would, therefore, be contrary to policy 17.

23 - Health and safety

Policy 23 states clearly that “...proposals that are likely to raise unacceptable noise issues will not be supported”. In this instance, the business proposed for this site involves the processing of timber into woodchips. In the documents supporting their application, a report from Midlothian Council acknowledges that wood chipping carried out is a noise generating process and that this was likely to have an adverse effect on the new housing development which was then being considered close to the company’s existing site. That led to a recommendation for refusal from that council’s Environmental Health Officer after that officer expressed significant concerns relating to noise impacts. It is clear that the industrial process to be carried out on the site is likely to raise unacceptable noise issues for residential properties in the area and, therefore, in terms of policy 23, support cannot be given to the proposal.

26 - Business and industry

Business and industrial proposals outwith sites allocated in the LDP for those uses cannot be supported in terms of policy 26 unless it has been demonstrated there are no suitable alternatives allocated in the LDP or identified in the employment land audit and the nature and scale of the activity is compatible with the surrounding area.

In addition, proposals for business and industry will take into account the impact on surrounding residential amenity, sensitive uses and the natural and historic environment. Consideration is given to those issues under other policies within NPF4. As the site is a greenfield in a rural location, not allocated in the LDP for business and industrial uses and is likely to have an unacceptable impact on residential amenity, the proposal would be contrary to policy 26.

29 - Rural development

Whilst support is given by this policy to processing facilities for local produce, the company which would operate from the site connects with landowners throughout Scotland, offers commercial timber harvesting and management services and operates throughout central Scotland and the Borders. The company also operates a timber haulage service and offers for hire curtain sided and fridge trailers. These are operations which would be more appropriately sited within an industrial area allocated in the LDP for such uses rather than on this unallocated rural site. The scale, siting and design would not be in keeping with the rural character of the area and would impose additional transport loading on the public road network. Taking the above into consideration, the proposal would be contrary to policy 29.

Ranald

From: localreview <localreview@scotborders.gov.uk>

Sent: 22 February 2023 16:43

To: Dods, Ranald <Ranald.Dods@scotborders.gov.uk>

Subject: Land South West of West Loch Farmhouse, Peebles - 22/00933/FUL and 23/00001/RREF

Importance: High

Good Afternoon

Further to the Local Review Body held on 20 February 2023, as you will be aware the Scottish Government adopted, with effect from 13 February 2023, the National Planning Framework 4 (NPF4). As this supersedes previous guidance and has been incorporated into the Local Development Plan, we must, in terms of Section 25 of the Planning Act 1997, ensure that Planning Decisions and Reviews take account of this new Framework.

To this end, comments on the impact of NPF4 on the above planning application and subsequent review are being sought from the Officer and Applicant. In order that the application be continued to the earliest Local Review Body Meeting, the further information must be provided by **Wednesday, 8 March 2023** and be sent to the Clerk of the Local Review Body by email to localreview@scotborders.gov.uk. This will then be forwarded to the Applicant for comments and they have further 14 days in which to respond.

Should you require any further assistance, please do not hesitate to contact me.

-

Thanks Fiona

Fiona Henderson
Democratic Services Officer
Democratic Services
Resources
Council Headquarters
NEWTOWN ST BOSWELLS TD6 0SA
 DDI : 01835 826502
 fhenderson@scotborders.gov.uk