

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997, as amended  
The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland)  
Regulations 2013

## **BEFORE THE SCOTTISH BORDERS COUNCIL LOCAL REVIEW BODY**

### **SECOND SUBMISSION**

on behalf of

Mr David Neave, West Loch Farm Steading, West Loch, Eddlestone EH45 8QY, and three other residents and neighbours (together “these Objectors)

in response to an **Application for Review** (the Application) of the delegated refusal dated 6 October 2022 of an application for planning permission *in principle* (the Planning Application) for the proposed erection of timber storage and a processing facility with new access junction, yard area, landscaping, tree planting, SUDs and associated works and planning permission for associated dwellinghouse with office for the timber processing facility (the Proposal).

at **Land southwest of West Loch Farmhouse, Peebles** (no postcode given)

LRB reference: 23/00001/RREF

Planning Application Reference: 22/00933/FUL

\*\*\*\*\*

## **1 Introduction**

This document is submitted on behalf of four close neighbours of the Proposal (the Objectors) to the Scottish Borders Council’s Local Review Body (LRB). This is their second contribution to the Application for Review.

It responds to the Applicant’s Response to “**Third Party Representations on Noise Impact and the Adoption of NPF 4.**” undated, but published on SBC’s website on 8 March 2023.

There are two topics – Noise, and the application of NPF 4.

## **2 Noise.**

The applicant continues to rely on its Noise Assessment and its proposed mitigation measures, together within an appropriate noise limiting condition. For the reasons given earlier, these are submitted to be inadequate safeguards. The applicant’s own Noise

Assessment concludes that the operations proposed will, at best, be of *Low Adverse Impact subject to the successful installation of mitigation measures*.

The proposed mitigation measures, which are acknowledged to be entirely theoretical and based on a generic algorithm are said to include

- restricting the hours of operation (noted to be 12 hours per day);
- using timber stockpiles as noise screens (without any added attenuation);
- locating the access doors of the working noise generating buildings on the south-west elevation;
- fitting a high level of acoustic insulation to a timber workshop where wood chipping is to be carried out;
- fitting automatic self-closing doors in a building where the passage of timber in and out is essential;
- the erection of a substantial i.e. **5m or 16.4 feet high** “amenity bund”; and
- the adoption of appropriate working methods to minimise impacts on amenity.

The working methods include continuing the use of reversing klaxons, as required by law.

The mitigation measures are entirely unproven but will, in any event, **on the applicant’s own prediction, continue to be adverse**. That is acknowledged by the consultants.

That means that the applicant acknowledges that the operations proposed for this site *will be audible to an extent which will adversely affect residential amenity* in an area where background noise hovers in the low 30dB range.

That would not be acceptable. There is no known need for these operations to be carried out at this location other than for the applicant’s convenience. That is not a sufficient reason to overcome the basic requirements of existing residential amenity in this location turning a residential area into an adjunct to an industrial site.

### **3 NPF 4.**

The Objectors respectfully agree with the Planning Officer’s conclusions published on 7 March 2023. NPF 4 must be considered. However, NPF 4 is a generic statement of planning ambition across Scotland, and is not site specific.

The local conditions which apply to this project all indicate that the proposed use *in this location* is unsuitable, and is certainly unacceptable to these Objectors in *bona fide* planning terms.

Despite the policy-by-policy analysis of NPF 4 undertaken by the applicant, the applicant's submission relies on supposed concordance with SBC's Policy ED 7 (para 29 onwards). At para. 34 it says "*Policy ED7 is therefore the relevant policy.*" It has argued elsewhere that Policy ED7 has been misunderstood by the Planning Officer.

The key issue is that Policy ED 7 applies, and is now acknowledged to apply. It contains criteria a) to e) found on page 69 of the adopted LDP. Those criteria are in place precisely to safeguard the interests which concern the Objectors. They are not met, as can easily be shown.

- a) The development does not respect the amenity and character of the area.
- b) The development will have a significant adverse impact on nearby uses, particularly housing.
- c) It will result in an intensification of uses.
- d) It does not meet the design criteria in PMD 2.
- e) It does not take account of accessibility considerations in accordance with Policy IS 4.

The application is therefore contrary to the Development Plan. It is clear that that is the case. It is also clear that the prime mover for this Application for Review is the applicant's desire to move his commercial from Loanhead in Midlothian, to the subject location. This is not an application for incidental forestry operations, but is one for a full scale timber chipping and processing operations, involving heavy transport, on site movements for 12 hours a day, and the passage of HGV's to and from the site.

To repeat, a desire to move is not a valid Ground for Review of the Planning Officer's decision. No proper grounds are advanced for *de novo* consideration of the Application for Planning Permission.

This Application for Review should therefore be dismissed.

RESPECTFULLY SUBMITTED  
JOHN CAMPBELL, KC for the Objectors  
13 March 2023