

25 January 2023

Clerk to the Local Review Body  
Council Headquarters  
Newtown St. Boswells  
Melrose  
TD6 0SA

Ref:- Planning Application 22/00933/FUL -Appeal Ref 23/00001/REF

Land South West of West Loch Farmhouse Peebles Scottish borders - Objection

Dear Ms McGeoch

We wish to make further representations to this appeal. These refer to the applicant's 'Grounds of Appeal Statement :-

**Item 25 - sub para 2 & Items 37 & 38**

*"Scottish Borders LDP Policy ED7 explicitly supports timber processing facilities in countryside"*

The policy says nothing of the sort, but refers to **forestry operations**" a very different thing. Forestry operations are those one would reasonably expect to be associated directly with the forest. E.g. planting, care and felling, even temporary storage of such felled timber.

These operations are by their nature sporadic and have no ongoing open-ended permanent impact on the local environment. Timber processing is quite different. This involves transforming the timber into an end product, there is no requirements or justification in ED7 for this. .

One might as well classify a furniture factory or a paper mill as a '*forestry operation*'. A wood fuel processing plant is not a forestry operation it is an industrial process, a '*timber processing facility*' in the applicants own words.

It does not fall into the '*appropriate to the rural character of the area*'. It also contravenes the requirements to '*have no significant adverse impact on nearby uses, particularly housing*'

This is especially ironic as the applicant is being required to move the existing facility at Loanhead exactly because of its impact.

### **Item 25 sub para 3**

*"The application site is located within the 1,000 hectare Westloch Forest Estate which has been the subject of a recent restocking and replanting programme as a commercial conifer forest."*

So what?

The West Loch Estate has no commercial contract with the applicant any more than with any of the rest of the surrounding forestry. They may hope to obtain timber from these estates but they may never achieve this.

Even though they give an undertaking to obtain all their timber from within the Scottish Borders the siting of their proposed processing plant bears no relevance.

West Loch is located in the NW corner of the Scottish Borders so if a location using existing routes to minimise traffic was chosen the Central Borders would be more appropriate on those grounds. A site at or near West Loch still needs transport of the processed material to Loanhead. At the moment this is just round the corner from Pentland Plants so transport distance of processed material is very small.

### **Item 25 sub para 4 & 6**

*"The application site benefits from its direct access to the A703 which is an Approved Route for Timber Transportation" & "The site clearly benefits from existing, direct access to approved timber transport routes"*

No it doesn't have '**direct access**', no matter how often they keep saying this. The actual access is via a consultative route. We also find interesting the applicants comments in PB01 Road Officers Updated Response that :-

*"In this respect, Pentland Biomass has been using this minor public road to access and transport existing timber stocks throughout this area for a number of years and have encountered no issues, constraints or difficulties with this route for their HGVs."*

As this would seem to be regular use of a consultative route, what consultations have taken place prior to this usage? As far as we can ascertain there seems to be no record of Pentland Biomass having consulted with anyone on this usage.

### **Item 26 27 & 28**

Simply because a building is of agricultural design and scale is not the reason planning permission for these is not required, it is because they are for **agricultural use**.

Not to house a noisy industrial timber processing plant. We believe the council would be down on us quickly if we built an agricultural shed and then used it as a house.

### **Item 29**

*"This is not a large scale industrial facility"*

Agreed! It is a small/medium scale industrial facility.

### **Item 30 to 34**

The Planning Officer has in fact exactly described what the processing plant is. While timber storage alone could be appropriate, it is the processing of this timber which isn't. So it **is** an industrial development, the building design is irrelevant as it is not an agricultural operation.

### **Items 35 to 37**

The applicant has completely misconstrued policy ED7 and is still trying to make a forestry operation the same as a timber processing facility. The intent of ED7 is quite clear. To encourage such businesses and diversification as do not impact on the rural nature of the countryside and to ensure that inappropriate developments, like the applicants, do not take place there.

West Loch is a very quiet residential community located on a minor road. The applicants propose to destroy that very rural quiet location by sticking a very noisy industrial process in a field next to their houses.

### **Item 38**

Not sure how often we have to repeat this.. The processing plant isn't a 'forestry operation'

### **Items 40 to 42**

We found Mr Collar's opinion interesting and looked up the case he cites. This case appears to concern solely the **storage** of timber, nothing to do with processing it. The forestry operation necessary in the cited case being only storage. We are sure that, were the applicants intention that the site at West Loch is to be used only for long term storage and natural drying, then there would likely be few, if any, objections on noise grounds. The application including processing, in the West Loch application is NOT supported by policy ED7.

### **Item 43**

The suggested restriction is nothing of the sort, "*ancillary timber processing*" is an industrial process . "*Class 5 - General Industrial. Use for the carrying on of an industrial process other than one falling within class 4 (business).*"

### **Items 45 to 47**

These items are so disingenuous as to beggar belief! The applicants themselves, in their original application, stated clearly that they advertised for a site :-

*"Due to noise from machinery, the site should be located at least 1000metres from any existing or planned residential properties".*

In the search at West Loch we are advised they considered the higher group of redundant farm buildings but dismissed these as unsuitable as they were too close for noise purposes. Those buildings are almost exactly the same distance from the West Loch Steading as the new proposed site is from the Farmhouse and the Steading. I understand Mr Hutchison of 2 West Loch Cottages can attest to the sites actually looked at on the West Loch Estate.

So here we have an applicant who knows there are serious noise concerns and yet states "*we were not asked to provide such an assessment*" and yet they themselves had made the assessment that a separation of **at least 1000m** was necessary! A distance I'm sure the residents of West Loch would agree with!

### **Items 49 to 54**

Once again we see the applicants telling only part of the story. Their stated reasons for moving the site are the conflict of their present yard and the possible re-routing of the A701.

They do not own the present site, it is on short term lease and we understand the whole area has been acquired for housing development. We feel it is unlikely therefore that MLC would have refused permission for a recent residential development close to the existing site knowing full well Pentland Biomass would be vacating their existing processing yard in the near future, there would be no noise conflicts, and therefore moving to meet the huge demand for new housing required in the local area did not need to be delayed.

To try and portray the required noise assessment as '*to protect the timber yard operator*' is farcical. The MLC Environmental Health Officer DID have significant concerns. That was for the residents, not the yard operator, who, as HSE regulations requires, and attested to in the applicant's own photographs clearly shows the necessity of their staff wearing approved ear defenders on site.

The Airshed noise assessment will no doubt be interesting and we are sure will illustrate the present quiet peacefulness of the location.

### **Item 56 and 57**

So here we have an applicant with real concerns over the noise their machinery makes suddenly volte face dismissing these as of no concern and portraying the planning officer as incompetent for not requiring a noise survey before refusing the application!

The second reason for refusal **is** valid and very appropriate.

### **Item 63 to 73**

Again an attempt to portray this as a forestry operation and not a timber processing plant..

One has to ask exactly why a permanent residence is required? ..As far as we are aware no such permanent residence is necessary for the operation at Loanhead. They tell us use of the yard will be sporadic and low key and yet suddenly an onsite manager is required, such as might be needed for an ongoing busy industrial process plant.

We can think of few major industrial sites that have such a facility. Usually on site security and staff accommodation is furnished by something simple like a Portakabin. In fact the house requirement attests to the applicants intention that this is going to be a far busier (and therefore noisier) operation than they are pretending.

It would be interesting to know exactly how the present site at Loanhead, close to major housing developments and other risk factors, is secured.

We can see that a house sited as suggested would have spectacular views across Lothian and the Borders, though due to the house orientation and proposed tree planting on the site, it would be comfortably hidden from the proposed timber storage yard, processing sheds, site entrance and the hamlet of West Loch.

### **PB01 Road Officers Update**

Once again we see the applicants trying to pretend one thing while another is the truth.

A) They continually refer to a '*timber storage yard*'. This is NOT what they are applying permission for, it is a timber storage yard and processing facility.

We also like the maths that 100 truck loads in and 75 truck loads out is a total of 175 truck movements on the road. No it isn't!

Unless the trucks in (timber transporters) and the trucks out (bulk delivery vehicles) are identical (which they are not) then it is 200 truck movements in (logs in empty out) and 150 out (empty in full out) a total of at least 350 movements on the minor road.

However as there would be no control of numbers and the stated capacity of the yard is 4000 tonnes then that number of movements should be considered as the bare minimum.

The question here is also not solely predicated on the movements of HGVs but on the suitability of the route for ANY HGV movements. We detailed in our original objection the state of the existing route and we heartily concur with the Road Officer's determination that 'some form of mitigation measures will be required'

On a consultative route these are normally dealt with by restricting number of movements per day and the timing of these movements to minimise traffic clashes and local resident disturbance.

They would need several passing places along the route. Considering the number of restricted sight lines, and the necessity to allow two HGVs to pass, once having sighted each other, this would require extensive changes to the existing road to make it safe.

We estimate 6 to 8 passing places, suitable for 40 tonne HGVs, would be needed and we would hope that the SBC Roads Budget would not be used to implement these. We have quite enough roads in desperate need of repair as it is.

We have met HGVs on this route on rare occasions and each time have had to partly climb the bank to allow the HGV past. We drive a Nissan Note...

B) Again claiming the site has direct access to the A703, it doesn't.

C) They claim its OK because thousands of tons of timber will be harvested and transported over this route. True, but said harvesting is spread out over a huge amount of time, (decades) and requires a consultation for such movements, which, as we mentioned earlier, we cannot find evidence that Pentland Biomass has ever undertaken.

## **In Conclusion**

Despite all the contrary claims they are now making, the site itself does NOT meet their own stated requirements :-

- 1) Separation of at least 1km from planned or proposed residential developments. It isn't

- 2) Access to a 3 phase power supply. There isn't one nearby
- 3) Direct access to an Approved Route. It hasn't.
- 4) Attempts to claim it is a forestry operation. It isn't
- 5) Claims it isn't an industrial process. It is.
- 6) Claims it was the only suitable site on/in West Loch Estate/Scottish Borders. It wasn't/unbelievable
- 7) A house for security of the premises. House as planned has no view of yard, processing plant buildings or site access (usual location for a security office).

As we can see multiple alternatives to this badly considered application, we feel sure the committee will see likewise and refuse this appeal.

For example:-

- 1) Why do Pentland not process the logs to wood chip etc at their wholly owned site in Loanhead and use Westloch simply for storage of felled timber and natural drying? No landscape modifications, no need for a house, simple security (locked gate) and no or minimal noise implications for the local residents though the road would still need some upgrades.
- 2) Similarly have they explored the use of spare land at the quarry site on the far side of the A703 for the processing plant? Advantages of existing security, 3-phase power supply and no noise problems, no need for a house, direct access at least for the processed timber to the A703 and otherwise as in (1) above.
- 3) Siting the processing plant on an industrial site closer to the consumption point at Loanhead and again using West Loch solely for storage and air drying..

A last personal comment. We deplore the attempts to portray the Planning Officer as incompetent and unaware of what the application really entailed. We were impressed by his findings, covering several items we had not realised were pertinent. His judgement appeared fair and well considered.

The applicants, we believe, are trying to force this through in desperation due to the imminent requirement to vacate their present premises, having made an ill-advised purchase of an unsuitable site and have tossed all consideration of the West Loch community to the winds in order to further their own interests.

Respectfully yours

Chris & Marilyn Airey

