

SCOTTISH BORDERS COUNCIL
PLANNING AND BUILDING STANDARDS COMMITTEE

MINUTE of MEETING of the PLANNING AND BUILDING STANDARDS COMMITTEE held in the Council Headquarters, Newtown St. Boswells on 31 May 2012 at 10.00 a.m.

- Present: - Councillors R. Smith (Chairman), M. Ballantyne, S. Bell, J. Brown, J. Campbell, A. Cranston, V. Davidson, J. Fullarton, D. Moffat, S. Mountford, N. Watson, B. White.
- Apology:- Councillor N. Buckingham.
- In Attendance:- Development Manager (Applications), Development Manager (Projects, Review and Performance), Road User Senior Technician, Plans and Research Manager, Managing Solicitor – Commercial Services, Committee and Elections Team Leader, Committee and Elections Officer (F. Walling).

CHAIRMAN

1. In his opening remarks the Chairman welcomed Members, the public and press to the first Planning and Building Standards Committee meeting of the new administration and extended a particular welcome to the eight Members who were new to the committee.

ORDER OF BUSINESS

2. The Chairman 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.

MINUTE

3. There had been circulated copies of the Minute of the Meeting of 9 April 2012.

DECISION

APPROVED for signature by the Chairman.

DRAFT SUPPLEMENTARY PLANNING GUIDANCE – STIRLING STREET, GALASHIELS

4. There had been circulated copies of a report by the Director of Environment and Infrastructure seeking approval for the draft Supplementary Planning Guidance for Stirling Street, Galashiels, attached as Appendix A to the report, to be used as a basis for public consultation for a 12 week period. The report explained that the site was substantially allocated for commercial redevelopment in the Consolidated Local Plan (2011). Amounting to 0.9 hectares, the site was situated between the proposed Transport Interchange facility and the heart of the town as accessed via Douglas Bridge. The draft brief sought to identify the main constraints of the site; establish spatial principles for development of the site that related positively to the Transport Interchange and wider townscape; and provide an outline framework for future redevelopment. The intention was for the site to provide a high quality sustainable development site in a strategically important location, for subsequent sale on the open market. Members congratulated officers on the consultation document and welcomed the vision for the redevelopment of the site, recognising the significance of the area within the Galashiels townscape and in relation to the Transport Interchange. Conversation continued in particular about parking provision, this being recognised as a current problem within the town. It was agreed that an analysis was important to ensure that the level of appropriate parking provision would meet potential demand. It was also suggested that a passenger pick-up point be provided adjacent to the railway station. Members welcomed the reference made to the Gala Water corridor as a currently underutilised asset and also the proposals to incorporate building frontage into flood defences where appropriate.

**DECISION
AGREED:-**

- (a) to approve the draft planning brief for Stirling Street, Galashiels as detailed in Appendix A, as a basis for public consultation for a 12 week period, and that if there were any substantive comments that these be reported back to this committee; and
- (b) that if there were no substantive comments arising from consultation the brief be delegated for approval to the Head of Planning and Regulatory Services, and that it be used as a material consideration in the determination of planning applications.

APPLICATIONS

- 5. There had been circulated copies of reports by the Head of Planning and Regulatory Services on applications for planning permission requiring consideration by the Committee.

DECISION

DEALT with the applications as detailed in Appendix 1 to this Minute.

- 6. **PROPOSED REPLACEMENT OF SECTION 69 AGREEMENT WITH SECTION 75 AGREEMENT AT THE OLD SAWMILL DEVELOPMENT, EAST END, EARLSTON.**

There had been circulated copies of a report by the Head of Planning and Regulatory Services to consider a request for the proposed replacement of the Section 69 Agreement entered into in 2006 by Scottish Borders Council and the owner of The Old Sawmill Development, East End, Earlston, with a Section 75 Agreement, for the purpose of establishing and regulating a new arrangement for the payment of the development contributions required against this housing development. The report explained that development contributions towards the reinstatement of the Waverley Rail Link had previously been collected by the Council in accordance with a Section 69 Agreement and in relation to all twenty four of the dwellinghouses for which planning permission was granted. However, the developer now wished to be refunded an amount equivalent to seventeen of these development contributions on the understanding that these contributions would be 're-paid' to the Council as and when the seventeen currently un-built dwellings were completed. In essence the request was similar to recent developer approaches to the payment of development contributions over the course of construction of housing developments. However the development contributions in question had been applied according to the Waverley Railway legislation and therefore could not be returned to the developer. The report further explained that any contribution collected under the terms of this legislation must be applied within a period of 12 months. All such contributions were applied upon being deposited in a ring-fenced account. From that point these monies could be neither removed nor used for any purpose other than for meeting the railway costs. Members discussed the report and although sympathetic with the developer's position it was agreed that there were no grounds for manoeuvre and that the request be refused.

DECISION

AGREED to refuse the request to replace the Section 69 Agreement with a Section 75 Agreement to cover the anticipated development contributions in respect of the un-built houses at the Old Sawmill Development, East End, Earlston.

APPEALS AND REVIEWS

- 7. There had been circulated copies of a report by the Head of Planning and Regulatory Services on Appeals to the Scottish Ministers and Local Reviews.

DECISION

NOTED that:-

- (a) the Scottish Ministers had sustained an appeal in respect of the erection of a boundary fence and entrance gates (retrospective) at Inchbonny.
- (b) the Scottish Ministers had dismissed an appeal in respect of the erection of 82 dwellinghouses incorporating affordable housing on land east and north east of 37 St Andrew's Close, West Linton.
- (c) review requests had been received in respect of:-
 - (i) erection of wind turbine 54 metres high to tip and associated infrastructure on land south west of Old Farmhouse, Townhead, Cockburnspath;
 - (ii) erection of dwellinghouse with associated access and landscaping on land north west of Leadervale House, Earlston;
 - (iii) erection of dwellinghouse on land south west of Lethem Lodge, Camptown, Jedburgh; and
 - (iv) erection of dwellinghouse (extension to previous consent 08/01021/OUT) on site east of Friarshaugh, Gattonside.
- (d) the Local Review Body had dismissed an appeal (terms of refusal varied) in respect of the erection of dwellinghouse and livery stable building on land east of Kippilaw Hill, Melrose.

PRIVATE BUSINESS

10. **DECISION**

AGREED under Section 50A(4) of the Local Government (Scotland) Act 1973 to exclude the public from the meeting during consideration of the business detailed in Appendix II to this Minute on the grounds that it involved the likely disclosure of exempt information as defined in Paragraph 6 of Part I of Schedule 7A to the Act.

SUMMARY OF PRIVATE BUSINESS

Minute

1. The Committee approved the private section of the Minute of the Meeting of 9 April 2012.

The meeting concluded at 12.50 p.m.

PLANNING AND BUILDING STANDARDS COMMITTEE
31 MAY 2012
APPENDIX I
APPLICATIONS FOR PLANNING PERMISSION

<u>Reference</u>	<u>Name and Address</u>	<u>Nature of Development</u>	<u>Location</u>
12/00137/FUL	Transport Scotland Mot MacDonald Ltd Per Anthony Chrimes Caledonian Exchange 19A Canning Street Edinburgh EH3 8EG	Formation of pedestrian Underpass beneath railway and associated works	Land East and South of 2 Heriot Way, Heriot

Decision: Approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. The underpass should be constructed as a water retaining structure and any associated flood walls should be integral to that structure, crest levels of any such walls should not be less than 254.9m AOD. Before any development commences on site the detailed design of the structure should be submitted to the planning authority for approval.
Reason: To ensure that the structure is constructed in an appropriate manner to protect the public from any potential flooding.
4. Should the mitigation option highlighted in the Flood Risk Assessment to modify or increase the two culverts directly downstream of the development be undertaken, the Flood Risk Assessment shall be modified to include this and to assess any increased flood risk downstream of these structures as a result of these modifications. The revised Flood Risk Assessment shall then be submitted to and approved in writing by the Planning Authority with any further mitigation required by the revised Assessment being put in place prior to the completion of the development hereby approved.
Reason: To ensure that the development does not cause an increased flood risk
5. No development shall take place except in strict accordance with a scheme of soft landscaping works, which shall first have been submitted to and approved in writing by the Local Planning Authority, and shall include (as appropriate):
 - i. 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, hedges and grassed areas
 - iii. schedule of plants to comprise species, plant sizes and proposed numbers/density
 - iv. programme for completion and subsequent maintenance.

Reason: To enable the proper form and layout of the development and the effective assimilation of the development into its wider surroundings.

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and shall be maintained thereafter and replaced as may be necessary for a period of two years from the date of completion of the planting, seeding or turfing.

Reason: To ensure that the proposed landscaping is carried out as approved.

7. No development shall take place until details of the proposed surface drainage pumps have been submitted to and approved by the local planning authority.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

8. Any vegetation and scrub clearance to be carried out outside of the breeding bird season (breeding season end March-August).

Reason: In order to protect any breeding birds on the site

9. The applicant shall adopt SEPA Pollution Prevention Guidelines PPG1, PPG5 (general guidance and works affecting watercourses), PPG 3, 4, 7, 13 (site drainage), PPG 2, 8 (oil storage) and PPG 6 (construction and demolition) as appropriate.

Reason: To protect the water body (Gala water) adjacent to the development area.

10. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation).

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

11. The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To ensure that the proposed development does not have an adverse effect upon the amenity currently enjoyed by adjoining occupiers.

12/00138/FUL	Graeme Duff EnviroCentre Unit 2B Craighall Business Park Eagle Street Glasgow G4 9Xa	Construction of landfill gas flare, compound structure and associated works	Land South West of Dunion Hill Jedburgh
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Decision: Approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The colour of the chimney, compound box and perimeter fence to be submitted to and approved in writing by the Planning Authority before the development is commenced. The development then to be completed in accordance with the approved details.
Reason: To safeguard the visual amenities of the area.
3. Details of the dimensions, materials and external appearance of the compound box to be submitted to and approved in writing by the Planning Authority before the development is

commenced. The development then to be completed in accordance with the approved details.

Reason: To safeguard the visual amenities of the area and to maintain effective control over the development.

4. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To safeguard residential amenities.

12/00214/FUL	Sports Duns 51 Newtown Street Duns TD11 3AU	Erection of 8 no. floodlighting columns	Playing Field, Former Berwickshire High School, Langtongate, Duns, Berwickshire
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Decision: Approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. Notwithstanding the information contained within the application drawings, and in particular the proposed Layout drawing DRFC-001 (Rev E), no columns shall be sited within the Cypress hedgerow bounding the site to the west. Prior to commencement of development, a revised drawing showing precisely the revised location for each of the columns in the vicinity of the hedgerow shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the layout shown in the drawing approved in response to this condition.
Reason: the hedgerow forms an important boundary buffer and gives clear separation between the playing fields and the path/dwelling beyond. Breaching it to site the columns would be unnecessary, and is avoidable.
4. The final colour and finish of the columns is hereby not approved and shall be the subject of further submissions to the planning authority. Prior to the commencement of development, details of the proposed colour and finish shall be submitted to, and approved in writing by the planning authority. The development shall be undertaken in strict accordance with the details approved in response to this condition.
Reason: To ensure that the development would relate appropriately to the dwellinghouse known as The Geans, in terms of the outlook/amenity of its occupiers and also in terms of the potential impact of the development on the setting of the Category C(S) listed building.
5. The floodlights are only to be operated on weekdays and they should not be operated between the hours of 21.30 and 07.00 hours.
Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.
6. The floodlights require to be installed under the direction/supervision of a suitably qualified or competent person (e.g. a member of The Institution of Lighting Professionals) and, during

installation, the obtrusive light limitations for exterior lighting installations detailed in The Institution of Lighting Professionals "Guidance Notes for the Reduction of Obtrusive Light" (2011) require to be applied/adopted.

- (a) The floodlights shall be positioned so that they are at all times directed towards the playing fields/pitches, and any spilling of light to areas beyond the boundaries of the pitches should be kept to the minimum that is required to permit safe use of said areas;
- (b) The obtrusive light limitations for exterior lighting installations detailed in Table 2 of the guidance for environmental zone E2 shall be complied with; and
- (c) If, following the above measures being implemented, statutory nuisance conditions are realised, mitigation measures as identified by the Environmental Health Service will require to be carried out within an agreed timescale and in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority.

Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.

7. The lighting units shall be positioned so that they are at all times directed toward the playing areas so as to minimise the potential light dispersal beyond these areas.

Reason: To safeguard the amenity of adjoining residential properties.

Informatives

1. This planning permission does not purport to grant consent under any other legislation/Regulations operated by other bodies and/or other Departments of Scottish Borders Council. It is incumbent upon the developer to ensure that the requirements of any such legislation/Regulations are met.
2. The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers.

12/00275/FUL	Scottish Borders Council Ray Cherry Council HQ Bowden Road Newtown St Boswells Melrose TD6 0SA	Erection of sports building full sized synthetic pitch, 8 no floodlights, and synthetic sprint track and jump track	Peebles High School, Springwood Road, Peebles
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Decision: Approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Samples of all external materials proposed for the sports hall building to be submitted for the approval of the Planning Authority.
Reason: To safeguard the amenity of the area
3. Full details of boundary screening and landscaping around the proposed sports hall building to be submitted for the approval of the Planning Authority before the development commences. Once approved, the screening and landscaping to be carried out within an agreed timescale.
Reason: To safeguard the amenity of adjoining residential properties.

4. The colours to be applied to all new fences shall first have been agreed in writing by the Planning Authority.
Reason: To safeguard the amenity of the area
5. No lights approved by this permission shall be operated between the hours of 22:00 and 07:00.
Reason: To safeguard the amenity of adjoining residential properties.
6. If it proves to be necessary upon operation of the floodlights and after further assessment and advice by the Environmental Health service of the Council, any mitigative measures to control and reduce light spread shall be carried out within an agreed timescale in accordance with a scheme of details that has first been submitted to and approved in writing by the planning authority.
Reason: To safeguard the amenity of adjoining residential properties.
7. The lighting units shall be positioned so that they are at all times directed toward the playing areas so as to minimise the potential light dispersal beyond these areas.
Reason: To safeguard the amenity of adjoining residential properties.
8. Prior to the commencement of the development hereby approved, a scheme for the erection of an acoustic fence between the proposed games hall and the adjoining residential properties shall be submitted to and approved in writing by the Planning Authority. The scheme so approved shall include the timing for the erection of the fence relative to the construction of the games hall, and thereafter shall be constructed in strict accordance with the details so approved.

Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.
9. Notwithstanding the details shown on the approved drawings, no development shall take place except in strict accordance with the scheme of details, which shall first have been submitted to and approved in writing by the Planning Authority and which indicates a revised entrance arrangement to the games hall, which shall include a reorientation of the proposed vestibule so that the entrance door faces south toward the existing school buildings.

Reason: To ensure that the development does not prejudice the living conditions of adjoining residential occupiers.

Informative

The installation should be designed in accordance with the guidance produced by The Institution of Lighting Engineers.

12/00286/FUL	Stuart Kerr 7 Brier Lane Galalshiels Scottish Borders TD1 2LT	Siting of storage container	Tweedbank Sports Field
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Decision: Approved subject to the following conditions:

1. Permission is granted for a limited period of 5 years from the date of this consent and, unless an application is made and consent is granted for its retention, the container shall be removed from the site and the land restored to its former condition at the expiration of the period granted.
Reason: In the interests of the amenity of the surrounding area, in that the container is constructed of materials which are of an inappropriate nature for the granting of permanent consent and to enable the Planning Authority to monitor the appearance of the development at the end of a limited period

2. No development shall commence until the external colour of the container is agreed with the Planning Authority in writing by means of a specific RAL or BS colour reference. The container shall only be installed after having first been completely painted with the approved colour and shall not be subsequently painted an alternative colour without the written approval of the Planning Authority
Reason: To minimise the visual impact of the development
3. The proposed container shall only be used in connection with the use of the adjoining playing fields for recreational purposes.
Reason: To ensure that the use of the container is related to the use of the adjoining land, as proposed, and not for any other purpose.

12/00416/FUL & 12/00538/LBCNN	Ask Antiques Ltd Mrs Sally Fiona Keen 16 Mansfield Mill House Mansfield Road Hawick Scottish Borders TD9 8AY	Change of Use from (Class 11 to Class 1) and Erection of new signage	5 Buccleuch Street, Hawick
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Decision: Approved subject to the following conditions and informative:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Details of any change in colour of the shop front and doors are to be submitted to and approved in writing by the Planning Authority prior to any change being made, Thereafter the works are to be carried out strictly in accordance with the approved details.
Reason: In the interests of the character and appearance of the conservation area.

Informative:

1. Be advised that any external alterations in the future may require Full Planning Permission depending upon the proposed details.

NOTE:-

Members agreed that whilst the preferred application of colour in connection with the creation of the proposed sign should be a matt finish, in this particular case, having regard to the location and to the existence of similar finishes locally, the use of a gloss finish was considered acceptable.

12/00452/FUL	RS UK & Ireland Per Mr Graeme Kerr STV Third Floor Pacific Quay Glasgow G51 1PQ	Erection of meteorological mast and associated equipment (maximum height including equipment 81.5m)	Land South of Dykeraw Farm, Hawick
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Decision: Approved subject to the following conditions:

1. Approval is granted for a limited period of two years from the date of this consent and, unless application is made and consent obtained, the mast shall be removed and the ground reinstated to its original condition at the expiry of the three year period.
Reason: The permanent retention of the structure would be unacceptable given the temporary nature of the proposal.

2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Local Planning Authority.
Reason: to ensure that the development is carried out in accordance with the approved details.
3. Prior to commencement of development, a construction method statement outlining the route of access for equipment, labour and materials is to be submitted to and approved in writing by the Planning Authority. Thereafter the development is to be completed in accordance with the details in the approved statement.
Reason: To prevent the unnecessary formation of additional or multiple routes of access to the mast site.
4. The reinstatement of the site to be completed within 6 months of the decommissioning of the anemometer.
Reason: To ensures the satisfactory restoration of the site.
5. The meteorological mast hereby approved shall be fitted with 25 candela omni directional red lighting or infra-red lighting at the highest practicable point prior to the use of the mast commencing.
Reason: In the interests of aviation safety.
6. Prior to development commencing the details outlined below shall be submitted to and approved by the local planning authority following consultation with the Ministry of Defence:
 - a. Precise location of development
 - b. Date of commencement of the construction
 - c. Date of completion of the construction
 - d. The height above ground of the tallest structure
 - e. The maximum extension height of any construction equipment.

Reason: In the interests of aviation safety as the height of the development will necessitate that aeronautical charts and mapping records held by the Ministry of Defence are amended.

Informative:

1. Attention is drawn to the consultation reply from the Ministry of Defence.

12/00480/FUL	Scottish Borders Council Per Camerons Ltd 1 Wilderhaugh Galashiels Scottish Borders TD1 1QJ	Erection of building to provide business hub, public toilets and 2 bus shelters with provision of pedestrian pend linking Horsemarket and Woodmarket	Public Toilets at Horsemarket Woodmarket Kelso
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Decision: Approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. No development shall take place until the applicant has secured a programme of archaeological work in accordance with a Written Scheme of Investigation outlining a Watching Brief. This will be formulated by a contracted archaeologist and approved in writing by the Planning Authority. Access should be afforded to allow investigation by a contracted archaeologist(s) nominated by the developer and agreed to by the Planning Authority. The developer shall allow the archaeologist(s) to observe relevant below ground excavation during development, investigate and record features of interest and recover

finds and samples if necessary. Results will be submitted to the Planning Authority for review in the form of a Data Structure Report. If significant archaeology is discovered below ground excavation should cease pending further consultation with the Planning Authority. The developer will ensure that any significant data and finds undergo post-excavation analysis the results of which will be submitted to the Planning Authority
Reason: The site is within an area where ground works may interfere with, or result in the destruction of, archaeological remains, and it is therefore desirable to afford a reasonable opportunity to record the history of the site.

3. Notwithstanding the description of the materials in the application, no development shall be commenced until samples of the materials to be used in the construction of the external walls and roofs of the building, cladding, glazed canopies, balustrade and hard surfacing, 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.
Reason: In the interests of the appearance of the Kelso Conservation Area and to maintain effective control over the development.
4. Details of the material, frame thickness, glazing bars, colour and method of opening of the windows and glazed openings to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the development is to be completed in accordance with the agreed details.
Reason: In the interests of the appearance of the Kelso Conservation Area and to maintain effective control over the development.
5. Details of the backlit panels and displays, illuminated glazing, artwork, signage and illuminated display panels for the side elevation of the pend to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the development is to be completed in accordance with the agreed details.
Reason: In the interests of the appearance of the Kelso Conservation Area and to maintain effective control over the development.
6. A scheme for the exterior lighting for the pend and vennel is to be submitted to and approved in writing by the Planning Authority prior to the commencement of development. Thereafter the development is to be completed in accordance with the agreed details.
Reason: To ensure the development complies with designing out crime principles and to ensure an acceptable public space is created.
7. Details of the position, size, design, materials and method of illumination of the tourist information point on the Woodmarket elevation to be submitted to and approved in writing by the Planning Authority before the development commences. Thereafter the development is to be completed in accordance with the agreed details.
Reason: In the interests of the appearance of the Kelso Conservation Area, and to maintain effective control over the development.
8. Doors must be hung so as not to open onto the public footway.
Reason: To ensure safety for users of the public footway.

Informatives:-

1. A variety of street furniture within the application boundary will be affected by the proposals, including a telephone box, street sign and waste bins. Consideration should be given to relocation, removal and rationalisation of this street furniture.
2. Proposals should be drawn up for the repositioning of any extract ventilation fans, satellite dishes, drainage pipes etc on the two adjacent gable walls that would be affected by this development.

<p>11/01051/PPP</p>	<p>Dr S Oliver Per Edwin Thompson & Co (Berwick) 44/48 Hide Hill Berwick Upon Tweed TD15 1AB</p>	<p>Erection of two dwellinghouses</p>	<p>Land north and west of Oaklands, Greenlaw Road, Duns</p>
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Decision: Approved subject to a legal agreement and the following conditions and informatives:

1. No development shall commence until the details of the layout, siting, design and external appearance of the building(s), the means of access thereto and the landscaping of the site have been submitted to and approved in writing by the Planning Authority.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

2. Application for approval of matters specified in the conditions set out in this decision shall be made to the Planning Authority before whichever is the latest of the following:
 - (a) the expiration of three years from the date of this permission, or
 - (b) the expiration of six months from the date on which an earlier application for approval of matters specified in the conditions set out in this decision notice was refused or dismissed following an appeal.
 Only one application may be submitted under paragraph (b) of this condition, where such an application is made later than three years after the date of this consent.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

3. No development shall commence until all matters specified in conditions have, where required, been submitted to and approved in writing by the Planning Authority. Thereafter the development shall only take place except in strict accordance with the details so approved.
Reason: To achieve a satisfactory form of development, and to comply with the requirements of Section 59 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.

4. Prior to occupation of any new unit of accommodation, the following items shall be provided:
 - (i) the proposed access shall be formed to SBC Roads Planning Manager specification DC-10. The width of the access shall be amended to provide a minimum width of 5.5 metres, thus allowing two vehicles to pass at the mouth of the access;
 - (ii) the new private road shall be constructed to the same specification as the access, for the first 7.5 metres;
 - (iii) the remainder of new private road shall be a minimum of 3.7 metres and constructed to provide a free draining smooth running surface, capable of withstanding a minimum axle loading of 14 tonne;
 - (iv) parking and turning for a minimum of two vehicles, not including garages, shall be provided and retained in perpetuity within the curtilage of each plot
 These requirements shall be reflected in any subsequent Application for Approval of Matters Specified in Conditions.
Reason: to ensure that the development is serviced/accessed in such a way that amenity and road safety are achieved.

5. No development shall be commenced until such a time as it has been demonstrated that all matters relating to foul and surface water drainage have been addressed via a drainage

management plan which includes SUDS (Sustainable Urban Drainage), which shall be submitted to and approved by the Planning Authority as part of any detailed submission, pursuant to this planning permission in principle. The development shall be carried out in strict accordance with the details agreed in response to this condition.

Reason: The Planning Authority is aware that drainage issues are likely to arise at this site, that have not been fully addressed in the planning application, which establishes only the land-use principle of the area of land identified in the submitted drawing(s).

6. No development shall take place except in strict accordance with a scheme of hard and soft landscaping works, which has first been submitted to and approved in writing by the planning authority. Details of the scheme shall include (as appropriate):
- i. existing and finished ground levels in relation to a fixed datum preferably ordnance
 - ii. existing landscaping features and vegetation to be retained and, in the case of damage, restored
 - iii. location and design, including materials, of walls, fences and gates
 - iv. soft and hard landscaping works
 - v. existing and proposed services such as cables, pipelines, sub-stations
 - vi. other artefacts and structures such as street furniture, play equipment
 - vii. A programme for completion and subsequent maintenance.

Reason: To ensure the satisfactory form, layout and assimilation of the development.

Informatives

1. The applicant is reminded that this permission is subject to a legal agreement under Section 75 of the Town and Country Planning (Scotland) Act 1997. The agreement covers matters of developer contributions towards the provision of local schooling (Berwickshire High School and Duns Primary School) and towards off-site affordable housing.
2. The applicant is advised that the indicative design shown in the site plan and the Typical House Type drawings forming part of the planning application are not endorsed, and should not inform any future proposals in subsequent applications for Approval of Matters Specified in Conditions, which will be expected to reflect the aims and aspirations of the Council's Placemaking and Design Supplementary Planning Guidance.

SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 12/00287/FUL
OFFICER:	Barry Fotheringham
WARD:	East Berwickshire
PROPOSAL:	Erection of boundary wall, fence and gates
SITE:	Cheviot Rentals
APPLICANT:	Francis Christopher Furness
AGENT:	

SITE DESCRIPTION:

Cheviot Rentals occupies a small end unit site within the Acredale Industrial Estate located on the south west edge of Eyemouth, within the settlement boundary. The unit is constructed of brown brick with flat metal roof adjacent to other units of a similar size and construction. The estate is accessed from a minor road to the north and is screened by a line of trees. Agricultural fields lie to the west of the estate, and residential housing lie to the north, south and east.

PROPOSED DEVELOPMENT:

This planning application seeks full permission for the erection of a small retaining wall, security fence and gates on land at Cheviot Rentals (a specialist marquee business).

Part of the application relates to land owned by Scottish Borders Council and, under the Development Management Regulations 2009, a determination on the application must be made by the Planning and Building Standards Committee.

PLANNING HISTORY:

There is no planning history of strict relevance to the current proposals.

REPRESENTATION SUMMARY:

There have been no third party representations received with regard to the proposed development.

APPLICANTS' SUPPORTING INFORMATION:

The application is supported by a planning application form, and associated specifications and drawings.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018:

Policy N20 – Design

Consolidated Scottish Borders Local Plan 2011:

Policy G1 – Quality Standards for New Development
Policy ED1 – Protection of Employment Land

OTHER PLANNING CONSIDERATIONS:

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Scottish Borders Council Road Planning Manager: No objection.
Scottish Borders Council Estates Manager : No objection

KEY PLANNING ISSUES:

- Impact of the proposed development on the character and amenity of the surrounding area and neighbouring uses
- Impact on supply of employment land

ASSESSMENT OF APPLICATION:

It is proposed to form a small retaining wall along the north boundary of the site to account for a drop in ground levels. The area of ground behind the proposed wall will be back filled to allow for improved external storage. For security reasons, it is proposed to erect a steel palisade fence above the retaining wall and to continue this fence along the east boundary of the site to create a secure external storage area.

The retaining wall would be approx 1.2m high and the proposed fence would be 2.4m high. This would give an overall height of 3.4m on the north boundary of the site. The proposed fence along the east boundary of the site would be chain link and have an overall height of 1.8m. This would have less impact on the character and appearance of the industrial estate than the proposed palisade fence.

This proposal is consistent with approaches taken by existing businesses in the area including the adjacent DR Collins site where a secure external storage area is located immediately to the north of the application site. There are other examples of security fencing in the area, although this tends to be timber vertical boarding, and it is considered that the proposals are consistent with security fencing used on employment sites throughout the Borders.

The proposed fence and retaining wall are compatible with the character of the area, neighbouring uses and neighbouring built form and are considered to be acceptable in terms of height and material. In addition, the erection of the security fence and formation of secure storage area within the existing yard will not dilute the existing supply of employment land in Acredale.

There are no representations from third parties and the Council's Roads Planning Service has no objections.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that the planning application is approved subject to conditions, for the following reason:

The proposals are consistent with development plan policies covering quality standards for new design and the protection of employment land in that the proposed retaining wall and security fence would be compatible with and respect the neighbouring uses and built form and would not result in the dilution of established employment land.

Condition:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.

DRAWING NUMBERS

Location Plan	25.04.2012
Site Plan	25.04.2012
General	25.04.2012 Drawing No12/085/01
Sections	25.04.2012
Photo fence detail	25.04.2012

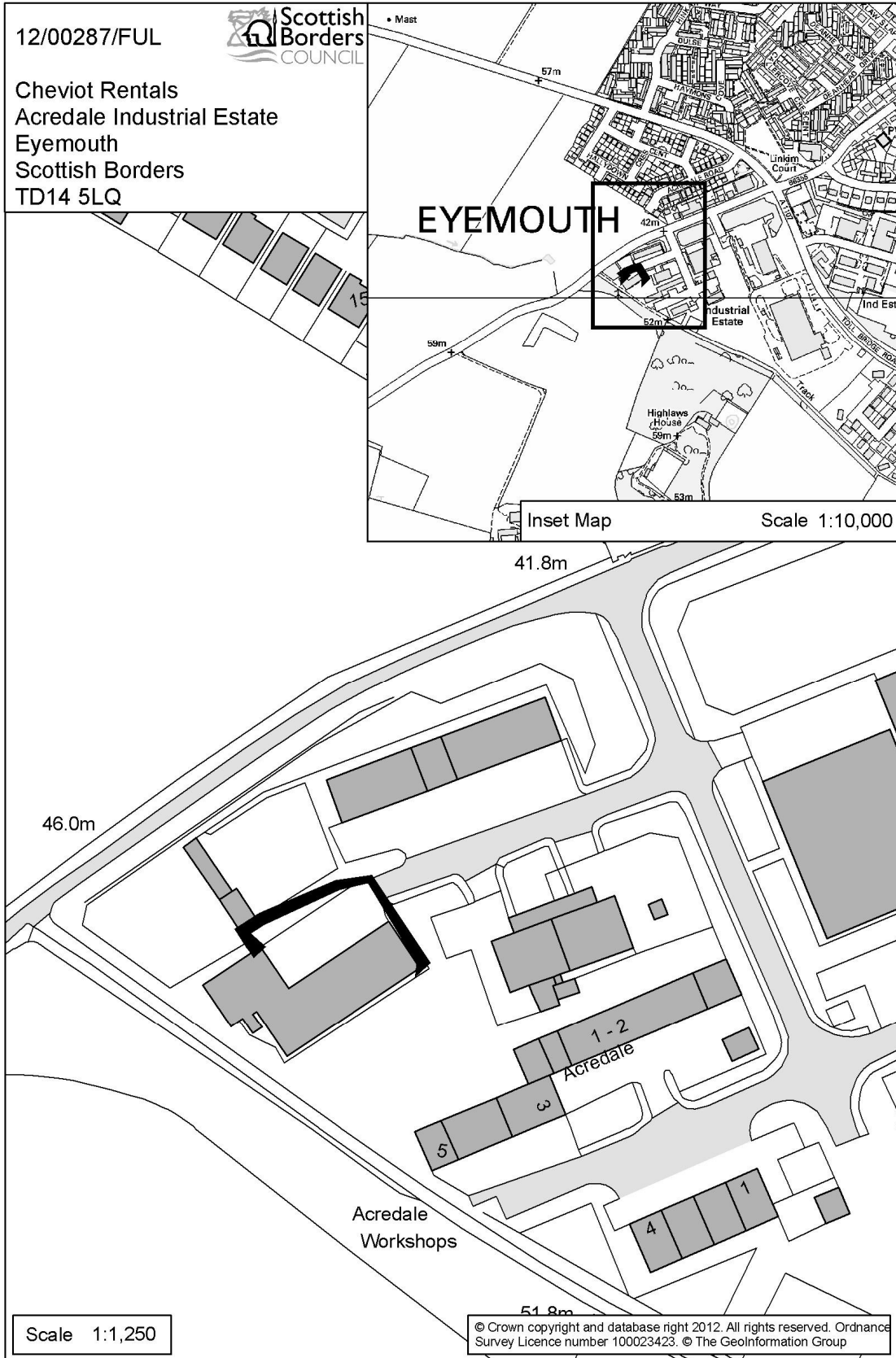
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Lucy Hoad	Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 12/0606/FUL
OFFICER:	Lucy Hoad
WARD:	East Berwickshire
PROPOSAL:	Installation of roof top antenna and railings
SITE:	Old Eyemouth High School
APPLICANT:	Cable & Wireless UK
AGENT:	Pearson Planning

SITE DESCRIPTION:

The site is the former Eyemouth High School, a modern concrete 2 and 3 storey block development situated on the southern edge of the town. The site is bounded by residential properties to the north and east, the cemetery to the west, and landscaped buffer zone to the south. The site is allocated in the Consolidated Local Plan 2011 as being suitable for redevelopment (90 units) with maintained educational and community uses (REYEM001). Properties to the north and east are a mixture of modern and traditional styles and materials. The site is located outwith the Conservation Area and is not listed.

PROPOSED DEVELOPMENT:

This retrospective proposal is for the installation of 1 pole mounted roof top antenna, safety railings and ancillary development (cabling), the overall height of the antenna structure being 9.0m. The antenna (small, white, uPVC dish, 600mm in diameter), and railings (grey steelwork) are located at the centre front north side of the building atop the flat roof section. The cabling tray and support pole (grey steelwork) has been fixed vertically to the wall (front elevation) with cabling routed to the equipment room situated within the building (2nd floor).

The application relates to land owned by Scottish Borders Council and, under the Development Management Regulations 2009, a determination on the application must be made by the Planning and Building Standards Committee. The equipment will provide a broadband width to allow network connection to schools and council offices (Pathfinder South Project).

PLANNING HISTORY:

There is no planning history of strict relevance to the current proposals.

REPRESENTATION SUMMARY:

There have been no third party representations received with regard to the proposed development.

APPLICANTS' SUPPORTING INFORMATION:

The application is supported by a planning application form, and associated specifications and drawings. The application includes a statement to confirm that the radio antenna is designed to be in full compliance with the requirements of the radio frequency (RF) public exposure guidelines of the International Commission on Non-ionising Radiation Protection.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018:

Policy N20 Design

Consolidated Scottish Borders Local Plan 2011:

Policy G1 Quality Standards for New Development
Policy H2 Protection of Residential Amenity
Policy Inf8 Radio Telecommunications

OTHER PLANNING CONSIDERATIONS:

SPP (Feb 2010) guidelines on radio telecommunications

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Scottish Borders Council Road Planning Manager: No objection.

KEY PLANNING ISSUES:

- Impact of the proposed development on the character and appearance of the area
- Impact on residential amenity

ASSESSMENT OF APPLICATION:

Impact on character and appearance of the area:

At the time of the site visit it was noted that the equipment had been installed and the application is therefore now retrospective. The equipment is located on the rooftop of a building with views from street level, although these are restricted in part by the mature trees located to the front of the building providing a suitable element of screening. The building is of limited architectural merit with existing vertical metal structures that are already visible on the roof. However, the development brief for the site requires that a section of the former school development be retained for potential community use to include this section on which the equipment is installed.

The proposal will not have a significant impact on the visual amenity of the surrounding area or the appearance of the building from street level. The antenna will be partially visible from street level, however, it is considered that the proposal will not detract from the integrity of the original building nor have a detrimental effect on the character and appearance of the area. This is an appropriate building for the

location of telecommunications equipment, and the proposal will have little effect on the existing appearance.

Impact on residential amenity:

Scottish Planning Policy states that in order to demonstrate to planning authorities that the known health effects have been properly addressed, applications for planning permission involving antennas to be employed in an electronic communications network should be accompanied by a declaration that the equipment and installation is designed to be in full compliance with the appropriate ICNIRP guidelines for public exposure to radiofrequency radiation.

There will be no adverse impact on residential amenity. The applicant has submitted a signed declaration that the proposed telecommunications installation will conform to the ICNIRP Public Exposure Guidelines. This meets the requirements to cover the issues of emissions and public health.

Assessment

Policy Inf8 aims to enable the telecommunications industry to expand and diversify, but in a way which is sensitive to the environment. It states that there will be a presumption in favour of developments that extend radio telecommunications facilities provided this can be achieved without adverse impacts on the environment. Within the settlement boundary the siting of equipment will be encouraged in industrial or commercial areas or suitable areas of vacant or derelict land in preference to predominately residential areas or in close proximity to schools.

The site, being the former Eyemouth High School, is allocated in the Consolidated Local Plan 2011 as being suitable for redevelopment and is currently advertised as vacant land for sale/let.

Where applicants demonstrate that they have given proper regard to siting and design issues, including the consideration of options, and have minimised environmental effects, it is unlikely that refusal would be warranted. The potential for mast or site sharing should be considered.

This proposal represents an opportunity to locate telecommunications equipment on a building that currently houses the Council's Contact Centre for Eyemouth and is adjacent to the existing primary school. The provision of the infrastructure will allow wireless networking to be achieved in the locality. It is accepted that the size, colour and position of the proposed antenna and railings mean that it would not be unduly prominent, and would not have a detrimental effect on the character or appearance of area.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that the planning application is approved subject to conditions, for the following reason:

Reason for Decision

Taking into consideration the proposed siting, height, and design, the development would accord with planning policies relating to design/development quality, and protection of residential amenity.

Conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 In the event that the equipment becomes obsolete or redundant it shall be removed and the site shall be reinstated within two months of the cessation of use.
Reason: To minimise the level of visual intrusion and ensure the reinstatement of the site to a satisfactory standard

DRAWING NUMBERS

Drawing No.CAW/010/001	Location Plan	05.04.12
Drawing No CAW/010/002	Site Layout	05.04.12
Drawing No CAW/010/003	Elevation (North)	05.04.12
Drawing No CAW/010/ 004	Rooftop Layout	05.04.12
Specification 0.6m dish product specification ICNRIP declaration		

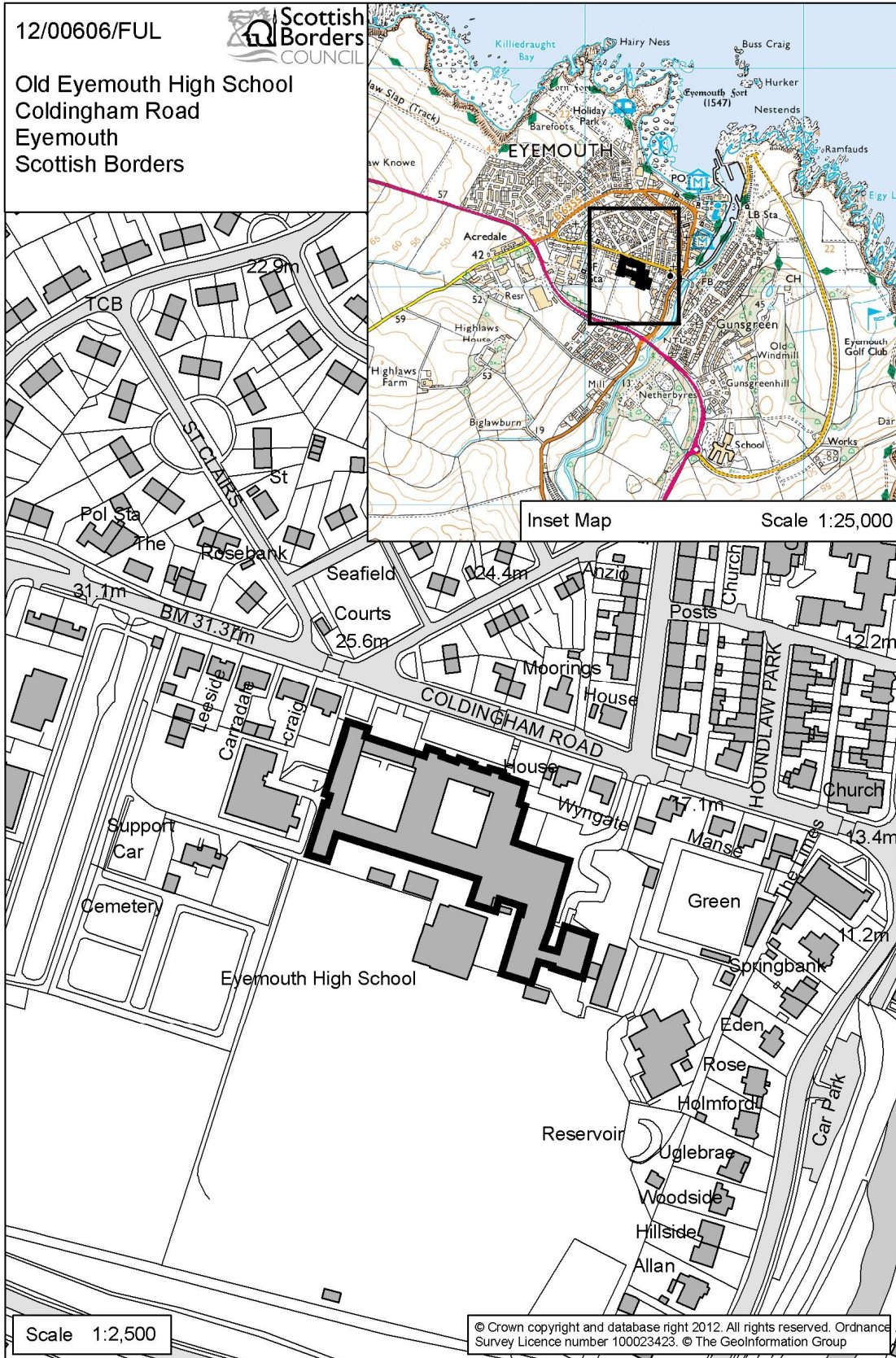
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Lucy Hoad	Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 12/00375/FUL
OFFICER:	Julie Hayward
WARD:	Selkirkshire
PROPOSAL:	Installation of an anaerobic digestion plant to generate electricity
SITE:	Standhill Farm Hawick
APPLICANT:	Mr Jim Shanks
AGENT:	Jim Campbell

SITE DESCRIPTION

Standhill Farm is situated to the north of Denholm outwith but on the boundary of the Candidate Special Landscape Area. The farm comprises of a number of traditional and modern farm buildings and the farmhouse. There are three farm cottages to the south east of the steading. The farm is accessed from the minor public road.

PROPOSED DEVELOPMENT

The proposal is for an anaerobic digestion plant to generate electricity. This would be sited within an agricultural field to the north west of the steading and adjacent to the existing silage clamps. This comprises of a primary digester (14m by 6m) and a secondary digester (20m by 6m) linked by a pump room. The digester tanks would be constructed of concrete and externally clad with green box profile sheeting. The roofs are timber with a black rubber external membrane. The proposal also includes a combined heat and power unit (CHP) housed in a container (12m by 8m) and a 5m high flare stack constructed of stainless steel to burn off excess gases. A ramp would be formed from the farm yard to a hopper adjacent to the primary digester.

The anaerobic digester would use agricultural waste to produce electricity and heat energy. All feedstock would come from the farm, such as cattle slurry, grass silage and farm manure. Cattle slurry from the dairy herd will be pumped to the digester and farm yard manure and silage will be fed into a feed-in hopper. The end product is then spread on the land as fertiliser. Gas from the digester tanks is fed to the CHP container. Electricity produced by the CHP unit will be used on the farm or exported to the grid; heat will also be used on the farm.

PLANNING HISTORY

94/00792/FUL: Formation of roof over silage pit. Granted 23rd June 1994.

94/00793/FUL: Erection of agricultural building. Granted 23rd June 1994.

02/01074/AGN: Erection of feed store. No objections 15th July 2002.

05/00994/FUL: Erection of farm building. Granted 23rd June 2005.

10/00484/FUL: Erection of 20 metre anemometry mast. Granted 2nd June 2010

12/00345/FUL: Erection of wind turbine 74m high to tip and associated substation, hardstanding and access track. Land South East Of 3 Standhill Farm Cottage Denholm. Pending consideration.

REPRESENTATION SUMMARY

Eleven representations have been received. These are available for Members to view on the Public Access System. The following planning issues have been raised:

- There is a major potential impact on the water supply to neighbouring houses. Netherraw relies on a local spring and ten other houses draw water from the same aquifer. In the summer when the water table is low supply is significantly reduced. Water pressure and flow fall. The applicant may use significant quantities of water from the same aquifer for this proposed development. This should be investigated to ensure that existing water supplies to local households is not compromised.
- The applicant may import waste in future to use the plant's full capacity. The roads around Standhill are single track and are unsuitable for regular use by heavy lorries. This would increase the risk of accidents. The residential amenity of the area would be adversely affected for local residents and tourists would find the quiet country lanes less attractive for walking, cycling and riding.
- The application states that all feedstock materials used in the digester will be sourced from within the farm, which would be acceptable. If the feedstocks were to include imported waste, this would be a concern. The nature of waste can be unpleasant (food and hotel waste, human sewage) and this would be an unwelcome feature in this unspoiled but well inhabited area.
- The applicant currently outsources grass production for silage. A planning condition is required that all feedstocks are sourced from within the farm.
- The quantity of feedstock for the digester mentioned in the application does not tally with that produced by the cattle on the farm; 200 milking cows plus young stock would produce 3650 tonnes of slurry per year which is less than the 6000 tonnes in the application. This may require feedstocks to be imported and if this is the case, vehicle journeys and size should be specified so that the implications for narrow access roads, which are already in a poor condition, can be recognised. Alternatively, the number of cows would have to increase. Milking cattle require 20 gallons of water per day which would significantly increase the water demand for the farm. The borehole from which this water is drawn is close to boreholes that supply Greenhouse and Netherraw, which may affect supplies to these houses.
- No reference has been made to the water supply for the digester. The proposal may affect the spring water located in the wooded area close to the driveway of Raperlaw Farm which supplies 12 homes. The borehole used by

Standhill Farm draws from the same aquifer. If greenhouses are heated in the future from waste heat from the digester then massive amounts of water from the borehole will be required for irrigation, which may affect the supply to existing homes. If Standhill Farm is on mains water this should be used to supply any future irrigation requirement for growing tomatoes, or any increase in the milking herd.

- Food waste from supermarkets and restaurants could be introduced to supplement products for the digester. SEPA suggest that waste regulatory controls will not apply if the waste feedstock to the digester is agricultural manure and slurry. If other products are used the applicant would need to apply the appropriate authorities to use such products.
- This small scale plant could grow to an industrial size operation in the future, and if this is the case, it should be located on an industrial site and not be farm based.
- There is a small risk of explosion from gases produced during the process, which has health and safety implications for workers.
- Digesters are only marginally effective at reducing problems with odour, pathogens and greenhouse gas emissions. They cannot dispose safely of any chemical contaminants in the waste. Digesters emit nitrogen and sulphur dioxides, particulate matter, carbon monoxide and ammonia.
- The production of wood briquettes from wood chips on the farm would lead to further unsuitable HGV traffic in future. Raw material of wood waste would be imported and wood products exported. The site has the potential to become an industrial operation.
- The digester will drive an engine driven generator running 24 hours a day every day which would affect local residents. Unremitting industrial noise should not be allowed to cause further disturbance to neighbours who already have to listen to the intrusive noise from the grain drier.
- The proposal will protect the environment because it uses renewable energy sources.
- The applicant wishes to safeguard the immediate locality and wider environment.
- The Council should be forward looking and encourage enterprise.

APPLICANTS' SUPPORTING INFORMATION

Supporting information has been submitted by the agent and is available for Members to view in full on the Public Access System:

- The applicant considers the proposed AD plant as a means to enable the expansion of the range of food and energy products produced from the farm to eventually include woodchip brickquettes, tomato/greenhouse production and honey, as well as being able to convert the land over to organic status through the improved nutrient content of the digestate from the biogas plant.

- With renewables and food production working as a package at Standhill, it would provide at least four new jobs along with the extra work created through construction and maintenance.
- The applicant regards this proposal as an extremely innovative project that can enhance the viability of a rural business while improving the sustainability of food production.
- The use of fossil fuels to supply energy produces greenhouse gas emissions which are believed to be responsible for climate change. Alternative sources of energy are needed to fill this widening supply-demand gap and reduce emissions. Anaerobic digestion is one of a suite of renewable technologies being pursued and encouraged by local and national governments.
- The farm at Standhill is especially suited to a development of this type. The proposed development will blend in very well as part of the existing farming enterprise. The development would contribute towards Scotland's targets of 100% electricity demand being met from renewables and also towards the 11% heat from renewables target.
- The Scottish Government has declared its intention to develop an agri-renewable strategy in the coming year which will seek to encourage involvement by the farming community in appropriate renewables enterprises. This proposal is of a scale and design that is likely to be promoted by this strategy.
- The site was chosen to maximise the efficiency of its operation which will in turn maximise the environmental benefit gained. By locating the AD plant within the footprint of the existing farm steading it is possible to pipe cattle slurry and digestate between the existing cattle housing and slurry storage facilities with minimum energy requirement for pumping. By locating the plant adjacent to the existing silage clamps, daily handling of the "dry" feedstock will also be minimised. The chosen location is also convenient for connection to the existing electricity network on the farm and will also allow the heat demand from the dairy to be served by the CHP module of the AD plant.
- The proposed AD plant at Standhill Farm is clearly in accord with the principals of sustainability and will provide significant environmental, economic and social benefits within the local community. Taking account of the national and regional policies and the environmental assessments as set out in this report, it is submitted that when all material planning factors are taken into account, the balance lies heavily in favour of the desirability and benefits to be gained from the generation of clean renewable energy from the proposed AD plant.
- Anaerobic digestion is a series of processes in which micro-organisms break down biodegradable material in the absence of oxygen. It is used to manage waste and/or to release energy. The proposed AD plant at Standhill Farm will use agricultural products and by-products to produce renewable electricity and heat energy and a refined organic fertiliser which will be spread back to the Standhill Farm land. The installed capacity of the proposed plant will be 200 kW electrical and 200 kW thermal. Annual output from the system is

estimated at 1,600 MWh/annum electrical, similar to the consumption of around 350 homes.

- All feedstock will come from existing farm production. The feedstock will be a blend of cattle slurry, grass silage, whole crop cereal silage and farm yard manure (FYM) from straw bedded cattle housing. Annually, 6,000 tonnes of cattle slurry, 500 tonnes of FYM and 4,000 tonnes of grass and whole crop silage will be utilised. The grass and whole crop silage will be grown on 73 ha of the existing farmland. The crops grown for the digester will serve to fix nitrogen, and combined with the use of the organic digestate from the plant, some 80 tonnes of inorganic fertiliser will be offset.
- Cattle slurry from the dairy herd will be pumped to the digester from the existing cellar storage within the cattle housing. Farm yard manure will be fed into a purpose built feed-in system using existing farm machinery. Grass and whole crop silage will be harvested as normal during the summer months and stored in existing clamps adjacent to the proposed AD site. The silage will be fed via the feed-in system on a daily basis in the same manner as the farm yard manure. The feedstock is broken down biologically within the primary digester to produce biogas which is used as fuel for a gas engine which in turn drives a generator to produce electricity. A small proportion of the heat given off by the cooling system of the gas engine is used to raise the temperature within the digester. The remaining heat will be used within the dairy and other enterprises at Standhill Farm.
- After digestion the end product will be used as a nutrient source by the farm in the same manner as the raw slurry is utilised at present. This material will be pumped from the digester to the existing slurry store from which it will be spread back to the land in accordance with a nutrient management plan. This digestate will be a better stabilised fertiliser than raw slurry allowing more effective and accurate application in line with crop requirements. As a greater proportion of the nutrients from the silage will be returned to the land compared with silage fed to livestock, and also because the processed digestate will be a more available nutrient to the plants than raw slurry, a reduction in the need for artificial fertilisers will result.
- The digester tanks are constructed from reinforced concrete. The concrete is insulated externally and clad with green box profile sheeting. The roofs of the tanks are constructed from timber with a black EPDM rubber membrane fitted externally and sealed to the walls. Within the tanks, paddle mixers agitate the feedstock and prevent settlement of the solids. Gas is fed from the digester tanks directly to the CHP module. No additional gas storage is included outwith the digesters.
- The Combined Heat and Power unit is housed within an ISO container and consists of a gas engine driving a 200 kWE electrical generator. The electricity will be used on-site or exported to the grid depending on local demand. Approximately 6% will be required to run the plant. Heat from the cooling system on the engine and extracted from the exhaust gases by a heat exchanger will be fed to a heating network for use in the dairy and elsewhere. Heat output will be approximately 200 kWTH of which 20% will be required to heat the digester. The ISO container will be finished externally in green and will be soundproofed

- A flare will be installed as a safety backup so that gas can be flared off in the event that production exceeds the demand from the engine (i.e. during maintenance). The flare occurs within the flare stack meaning that there is never a visible flame from the flare.
- Given the very small topographical area covered by this development, there will be little impact on the existing surface water hydrology. Any existing surface water drainage pipes within the site will be diverted or encased in concrete to a minimum of 10m from the digester tanks to reduce the possibility of contamination of surface water.
- Construction will be carried out according to best practice guidance as identified by SEPA and CIRIA. Decommissioning will be carried out according to best practice and the current legislation at that time.
- The site at Standhill Farm lies within the footprint of the existing farm steading and will therefore have negligible effect on local wildlife habitats. The site does not fall within the boundary of any known statutory or non-statutory designated site such as a Ramsar Site, SAC, SPA, IBA or SSSI. There are a number of designated sites located within 5 km. Given the distance from these designated sites and the reasons for their designation, it is very unlikely that the proposal will have any significant effect on their status.
- The site at Standhill Farm lies within the footprint of the existing farm steading. The appearance, colour and scale of the proposed structures are similar to conventional farm buildings. The existing agricultural sheds adjacent to the site are considerably higher than the proposed structures and will dominate the view of the steading when viewed from a distance. The nearest residential property with a view towards the proposal is at a distance in excess of 750m from where the proposal will blend in with the existing buildings. It is not considered that the proposal will have a significant visual impact when viewed from anywhere in the locality or further afield.
- There are no scheduled ancient monuments or listed buildings within 2km of the site. The route of the former Waverley railway passes through the farmyard and has been developed over in years gone by. The proposed development lies adjacent to the former railway line. However the proposal will have no increased effect on the line beyond that of the existing farming activities. Therefore, it is not considered that the proposed development will have significant adverse effects on any individual sites of cultural heritage interest.
- The nearest residential property from the proposal is Standhill farmhouse which is occupied by the applicant and his family. The proposal is approximately 80m from the farmhouse and is therefore far enough away to avoid any unacceptable impact in respect of noise. The nearest property, other than the applicant's residence, is approximately 180m from the proposal and is screened from the proposal by existing farm buildings. Noise impacts at this house and all other pre-existing residencies will be well within acceptable levels.
- Exhaust gases are discharged via an exhaust stack passing through the roof of the ISO container within which the CHP unit is housed. During normal operation no other emissions are released from the plant due to the gas tight

nature of the construction. Should gas production exceed the storage capacity of the digesters and the demand of the CHP unit due to a shutdown for maintenance or breakdown, then excess gas will be flared off as CO₂ and water vapour via the proprietary flare. The products of combustion in the flare will have a lesser greenhouse gas effect than would raw biogas (60% methane) if it were to be released.

- The resulting digestate from the anaerobic digestion process is significantly less odorous than raw slurry. The more odorous compounds in the slurry are broken down during the process. The release of unpleasant odours during slurry spreading operations is greatly reduced where digestate from the AD process is used. When raw slurry is spread to land nitrogen is lost in the form of ammonia. Ammonia is an odorous compound which can be converted to nitrate, with little or no odour, which plants can then use. Negative impacts due to odours associated with animal slurries will therefore be reduced by the proposal.
- Access to the proposed site from the public road will be via the existing farmyard and farm entrance. The operation of the proposed plant will have negligible effect on traffic entering and leaving the location. All feedstocks for the system will be sourced from within the farm and digestate will be spread back to the farm land. There will be a reduced requirement for artificial fertiliser and therefore a small reduction in the number of deliveries to the farm will result.
- Management procedures will be put in place for the proposed plant to ensure a safe environment is maintained at all times.
- Diversification of the existing business will safeguard its future and bring further employment opportunities.
- The proposed Standhill Farm AD plant is in accord with the principals of sustainability and will provide significant environmental, economic and social benefits to the local community.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018

Policy N20: Design

Policy E16: Rural Economic Development

Policy I19: Renewable Energy

Policy I21: Small Scale Renewable Energy Technology

Policy I22: Energy from, Waste

Consolidated Scottish Borders Local Plan 2011

G1: Quality Standards for New Development

H2: Protection of Residential Amenity

Inf7: Waste Management Facilities

D1: Business, Tourism and leisure Development in the Countryside

D4: Renewable Energy Development

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance: Renewable Energy June 2007

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Environmental Health: Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation).

The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Roads Planning Service: No objections.

Statutory Consultees

Denholm Community Council: The Community Council does not object to the application however should the officers be minded to approve the application the conditions imposed should include:

- 1) If the private water supply is used an alternate supply is to be provided with no interruption of the flow volume and quality and that this is available as back up in order that other persons obtaining their water supply from the same source are not affected.
- 2) The waste required for the plant is sourced from within the farm unit. Should waste require to be imported then a variation to the planning conditions would be required.
- 3) Odour levels to be controlled and a level set.

SEPA: The AD plant should be sited at least 10m away from any surface water drains and any field drains should be diverted away from the site. All associated slurry and silage storage and handling installations should be constructed and undertaken in compliance with The Controlled of Pollution (Silage, Slurry and Agricultural Fuel Oil) (Scotland) Regulations 2003, as amended.

As the applicant states, the odour from the resulting digestate from the AD plant should be reduced as the odorous elements from the slurry will be broken down in the digestion process. The AD plant is located within the existing farm and is in an isolated location with the nearest neighbour being 180m away. Therefore we do not perceive that there will be a significant odour issue.

Our operations staff have had previous correspondence with the applicant regarding the regulatory requirements for the proposed plant. As per our guidance for licensing of Anaerobic Digestion Plants (WST-G-003), we confirm that a Waste Management Licence will not be required as long as all the requirement of a Paragraph 51 waste management licensing exemption can be met; these requirements primarily being the feedstock to the anaerobic digestion plant is agricultural manure, slurry or crops grown specifically for AD and the output is spread as fertiliser on agricultural land in compliance with other regulatory controls.

Other Consultees

None

KEY PLANNING ISSUES:

- Whether the proposal would harm the environment, visual amenities of the area or residential amenities of occupiers of nearby residential properties.
- Whether the proposal would affect water supplies to neighbouring properties.
- Access and the impact of the proposal on the local road network.

ASSESSMENT OF APPLICATION:Planning Policy

Policy I19 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 states that the Council will support the development of renewable energy sources that can be developed in an environmentally acceptable manner. Policy I21 states that proposals for small scale renewable energy generation will be encouraged where they have no significant adverse impact on the natural and built environment or amenity of the area. Policy I22 states that development proposals for energy from waste installations will only be permitted where they are in accord with the Area Waste Plan.

Policy D4 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that the Council will support large and community scale renewable energy development where it can be accommodated without unacceptable impacts on the environment. The siting and design of all renewable energy developments should take account of the social, economic and environmental context. Renewable energy developments will be approved provided that there are no unacceptable adverse impacts on the natural heritage, water environment, landscape, biodiversity, built environment, archaeology, recreation or tourism or that any adverse impacts can be satisfactorily mitigated. Waste to energy schemes involving farm waste will be assessed against policy Inf7: waste management facilities. This policy states that applications for waste management facilities including waste to energy schemes will be assessed against the principle of the development in terms of its location and the details of the application. In principle, the Council will support proposals for sustainable waste management facilities provided that certain criteria are met.

Policy E16 of the Structure Plan encourages business development which will support the rural economy. Policy D1 of the Local Plan states that business development in the countryside will be approved and rural diversification initiatives will be encouraged provided certain criteria are met; these will be addressed within this report.

Policy N20 of the Structure Plan states that the Council will encourage a high quality of layout, design and materials in all new developments. Policy D1 requires that the development must respect the amenity and character of the surrounding area. The development should be appropriate to the rural character of the area and require a particular rural location and cannot be reasonably accommodated within the development boundary of a settlement. Policy G1 requires all development to be of high quality in accordance with sustainability principles, designed to fit in with

Borders townscapes and to integrate with its landscape surroundings. Policy Inf7 requires that the impact of the proposal on the environment, biodiversity, the landscape and archaeology are considered, minimised and managed.

The Council's Supplementary Planning Guidance: Renewable Energy June 2007 states that combined heat and power systems are not strictly speaking a form of renewable energy as they generally run on gas or diesel fuel. However, where the fuel source is renewable such as wood chip, then it is considered to be a form of renewable energy. The main advantage of a CHP system is that it is a more efficient way to generate heat and power. The cost-effectiveness of CHP schemes comes from the reuse of heat generated in the production of electricity.

Siting, Design and Visual Impact

Given the nature of the development, the source of the feedstock and potential noise and odour from the plant to be installed, it is acceptable that the proposal requires a rural location adjacent to a farm steading. The development would be well related to the existing farm buildings at the steading, in an adjacent field with the existing silage clamps to the north east. The buildings and plant to be installed would be of a smaller scale and height than the existing agricultural buildings. The digesters would be clad in green profile sheeting. The existing agricultural buildings would act as a backdrop and as a screen, reducing the visual impact of the proposal. It is considered that the proposal would not be unduly prominent in the landscape and would not harm the visual amenities of the area or views into or out of the Candidate Special Landscape Area.

Residential Amenities

Policy D1 of the Local Plan requires that the development has no significant adverse impact on nearby uses, particularly housing. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted. Policy Inf7 states that it must be satisfactorily demonstrated that the impacts of the proposal are within acceptable levels and can be properly managed including the impact on local communities in terms of noise, odours and traffic generation.

The potential impact of the development on residential amenities would be in terms of noise disturbance, odours, loss of outlook or light.

The nearest residential properties are Standhill Cottages, 190m to the south east. These are on higher ground than the site but proposed development would be partially screened by the existing agricultural buildings. The proposal would therefore not affect the light or outlook of the occupants of these properties.

The applicant's supporting statement advises that there are two pieces of equipment which could be considered as potential sources of noise nuisance. The digester tanks are equipped with internal paddle mixers driven from externally mounted motors. The Combined Heat and Power (CHP) unit is installed within a sound proof enclosure which is fitted with splitter attenuators for minimising noise emissions by fresh and exhaust air blowers of the fresh air system. The report concludes that noise impacts on neighbouring properties will be within acceptable levels, given the distance from the site.

Environmental Health has advised that noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). This should be a condition of any planning permission for this development.

The applicant's supporting statement advises that the resulting digestate from the anaerobic digestion process would be less odorous than raw slurry as the more odorous compounds in the slurry are broken down during the process. It concludes that negative impacts due to odours associated with animal slurries will therefore be reduced by the proposal.

Given the distance from the site to the nearest residential properties it is considered that odour would not be an issue significant enough to warrant refusal of the application.

Access

Policy D1 requires that accessibility is taken into account. The development would utilise the existing access to the farm from the public road. The supporting statement advises that all feedstocks would be sourced from the farm and the digestate will be spread back to the farm land. The agent advises that the proposed feed stock is based on the current slurry production on the farm as detailed in the farm's waste management plan. The proposal is to supply all feedstock from within the farm. Based on this information the Roads Planning Service has no objections.

It is recommended that it should be a condition of any planning permission for this development that no feedstocks are to be imported into the farm as this would have implications for the local road network that would have to be assessed.

Water Supplies

Policy D4 requires that renewable energy development should not have an adverse impact on the water environment. Policy Inf7 requires the impact on the proposal on water resources to be considered.

The supporting statement advises that due to the small area covered by the development there will be little impact on existing surface water hydrology. The existing water drainage pipes will be diverted or encased in concrete to reduce the possibility of contamination of surface water.

Concern has been expressed by local residents regarding the impact of the development on local private water supplies to existing houses. The application form indicates that the development will not be connected to a mains water supply but no details of the water supply, if any, for the development has been submitted.

This matter has been taken up with the agent, who advises that the proposed plant will not consume water; the slurry component of the feed stock will be sufficiently low in dry matter to dilute the other materials used and no piped water supply to the AD plant is proposed.

The agent has confirmed that the production of wood chip briquettes and the erection of greenhouses, as referred to in paragraph 1.3 of the Supporting Information, will be the subject of separate planning applications and are not to be considered as part of this application. He advises that this information provides a background to his

client's environmental policies and future plans to sustain and expand the business as a local employer.

CONCLUSION

It is considered that the proposal complies with policies G1, H2, Inf7, D1 and D4 of the Scottish Borders Consolidated Local Plan Adopted 2011. Potential environmental effects can be controlled to an acceptable level by planning conditions so that the proposal does not harm visual amenities of the area or residential amenities of occupiers of adjacent properties and contributes to the production of renewable energy.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The anaerobic digestion plant to be operated in accordance with the Supporting Information Statement March 2012 and information submitted with the planning application unless otherwise agreed with the Planning Authority.
Reason: To safeguard visual and residential amenities.
3. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.
Reason: To safeguard the amenities of the occupiers of adjacent residential properties.
4. All feedstock to be sourced from existing farm production and no feedstocks to be imported to the farm from elsewhere unless otherwise agreed by the Planning Authority.
Reason: In the interests of road safety and to protect residential amenity.

DRAWING NUMBERS

Location Plan	2063654-001
Site Plan	2063654-002
Block Plans	2
Sections	3
Elevations	4
Elevations	5
Sections	6
Elevations	2063654-003

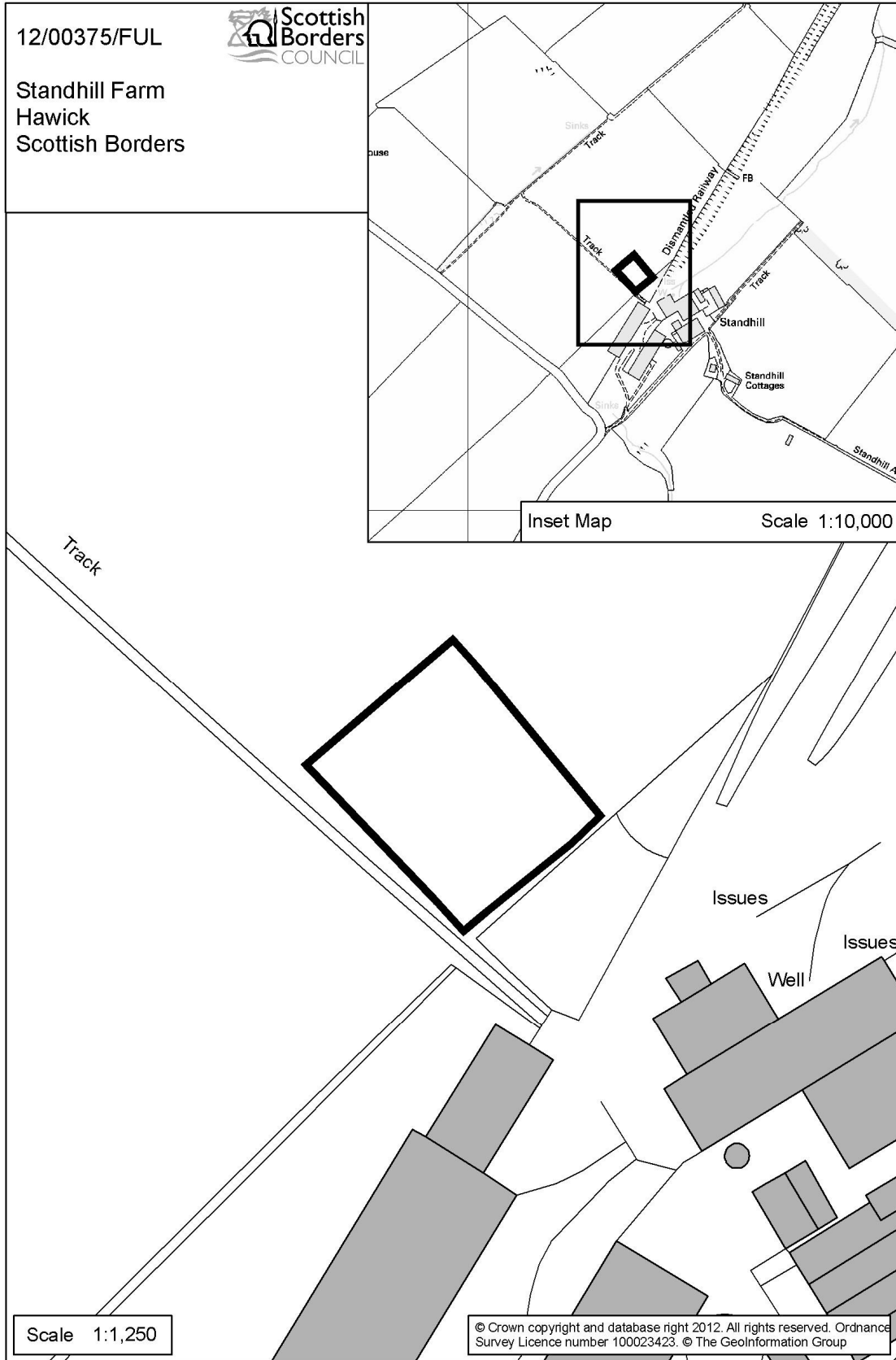
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 1. 12/00600/FUL
2. 12/00624/LBCNN

OFFICER: Julie Hayward
WARD: Hawick and Hermitage
PROPOSAL: 1. Part change of use from office and alterations to form sandwich bar and formation of access ramp
2. Internal and external alterations and formation of access ramp

SITE: 22 Buccleuch Street Hawick
APPLICANT: Aitken Turnbull Architects Ltd
AGENT: Aitken Turnbull Architects Ltd

SITE DESCRIPTION

The property is situated on the corner of Buccleuch Street and St George's Lane within the Hawick Conservation Area. Teviot Parish Church is to the north, St Mary and St David's Catholic Church is to the south on the opposite site of Buccleuch Street and Hawick High School is to the west. There are a number of residential and commercial properties on both sides of Buccleuch Street.

The property is a category C(S) Listed Building. It is a two storey, end of terrace building with a whinstone frontage and a rendered rear elevation and gable. There are modern extensions to the rear, including a flat roof, timber extension used as a drawing office. The building is used as offices on the ground floor with flats above.

PROPOSED DEVELOPMENT

The proposal relates to the flat roof timber extension to the rear of the building. The proposal is to use this as a sandwich bar, with a serving area, kitchen and toilet. A new external door would be formed and a ramp and steps with black-painted railings along the side elevation of the building. The remainder of the ground floor of the building would remain as offices.

PLANNING HISTORY

There is no planning history for this property.

REPRESENTATION SUMMARY

Fourteen representations have been received. These are available for Members to view on the Public Access System. The following planning issues have been raised:

- There is an overabundance of fast food/takeaways in the local area and the High School has to follow strict guidelines on healthy eating set down by the Scottish Executive. This proposal would have a detrimental effect on a Council-run kitchen competing with local businesses and on the Health Promoting School work undertaken by the High School.
- There are established businesses in the area that successfully serve the public and provide many jobs that are trying to manage and react to the pressures of similar businesses opening in the area.
- The property is on a busy junction onto the A7 next to a bus stop and there would be an increased risk to the health and safety of pupils and the visibility at the junction would be affected.
- There will be litter, noise nuisance, cooking smells and food stuffs will attract rats and seagulls.
- No details have been provided of the where the rubbish storage bins are to be located to serve the development.
- There are too many take away/food outlets and many empty premises on the street so these shops should be filled first. There are three other take ways in the area. The Howgate and High Street are awash with food outlets selling sandwiches, filled rolls, fish and chips and Indian food. Another food shop is unnecessary.
- Access to the church hall facilities regularly used by the school for exams will be restricted and excessive noise levels would impact on pupils sitting exams.
- The ramp would be on the entrance to St George's Lane, with restricted parking and constant traffic visiting the Post Office sorting office, and would take up pavement space on the busy A7..
- School children will congregate on the corner of the street.
- The building is timber clad and so there is a fire safety issue.
- The building is in the Conservation Area and is a Listed Building.
- The use is not appropriate for a residential area and will harm the amenities of local residents.
- There is nowhere for customers visiting the property by car to park as there is only just enough for local residents resulting in customers double parking in St George's Lane.
- The proposed ramp would affect the entrance to the upper flats.
- The area is a flood danger area and the cellar has been flooded on numerous occasions.
- At present the only place where vehicles can turn is in the entry gateway to the Royal Mail sorting office; St Georges Lane is too congested and narrow to allow turning.

- The property is an office but looks like a dwellinghouse in an attractive row of dwellinghouses. A sandwich bar is unlikely to enhance the look of the row.

APPLICANTS' SUPPORTING INFORMATION

The following information has been submitted by the agent and is available for Members to view in full on the Public Access System:

- There may be a small amount of seating provided within the premises to allow people to consume food on the premises however it is intended that the majority of the food would be consumed outwith the premises. We do not envisage hot food being prepared on the premises. The intention is that the area would be used a sandwich shop selling soup, sandwiches / baguettes etc.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018

Policy N17: Listed Buildings

Policy N18: Development Affecting Conservation Areas

Policy N20: Design

Policy I11: Parking Provision in New Development

Policy I15: Flood Risk Areas

Consolidated Scottish Borders Local Plan 2011

Policy G1: Quality Standards for New Development

Policy G4: Flooding

Policy G7: Infill Development

Policy BE1: Listed Buildings

Policy BE4: Conservation Areas

Policy ED5: Town Centres

Policy H2: Protection of Residential Amenity

Policy Inf 4: Parking Provisions and Standards

OTHER PLANNING CONSIDERATIONS:

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Flood Protection Officer: In terms of information that this Council has concerning flood risk to this site, I would state that The Indicative River & Coastal Flood Map (Scotland) known as the "second generation flood mapping" prepared by SEPA indicates that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year.

More accurate Flood data information from hydraulic modeling undertaken for the Hawick Flood Protection Scheme by Halcrow for this Council also indicates that the

site is at risk of flooding from a flood event with a magnitude of a lot less than 1 in 200 years.

The property can expect to be inundated with flood waters between depths of 0.00m and 0.50m from a flood event with a return period of 1 in 50 years with depths increasing to between 1.01m and 1.50m on the southern edge of the property and between 1.51m and 2.00m on the north western edge of the property for a 1 in 200 year flood event.

Notwithstanding the above this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on flooding grounds.

Archaeology Officer: There are no archaeological implications for this proposal.

Roads Planning Service: As the road most affected by this application is a trunk road, the comments of Transport Scotland should be sought. Notwithstanding their comments regarding Buccleuch Street, there is some concern regarding potential traffic issues on St George's Lane. I accept that there is a lack of parking on this lane however, there is room for vehicles to turn if they enter the street and cannot find a parking space. There is also access from the Common Haugh car park to the lane which will allow customers who know the area to park there and walk across to the premises. With regards the potential conflict with customers (primarily school children) and the use of the neighbouring bus stop, again this would be an issue for Transport Scotland to comment on. Taking the above into consideration, I will not object to this proposal.

Environmental Health: Reply awaited.

Principal Officer (heritage and Design): 22 Buccleuch Street is listed category C(S) and the original buildings dates back to the earlier part of the 19th century. However a flat roofed extension was added to the building in the 1960s and it is this part of the building where the proposed new sandwich bar is to be located.

The internal works are very minor and include the infilling of current internal rear doorways to the rear wall of the original building, the covering up of the staircase to the basement (presumably an access hatch will be left) and removal of a stud wall. These works are contained within the later extension and will not impact on the historic or architectural interest of the listed building.

I have no objection to the formation of a new external door in the "modern" part of the office. The proposed ramp will extend across the whole width of the gable; however the ramped sections and intermediate landing will be guarded by a simple handrail which is effectively transparent and will not impact significantly on the visual appearance of the gable. I note that the ramp effectively is contained between "on end" concrete paving slabs so that concrete surface is isolated from the gable stonework – enabling the ramp to be easily removed at a later date if desired. Overall I consider that the provision of a ramp in this location is acceptable. No objections

Statutory Consultees

Transport Scotland: Advises that a condition be attached to any planning permission the Council may give requiring the erection of a barrier behind the

kerbline opposite the access ramp to prevent wheelchairs and prams from rolling onto the trunk road.

Hawick Community Council: We object to this applications and would concur with some of the other objections. The site of the bus stop at the High School has raised concerns due to the proximity of post vans, etc from St George's Lane, so this will effectively aggravate the situation even more if approved. The objections submitted are from a wide source including neighbours, other fast food outlets, the church etc and they have covered most of the issues that we would have raised.

Other Consultees

None

KEY PLANNING ISSUES:

- Whether this is an appropriate use for this part of Hawick.
- The impact of the proposal on the Listed Building and Conservation Area.
- The impact of the proposal on the residential amenities of occupants of residential properties in the surrounding area.
- Access, parking and road safety issues.
- Whether the site is at risk of flooding.

ASSESSMENT OF APPLICATION:

Planning Policy

The proposal is to convert part of the existing offices into a sandwich bar, which falls within Class 1: Shops of the Use Classes Order as the use would be predominantly for the sale of cold food for consumption off the premises with a small area of seating. It would not be a hot food take away or a Class 3 use, which would be the sale of food and drink for consumption on the premises. Therefore, while a very small amount of ancillary hot food sales (e.g. soup) might be permitted, any proposal to sell predominantly hot food would not be permitted in the event that the permission applied for is granted.

The site is situated within the town centre as designated in the Local Plan. Policy ED5 states that outwith the ground floor level of defined Prime Retail Frontages, a variety of uses appropriate to a town centre will be supported. This includes food and drink uses. The proposal therefore complies with policy ED5.

A number of representations have been received expressing concern over the number of food outlets and take aways in this part of Hawick and the impact of the proposed use on existing, similar premises. With regards to the over-provision of such uses, the role of the planning system is to act in the wider public interest, not to protect one individual or business interests over another's. The issue of competition is not a planning issue and cannot be taken into account in the determination of this application.

Policy G7 of the Local Plan states that within Development Boundaries the re-use of existing buildings will be approved provided that certain criteria are met. These criteria will be addressed within this report.

Design

Policy N20 of the Structure Plan states that the Council will encourage a high quality of layout, design and materials in all new developments. Policy G1 of the Local Plan requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy G7 of the Local Plan requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming.

The only external alterations proposed are the formation of an external door to serve the sandwich bar and the formation of the access ramp. The ramp would be concrete with black-painted hand rails. This would be a minor development and the design and materials are considered to be acceptable. The proposed alterations would not harm the visual amenities of the area.

Impact on the Listed Building and Conservation Area

Policy N17 of the Structure Plan seeks to preserve the character of Listed Buildings, their setting and related fixtures. Policy BE1 of the Local Plan states that the Council will support development proposals that protect, maintain, and enhance active use and conservation of Listed Buildings. All Listed Buildings will be protected against all works which would have a detrimental effect on their listed character, integrity or setting. Policy N18 of the Structure Plan supports development affecting Conservation Areas that is of a quality and design which will preserve the character and appearance of these areas. Policy BE4 of the Local Plan states that development within or adjacent to a Conservation Area that would have an unacceptable adverse impact on its character and appearance will be refused. Policy G7 requires that developments should not detract from the character and amenity of the surrounding area.

The internal works are minor and include the infilling of current internal rear doorways to the rear wall of the original building, the covering up of the staircase to the basement and removal of a stud wall. These works are contained within the later extension and would not impact on the historic or architectural interest of the Listed Building.

The proposed external door would also be formed in the “modern” part of the office. The proposed ramp would extend across the whole width of the gable, however the ramped sections and intermediate landing will be guarded by a simple handrail which would effectively be transparent and would not impact significantly on the visual appearance of the gable. The ramp would be contained between “on end” concrete paving slabs so that concrete surface is isolated from the gable stonework enabling the ramp to be easily removed at a later date, if desired. Overall it is considered that the provision of a ramp in this location is acceptable and would not harm the character or appearance of the Listed Building or the Conservation Area.

Access, parking and Road Safety

Policy G7 of the Local Plan requires that adequate access and servicing can be achieved. Policy I11 of the Structure Plan and Inf4 of the Local Plan require that car parking should be provided in accordance with the Council's adopted standards.

No on-site parking is proposed for this development and concern has been expressed by local residents that there is a lack of on-street parking and turning facilities adjacent to the site.

The Roads Planning Service accepts that there is a lack of parking on St George's Lane; however, there is room for vehicles to turn if they enter the street and cannot find a parking space. There is also access from the Common Haugh car park to the lane which will allow customers who know the area to park there and walk across to the premises. The Roads Planning Service does not require on-site car parking or turning facilities in relation to this proposal and it is common for town centre uses such as this not to have on-site parking.

Transport Scotland has no objections to the proposal from a trunk road point of view provided that a barrier is erected behind the kerbline opposite the entrance to the proposed ramp off Buccleuch Street. This can be controlled by a planning condition.

Local residents have expressed concern that pupils from the High School will use the proposed sandwich bar, congregating in the street, blocking visibility at the junction of St Georges Lane and Buccleuch Street and increasing the risk of accidents. These concerns in themselves are not valid planning reasons to refuse the application.

Residential Amenities

Policy G7 of the Local Plan states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The proposed alterations to the building would not harm the residential amenities of occupiers of neighbouring properties in terms of light and privacy.

Objections have been received on the basis of litter. It has been held in the courts that the dropping of litter is a material consideration even though it is also controllable by other legislation. Potential problems of litter are not however likely themselves to be sufficient reason for refusal of planning permission. A condition would require the provision of a litter bin for customers of the premises to use and a condition would also require the provision of refuse storage facilities within the site for waste generated by the proposed use.

Representations have also been received expressing concern regarding noise and smells from the proposed use. The proposal is for a sandwich bar selling predominantly cold food. No extract ventilation system is proposed but a condition would ensure that one could be installed if required by Environmental Health and this would control smells from the premises. A condition would also control noise from equipment or machinery within the premises.

Flooding

Scottish Borders Consolidated Structure Plan 2001 - 2018 policy I15 and Scottish Borders Consolidated Local Plan Adopted 2011 policy G4 refer to developments where there is an identified flood risk. They state that developments will not be

permitted if it would be at significant risk of flooding or would materially increase the risk of flooding elsewhere.

The Council's Flood Protection Officer advises that the site is at risk from a flood event with a return period of 1 in 200 years. That is the 0.5% annual risk of a flood occurring in any year. He advises that notwithstanding this, this is a small scale development that is unlikely to have a significant effect on the storage capacity of the functional flood plain or affect local flooding problems and I would not oppose it on flooding grounds.

CONCLUSION

The proposed development, subject to the imposition of planning conditions, is considered acceptable and in compliance with policies G1, G4, G7, H2, BE1, BE4, ED5 and Inf4 of the Scottish Borders Consolidated Local Plan Adopted 2011. It is not considered that the proposal would negatively impact upon the character or the appearance of the Listed Building or Conservation Area, on residential amenities or the visual amenities of the area.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

In respect of application 12/00600/FUL, I recommend the application is approved subject to the following conditions and informatives:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Details of the material and colour of external door to be submitted to and approved in writing by the Planning Authority before the development commences. The development then to be completed in accordance with the approved details.
Reason: To safeguard the amenity of the area.
3. Before the use hereby approved commences a scheme shall be submitted to and approved in writing by the Planning Authority indicating proposals for the satisfactory storage of refuse. Such proposals as shall be agreed shall be implemented before the use commences and thereafter retained.
Reason: To ensure the provision of satisfactory facilities for the storage of refuse.
4. Details of measures for the control of odours from the commercial kitchen to be submitted to and approved in writing by the Planning Authority prior to the commencement of the development. The development then to be implemented in accordance with approved scheme.
Reason: To safeguard the amenities of the occupiers of adjacent properties.
5. Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR30 at all other times when measured within the nearest noise sensitive dwelling and the noise emanating from any plant and machinery should not contain any discernible tonal component.
Reason: To safeguard the amenities of the occupiers of adjacent residential properties.

6. Receptacles for the purposes of containing litter will be provided on or adjacent to the property for use by the patrons of the premises and to be retained thereafter. Details of the receptacles and their location shall be submitted to the Planning Authority and agreed in writing before the use hereby approved commences and shall be implemented as part of the development and maintained thereafter in accordance with the approved details.

Reason: To safeguard the amenity of the area.

7. A barrier of a type to be approved by the Planning Authority in consultation with the Trunk Road Authority shall be erected behind the kerbline opposite the access ramp before the use of the building becomes operational.

Reason: To prevent wheelchairs and prams from rolling onto the trunk road.

8. Details of the position, size, colour, materials and method of illumination of any signage to be displayed on the building to be submitted to and approved in writing by the Planning Authority prior to any advertisement being displayed. Thereafter the works are to be carried out strictly in accordance with the approved details.

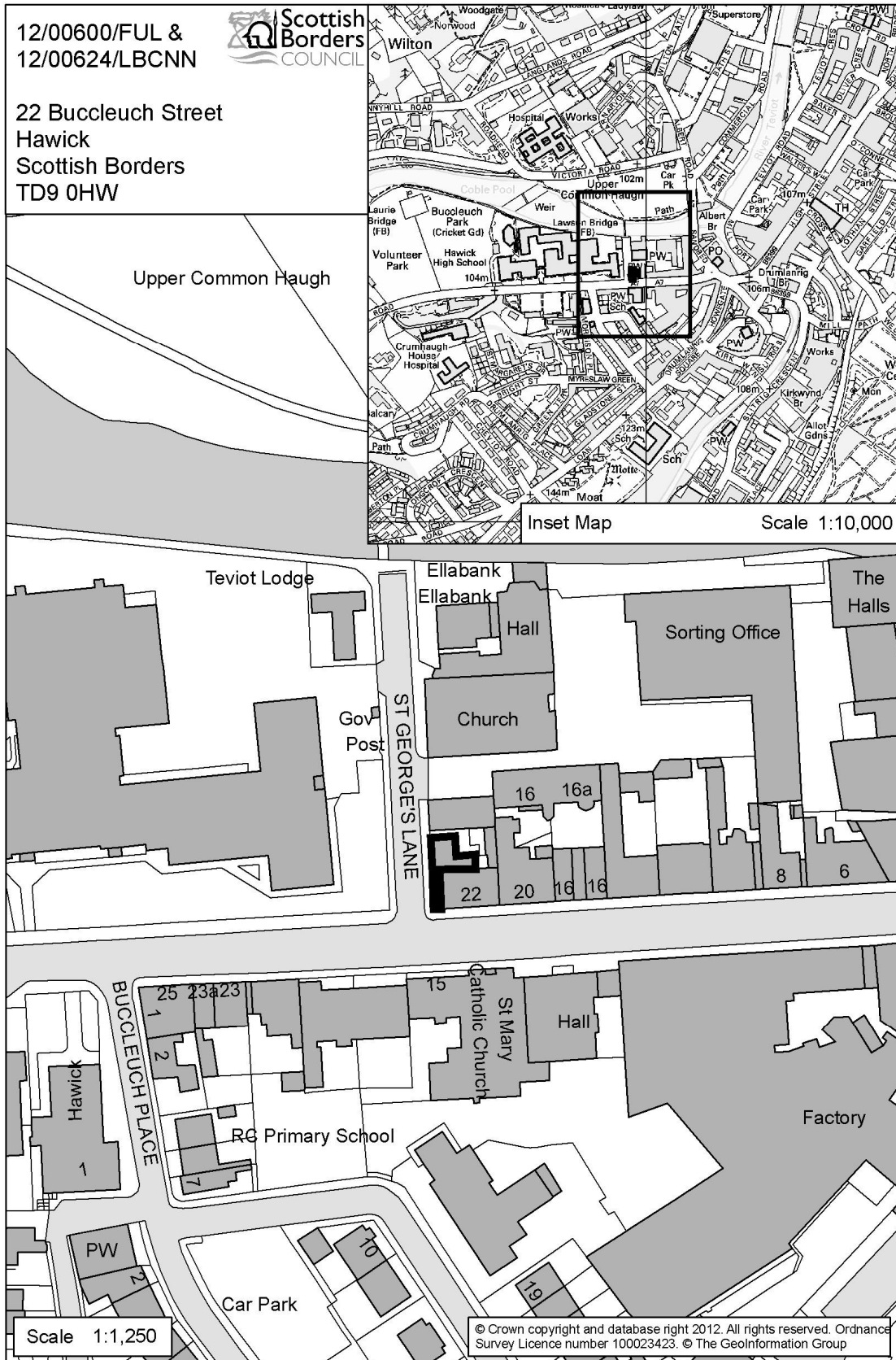
Reason: In accordance with the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1994.

Informatives

- The consultation response from the Council's Flood Protection Officer is attached for the information of the applicant.
- In respect of condition 8, any signage may require Advertisement Consent and/or Listed Building Consent.

In respect of application 12/00624/LBCNN, I recommend the application is approved subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with the provisions of Section 16 of the Town and Country Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Details of the position, size, colour, materials and method of illumination of any signage to be displayed on the building to be submitted to and approved in writing by the Planning Authority prior to any advertisement being displayed. Thereafter the works are to be carried out strictly in accordance with the approved details.
Reason: In accordance with the provisions of the Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1994.



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 1. 12/00614/FUL
2. 12/00615/MOD75

OFFICER: Julie Hayward

WARD: Hawick and Denholm

PROPOSAL:

1. Removal of condition No 4 from planning consent 97/00502/OUT and condition No 3 from planning consent 01/00951/REM to allow the dwellinghouse to be occupied by persons outwith the Alton Loch fishery business
2. Modification of planning obligation - 97/00502/OUT and 01/00951/REM

SITE: Alton Loch Alton Hawick

APPLICANT: James Grant And Margaret Murray Rooney

AGENT: None

SITE DESCRIPTION

Alton Loch is situated to the north of Hawick and is accessed from the A7 by a minor road. There is a group of houses, Newhouses, to the south west. Alton Loch comprises of areas of woodland, the loch and grazing land. There is a one-and-a-half storey dwellinghouse with rendered walls and concrete tiles on the roof. The property is accessed by a private access track.

PROPOSED DEVELOPMENT

Outline planning permission (97/00502/OUT) was granted for the erection of a dwellinghouse at Alton Loch in August 1998 subject to the following condition:

“The dwellinghouse to be occupied only by a person or persons employed in the Alton Loch fishery business.

Reason: The erection of a dwellinghouse for normal residential occupation would be contrary to the Council's policy on housing in the countryside.”

The detailed application for the erection of a dwellinghouse (01/00951/REM) at this site was granted in October 2001 subject to the same occupancy condition.

The dwellinghouse has been built. This current planning application seeks to remove the two occupancy conditions from the dwellinghouse.

The second application seeks to modify the Section 75 Agreement that formed part of the planning permission for the erection of the dwellinghouse. The main requirements of the legal agreement are:

- (a) no further dwellinghouses shall at any time be erected or otherwise provided on the land without the consent of the Planning Authority having first been

obtained in terms of this Agreement in addition to any necessary planning permissions and others,

- (b) the said dwellinghouse and the loch and surrounding land holding shall always be owned and used together and none of those at any time shall be sold separately from the others without the agreement of the Planning Authority except to Statutory Undertakers or for the purposes of public works or adjustment of boundaries.

The application seeks to modify the Section 75 Agreement to remove the requirement that the house, land and loch be owned and used together and not sold separately so that the applicants can sell the property.

PLANNING HISTORY

97/00502/OUT: Erection of a dwellinghouse. Field No 0062 Adjacent Alton Pond Hawick. Granted 25th August 1998.

01/00951/REM: Erection of dwellinghouse. Field No 0062 Adjacent Alton Pond Hawick. Granted 5th October 2001.

03/00475/FUL: Erection of holiday cottage and fishermen's hut. Field No 0062 Adjacent Alton Pond Hawick. Granted 4th April 2005.

06/00827/FUL: Extension to dwellinghouse. Alton Loch Hawick. Granted 15th June 2006.

REPRESENTATION SUMMARY

No representations have been received.

APPLICANTS' SUPPORTING INFORMATION

A supporting statement has been submitted by the applicant and is available for Members to view in full on the Public Access System:

- Outline planning permission (97/00502/OUT) was granted in August 1998 for the erection of a dwellinghouse at Alton Loch subject to a condition that the dwellinghouse was to be occupied only by a person or persons employed in the Alton Loch fishery business as the erection of a dwellinghouse for normal occupation would be contrary to the Council's policy on housing in the countryside.
- This planning permission was also subject to a Section 75 Legal Agreement that prevents any further dwellinghouses being built on the land and requiring the dwellinghouse, loch and landholding to be owned and used together.
- Detailed planning permission (01/00951REM) was granted for the dwellinghouse in October 2001 subject to the same occupancy condition. The dwellinghouse has been built.
- In 2005 planning permission was granted for the erection of a holiday cottage and fisherman's hut. This was subject to a condition that the holiday cottage to be used for holiday purposes only and not for permanent residential

occupation as this would be contrary to the Council's policy on housing in the countryside.

- This planning permission was subject to a variation of the Section 75 Agreement that the land, dwellinghouse and holiday cottage be held as a single indivisible unit and no part sold and requiring the holiday cottage be restricted to holiday use, excluding permanent residential use. The holiday cottage has not been built but the fisherman's hut was retrospective so the planning permission for the holiday cottage will not lapse.
- Alton Loch is 13.5 acres comprising of woodland, grazing land and the loch. The loch is susceptible to leaching causing excessive weed growth. This has been dealt with by using aquatic weed killers but these have been banned which means the weed has to be extracted manually making it impossible to fish. Alton Loch has not been run as a commercial fishery for a number of years and is now no longer viable.
- The Business Plan for the holiday cottage was that it would be used by disabled and able-bodied anglers but it was not possible to guarantee the fishing and so the holiday cottage was not built.
- We are now in our sixties and would like to sell the existing house, loch and land. We request that the Section 75 Agreement and Variation are modified to remove the requirement that the dwellinghouse, loch and land be owned and used together along with the planning condition that the dwellinghouse be occupied only by persons employed in the Alton Loch fishery business. This would leave the restrictions relating to the holiday cottage in place.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018

Policy H7: Housing in the Countryside: Building Groups

Policy H8: Housing in the Countryside: Isolated Housing

Consolidated Scottish Borders Local Plan 2011

Policy G5: Developer Contributions

Policy H2: Protection of Residential Amenity

Policy D2: Housing in the Countryside

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance: New Housing in the Borders Countryside
December 2008

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Legal Services: Reply Awaited.

Statutory Consultees

None

Other Consultees

None

KEY PLANNING ISSUES:

- Whether the removal of the occupancy conditions attached to the dwellinghouse at Alton Loch complies with the Council's housing in the countryside policies;
- What the implications of the discharge of the Section 75 Agreement are.

ASSESSMENT OF APPLICATION:

Planning Policy

The proposal to remove the occupancy condition from the dwellinghouse at Alton Loch has to be assessed against the Council's housing in the countryside policies.

A new house in this location now would be assessed against policy H7 of the Structure Plan and policy D2 of the Local Plan. Policy H7 states that proposals for new housing in the countryside outwith settlements but associated with building groups will be supported where they fit the character of the building group and the surrounding area and avoid overdevelopment. Policy D2 (A): Building Groups allows housing of up to a total of two additional dwellinghouses or a 30% increase in the building group, whichever is greater, provided that certain criteria are met.

The Council's Supplementary Planning Guidance on New Housing in the Borders Countryside 2008 defines a building group as three or more existing houses and states that the existence of a building group will be identified by a sense of place contributed to by natural and man-made boundaries. Any new build should be located within a reasonable distance of the existing properties in a building group and the distance between existing properties and the proposed new build should be guided by spacing between the existing properties in the group.

There is only one dwellinghouse at Alton Loch so no building group exists in this location. It has been accepted in the past that there is a building group at Alton and Newhouses to the south west as new houses have been allowed here in the recent past. However, it is considered that Alton Loch does not form part of this building group due to the distance between the houses within the building group and the property at Alton Loch, the woodland in between and the lack of a sense of place. Therefore, a new house in this location would not comply with policy H7 or policy D2 (A).

Policy H8 of the Scottish Borders Consolidated Structure Plan 2001 - 2018 states that housing in the countryside outwith settlements and building groups will not be supported unless its location is essential for the needs of an agricultural business or other business use that requires a specific rural location.

Policy D2 (E) states that housing with a location essential for business needs may be acceptable if the Council is satisfied that the housing development is a direct operational requirement of an agricultural, horticultural, forestry or other enterprise which is appropriate to the countryside and it is for a worker predominantly employed

in the enterprise and the presence of that worker on-site is essential to the efficient operation of the enterprise. Alternatively, the house is for a person last employed in an agricultural, horticultural, forestry or other enterprise which is appropriate to the countryside and employed on the unit and the development will release another house for continued use by agricultural, horticultural, forestry or other enterprise which is appropriate to the countryside.

When the planning application (97/00502/OUT) for the house on this site was considered it was accepted that an existing fly fishing business was operating from Alton Pond, as evidenced by the applicant's supporting letter, signs, sheds and a static caravan on the site. A Business Plan was submitted with the application, which stated that the applicant had operated the facility since 1994, up to 100 fish per acre were stocked and the number of anglers over the season had increased by 35% since opening. With permanent residential supervision on site, it was envisaged by the applicant that turnover could be doubled in two years, although this is also reliant on other uses. The applicant estimated that 870 anglers could use the facility in 1999.

Despite the Business Plan, Officers at that time remained unconvinced that a genuine need had been established for erecting and living in a dwellinghouse on site. The business was still in the process of being established and at an early stage and it was felt that small businesses are often vulnerable in their formative years. Officers felt that approving a dwellinghouse on the site justified purely on the basis of the business, represented a risk in that the business may then not continue to prove viable. Officers concluded that the economic need for the house had not been sufficiently substantiated and although it would be possible for the applicant to operate more effectively by residing closer to (but not on) the site the concerns regarding precedent in similar situations were still valid. The application was recommended for refusal but approved by the Planning and Development Committee subject to the condition that the dwellinghouse is to be occupied only by a person or persons employed in the Alton Loch fishery business. This condition was also attached to the reserved matters consent for the dwellinghouse.

The planning permission was also subject to a Section 75 Agreement that prevents any further dwellinghouses being built on the land holding and preventing the land, loch and house being sold off separately.

The house has been built and the owners now wish to remove the occupancy condition and modify the legal agreement to allow the land and house to be sold. The applicants advise that the loch is susceptible to leaching causing excessive weed growth. This has been dealt with by using aquatic weed killers but these have been banned which means the weed has to be extracted manually making it impossible to fish. Alton Loch has not been run as a commercial fishery for a number of years and is now no longer viable. The applicants are in their sixties and would like to sell the existing house, loch and land.

The justification for a dwellinghouse on this site in connection with the existing fishery business was always considered to be marginal. It is accepted that the business did operate for several years but has not been viable for some time. The applicants claim that there are problems with the quality of the water within the loch affecting the operation of the fishery business and that they are now too old to run the business.

Although a house in this location without the occupancy condition would be contrary to the current housing in the countryside policies, the justification for the removal of the occupancy condition and modification of the legal agreement has been accepted

by this Department. The circumstances have changed to an extent where the condition and terms of the legal agreement are no longer appropriate and it would be unreasonable to insist upon the continued occupancy restriction when the business to which it relates no longer exists. Without the business, there is no justification to tie the land, house and loch as one unit.

Planning permission (03/00475/FUL) was granted in April 2005 for the erection of a holiday cottage and fisherman's hut. This was subject to the following condition:

"The holiday cottage hereby approved to be used for holiday purposes only and not for any kind of permanent residential occupation

Reason: The erection of a building for permanent residential occupation in this location would be contrary to the Council's Housing in the Countryside Policies."

This planning permission was also subject to a Variation of Agreement. This varied the original Section 75 Legal Agreement to allow the erection of the holiday cottage, subject to planning conditions, and requiring that the land, existing dwellinghouse and holiday cottage be held as a single indivisible unit and no part shall be sold or otherwise disposed of except to Statutory Undertakers or for the purposes of public works or adjustment of boundaries. It also required that the holiday cottage be restricted to use for holiday purposes only and permanent residential use is specifically excluded.

The application for the fisherman's hut was retrospective and so although the holiday cottage has not been built, the permission for it remains extant.

The application to modify the Section 75 Agreement relates to clause (b) of the original agreement and Clause (c) of the Variation of Agreement to allow the dwellinghouse and land to be sold separately. The clause in the Variation of Agreement relating to the occupancy of the holiday cottage would remain unchanged.

Access and Parking

The dwellinghouse would utilise the existing access from the public road. There is sufficient space within the grounds to provide on-site parking.

Landscape and Visual Impacts

No external alterations are proposed and so the proposal would not harm the visual amenities of the area.

Residential Amenities

Policy H2 of the Scottish Borders Consolidated Local Plan Adopted 2011 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

The existing residential properties are some distance from the existing house separated by woodland. It is considered that proposal would not affect the residential amenities of the occupants of these properties.

Developer Contributions

Policy G5 of the Scottish Borders Local Plan Adopted 2008 states that where a site is acceptable but cannot proceed due to deficiencies in infrastructure or due to environmental impacts the Council will require developers to make contributions towards the cost of addressing such deficiencies.

No developer contributions towards education facilities or affordable housing are required as this is an existing house.

CONCLUSION

It is accepted that the circumstances surrounding this case have changed significantly since the dwellinghouse was approved in 1998 to a point where the occupancy condition is no longer appropriate and the clause of the legal agreement requiring the house, land and loch to be owned and used together and not sold separately is unreasonable.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

In respect of application 12/00614/FUL, I recommend the planning application is approved and the occupancy conditions removed from planning permissions 97/00502/OUT and 01/00951/REM.

In respect of 12/00615/MOD75 I recommend that the application for the modification of the planning obligations is approved and the Section 75 Agreement be modified to allow the land, loch and dwellinghouse to be sold off separately.

DRAWING NUMBERS

Site Plan 1

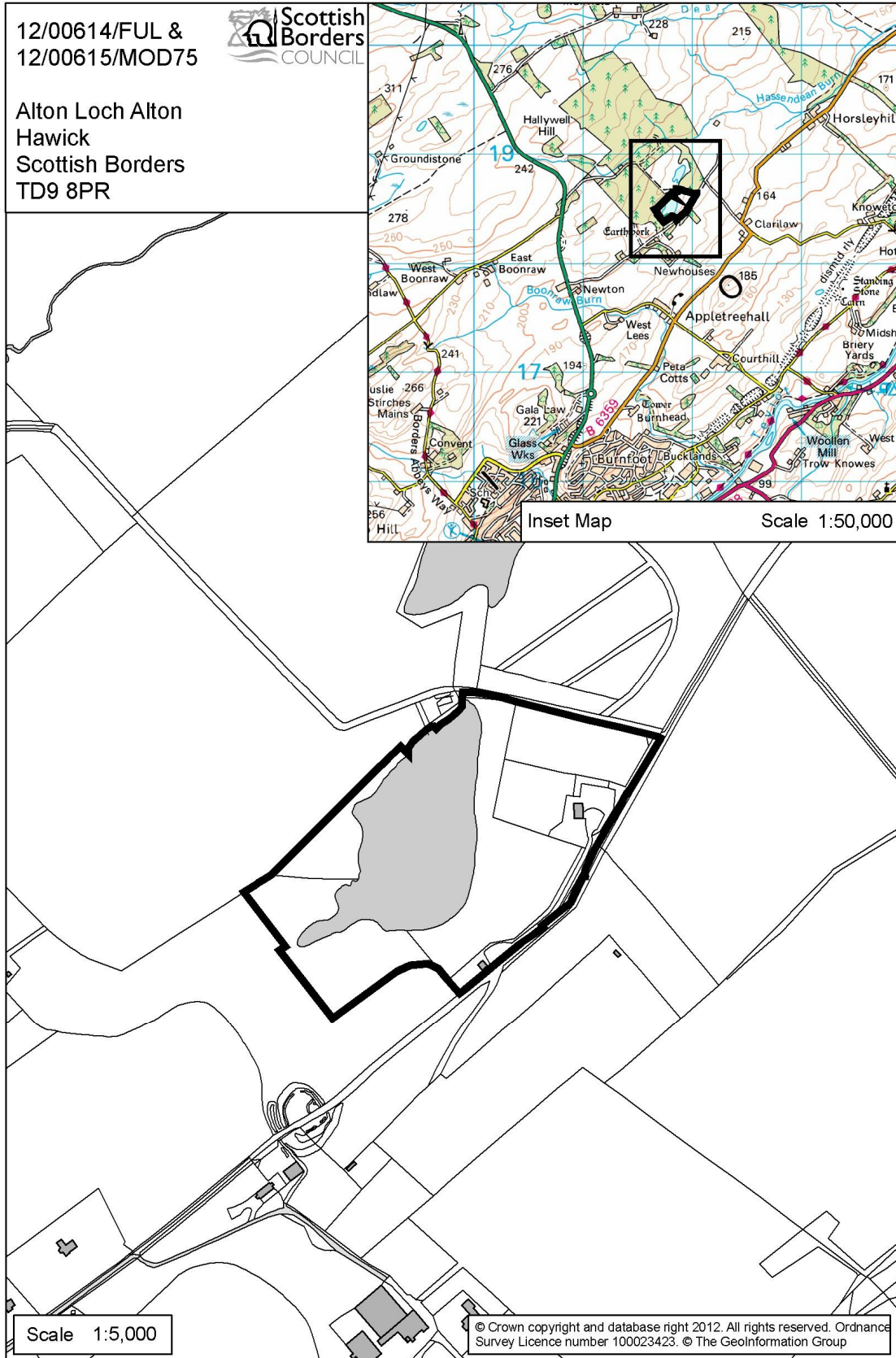
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Julie Hayward	Principal Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 12/00643/FUL
OFFICER:	Carlos Clarke
WARD:	Leaderdale and Melrose
PROPOSAL:	Installation of play equipment and pathway to form play area/trail
SITE:	Land East of Abbotsford House, Melrose
APPLICANT:	The Abbotsford Trust
AGENT:	LDN Architects

SITE DESCRIPTION

The site comprises an area of woodland north-east of Abbotsford House, directly north of a new car park which is almost complete and which is being constructed to serve a new visitor reception building, which is now also virtually complete and located further south-west. The woodland bounds a right of way to its south west, and open fields to its remaining boundaries. The B6360 is located to the south, beyond the carpark, and the A6091 is located beyond the adjoining fields to the north-east. The topography on the site varies across it, though it generally drops from south to the north, and plateaus towards the easterly end.

Abbotsford House is a Category A Listed Building, and the site is within its designated landscape (GDL). The site is also within the Eildon Hills/Bowhill Area of Great Landscape Value.

PROPOSED DEVELOPMENT

This application seeks full planning consent to install timber play equipment of various sizes within the woodland, and the construction of a pathway linking the pieces of equipment. The equipment includes a pyramid shaped play tower 7.1 metres in height, which will form part of a 'castle' which includes slide, rope bridge, suspension bridge, platform, climbing and incline walls; play animals and cart; wobble dish; rotating beams; swing; balancing frame; willow tunnel; den building area in hillside hole; playhouse up to 2.55 metres in height; and, areas containing wooden seats, table and shield emblems.

PLANNING HISTORY

The erection of a visitor reception building, car park and alterations to Abbotsford House, which included the provision of holiday letting accommodation within it, were granted Listed Building Consent and Planning Permission in October 2010 (10/00720/FUL; 10/00721/LBC). These consents were followed by consents for further alterations to the house and its ancillary buildings granted in April this year (12/00154/FUL; 12/00155/LBC). Under the original planning consent, the area of woodland within which the play equipment and path are now proposed was to be retained, and new woodland planting formed to its north-east, all to enclose and

screen the car park. The car park design was carefully designed in order to reduce the impact of the works on the landscape and setting of Abbotsford House and its designed landscape, incorporating a flowing, irregular layout to best suit the topography, the retention of existing trees, new planting, ground remodelling and sympathetic surfacing.

The original planning consent included the provision of a play area, though that was a more modest proposal, sited further west outwith wooded areas, closer to the house. Its consent was subject to detailed specifications of the proposal being agreed.

REPRESENTATION SUMMARY

No representations received.

APPLICANTS' SUPPORTING INFORMATION

No additional information beyond plans and drawings of the proposed works

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018

N5 Local Biodiversity Action
N7 Protection of Nature Conservation Interest
N11 Areas of Great Landscape Value
N13 Gardens and Designed Landscapes
N17 Listed Buildings
N20 Design
E21 Tourism Development
C7 Play Areas
I14 Surface Water

Consolidated Scottish Borders Local Plan 2011

G1 Quality Standards for New Development
BE1 Listed Buildings
BE3 Gardens and Designed Landscapes
NE3 Local Biodiversity
NE4 Trees, Woodlands and Hedgerows
EP2 Areas of Great Landscape Value
EP3 Countryside Around Towns
H2 Protection of Residential Amenity
Inf6 Sustainable Urban Drainage
Inf9 Development within Exclusion Zones

OTHER PLANNING CONSIDERATIONS:

SPG Trees and Development 2008
SPG Countryside Around Towns 2011

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: There are no roads issues with this proposal. Although there is no detail of the path construction on the drawing, understand that bark chippings are to be used.

Heritage and Design Officer: Given this location, the play park will have little, if any, impact on the setting of the Category A Listed Abbotsford House and has no objections.

Tree Officer: No formal comments, though tree impacts have been discussed verbally with him.

Statutory Consultees

Melrose Community Council: No comments

Health and Safety Executive: Does not advise on safety grounds against the granting of planning permission in this case. Consideration should be given to consulting the pipeline operator.

Historic Scotland: Have considered the consultation and have no comments to make. The application should be determined without further reference to Historic Scotland.

Other Consultees

Architectural Heritage Society of Scotland: No reply

Scottish Civic Trust: No reply

Scotland Gas Networks: No reply

KEY PLANNING ISSUES:

Whether the proposed development will comply with policies related to development in the countryside and, in particular, whether the proposed development will have an adverse effect on the setting of the Category A Listed Abbotsford House, its designated Garden and Designed Landscape (GDL) or the Area of Great Landscape Value within which it would be located. Consideration also must be given to other matters, including potential impacts on wildlife habitat.

ASSESSMENT OF APPLICATION:

Policy Principle

This development would comprise an expansion of the Abbotsford visitor centre development into adjoining woodland. In this central location, alongside the new car park and existing and new path links, it satisfies the objective of Structure Plan Policy E21 with respect to the principle of development, subject to having a satisfactory environmental impact. The provision of these works as part of the visitor centre development and associated refurbishment of Abbotsford House will improve the value of the visitor experience and widen its attraction to the public, including local

residents. The principle of using the woodland as a recreational resource is very comfortably related to the spirit behind the design of the designated landscape around Abbotsford House. This is a great opportunity to take full advantage of an otherwise underused woodland resource.

The site is located within the area designated as “Countryside Around Towns” (Local Plan Policy EP3), however, its direct link to Abbotsford House and its new visitor reception building, as well as the clear recreational benefits to be derived from the existing woodland resource, do not conflict with the objectives of this policy.

While the site is within the Abbotsford GDL and an AGLV, the location is not the most sensitive part of either, and though visual impacts need to be sympathetic to the context (in particular, limiting the loss of trees to ensure the works are not unduly exposed beyond the woodland), these do not affect the acceptability of the development in principle. These are considered in more detail later in this assessment.

The site is within the original application boundary for the planning consent for the visitor reception building, car park and alterations/conversion of the main house and, thus, are considered to fall within the existing planning unit. The proposed recreational use will be incidental to the established uses within the planning unit. Thus, the proposed works do not constitute a material change of use of the woodland, and planning consent is necessary only for ‘operational development’ i.e. building or engineering works. As such, several of the items which are relatively small and/or moveable, are not considered to constitute ‘development’ and are not considered as part of this assessment. These include the play animals and cart; wobble dish; rotating beams; and, wooden seats and table.

Landscape and visual impacts

The site is within a woodland belt which, for the most part, will provide good visual containment of any of the proposed works. However, the need to remove trees, both to install the equipment, and for the general, safe use of the woodland as a play area, requires to be clearly established. The original application initially included details of tree removal, which would have been relatively minimal. However, it emerged that further tree removal may be required to ensure the woodland is relatively safe to use for recreational purposes. The health and safety of users of the play area is not a matter for this authority to consider. Nonetheless, it will be a factor which guides the applicants in considering the need to remove trees, particularly unhealthy or unstable trees. The applicant has been asked to confirm the trees that need to be removed at this stage and this is currently awaited. If the works can be carried out and used in a manner which maintains sufficient tree cover, then they should be comfortably sited in this location, even if visible to a degree when the woodland thins out in the winter (subject to changes in layout, see further in this assessment). It is recommended that a determination on the application is not made until the extent of tree removal is agreed and this department, therefore, requests that delegated powers be provided to agree this aspect. If matters cannot be agreed, however, the application will be referred to a future committee meeting. If a tree survey can be agreed, condition(s) would be necessary to ensure compliance and protection of remaining trees.

It is understood that little excavation is necessary, though clarification has been sought and will be required by condition. It is also understood that all surfacing will be bark, thus minimising the visual impact of surfaces, relating them comfortably to the wooded location, and ensuring sustainable disposal of surface water. Some clarification has also been sought on some aspects of the works, and a condition

seeks relevant details, though none of the absent details raise any significant concerns. Clarification on some of them is sought as much to determine whether the works constitute 'development' at all, as to examine their visual impact.

In order to ensure the long term containment of the play area, a management plan for the future of the woodland is considered necessary and a condition is imposed to this effect. The principle of this has been verbally agreed with the applicants. New planting around the north-easterly side of the woodland has already been agreed and commenced as part of the car park works and this should compliment these proposals in the long term.

The works are generally small scale and constructed of timber. However, they include a 7.1 metre high pyramid shaped tower which was originally proposed at the north-east end where the site is highest. When the woodland is thin during the winter, it would have been conspicuously silhouetted against the skyline behind when viewed from much of the passing A6091. The applicants have since agreed to site it at the lower south-westerly end and orientate the pale grey finished slide towards the same boundary, thus minimising its visual impact. Though more detail of the equipment associated with the tower is required, this revised siting will allow these works to be viewed much less conspicuously against a thicker woodland backdrop. For this, and all other pieces of equipment, it is considered prudent to ensure no timber is coloured. A pale grey finish to the larger metal parts of the pyramid tower will be a little unfortunate, but with the siting of the tower's slide away from view in this less prominent location, these aspects will have little visual presence.

Ultimately, it is considered that this proposal should relate reasonably well to its wooded setting, provided some assurances regarding tree removal in particular can be given. On that basis, it is not considered that the proposed works will detract from the setting of the Category A Listed Abbotsford House or its GDL, being sited away from views to and from the house and in a less sensitive part of the designed landscape. There should be no adverse implications for the integrity of the Area of Great Landscape Value.

No neighbouring properties are nearby so no adverse implications are anticipated

Natural heritage

The site is not within an area designated for its nature conservation interest. However, the removal of trees does raise the potential for the works to affect bat and breeding bird habitats. In order to satisfy legislative requirements, a bat and bird survey of the trees proposed for removal is required. This has been commissioned but is not yet available and will need to be considered before this application is finally determined. Committee members are asked to permit officers to consider this matter further under delegated powers, unless the survey raises issues that cannot be resolved (allowing for imposition of conditions where necessary).

Access and Infrastructure

No issues have been raised as part of consultation with the Health and Safety Executive in terms of proximity to the Dewarton/Selkirk gas pipeline. The operator has not responded to the application. An informative is noted to ensure the applicants contact the operator as they may apply limitations with respect to the proximity of the works to the pipeline, in order to reduce risk of damage to it from excavation works.

The proposal should not directly affect the right of way alongside the south-westerly boundary of the site.

The site is to be directly accessed from the new car park, and no road safety or pedestrian safety concerns are raised by the Roads Planning Service.

CONCLUSION

Provided the extent of tree loss can be agreed, ensuring adequate visual containment of the development works, and that any potential impacts on wildlife habitat can be adequately established and mitigated, if necessary, the proposed development is considered compliant with development plan policies, having accounted for relevant material considerations, subject to compliance with the schedule of conditions

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that delegated powers be granted to the Appointed Officer to ensure that matters relating to tree removal and potential impacts on wildlife habitat are acceptable (including imposition of conditions as relevant), and on that basis that committee members otherwise approve the application subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications approved by the Planning Authority under this consent, unless amended to minimise visual impacts or tree loss. The pyramid tower shall not exceed 7.1 metres in height. All timbers shall be unpainted/uncoloured and all metalwork on the pyramid tower shall be matt finished grey.
Reason: To ensure that the development is carried out in accordance with the approved details.
3. No development shall commence until a management plan for the future of the woodland, ensuring retention of remaining trees and successional planting over the operational lifespan of the development, has been submitted to and agreed with the Planning Authority. The site shall be managed in the manner agreed in the management plan.
Reason: To ensure long-term visual containment of the development
4. No development shall commence until further details are provided of the gateway, crossing point, den building area, willow tunnel and the unspecified elements of the pyramid tower set, and which are sufficient to demonstrate their visual impact. Once approved, the works shall be carried out in accordance with the approved details.
Reason: To fully establish the visual impact of all works within the development
5. All path and surfacing works shall be surfaced in bark, unless otherwise agreed with the Planning Authority, and shall comprise no alteration of existing ground levels unless details of those alterations (sufficient to

establish their visual impact and implications for trees) are first agreed in writing with the Planning Authority.

Reason: To fully establish the visual impact of all works within the development

Informatives

Due to the proximity of some of the works to the Dewarton/Selkirk pipeline, it is recommended that the agreement of the pipeline operator be sought before commencing works.

DRAWING NUMBERS

SK REV 11	Site Plan
PYRAMID	Specifications
CRADLE NEST	Specifications
ROTATING BEAM	Site Plan
WOBBLE DISH	Specifications
SWINGING HORSE	Specifications
HORSE/HORSE CART	Specifications
TIMBER HOUSE	Specifications

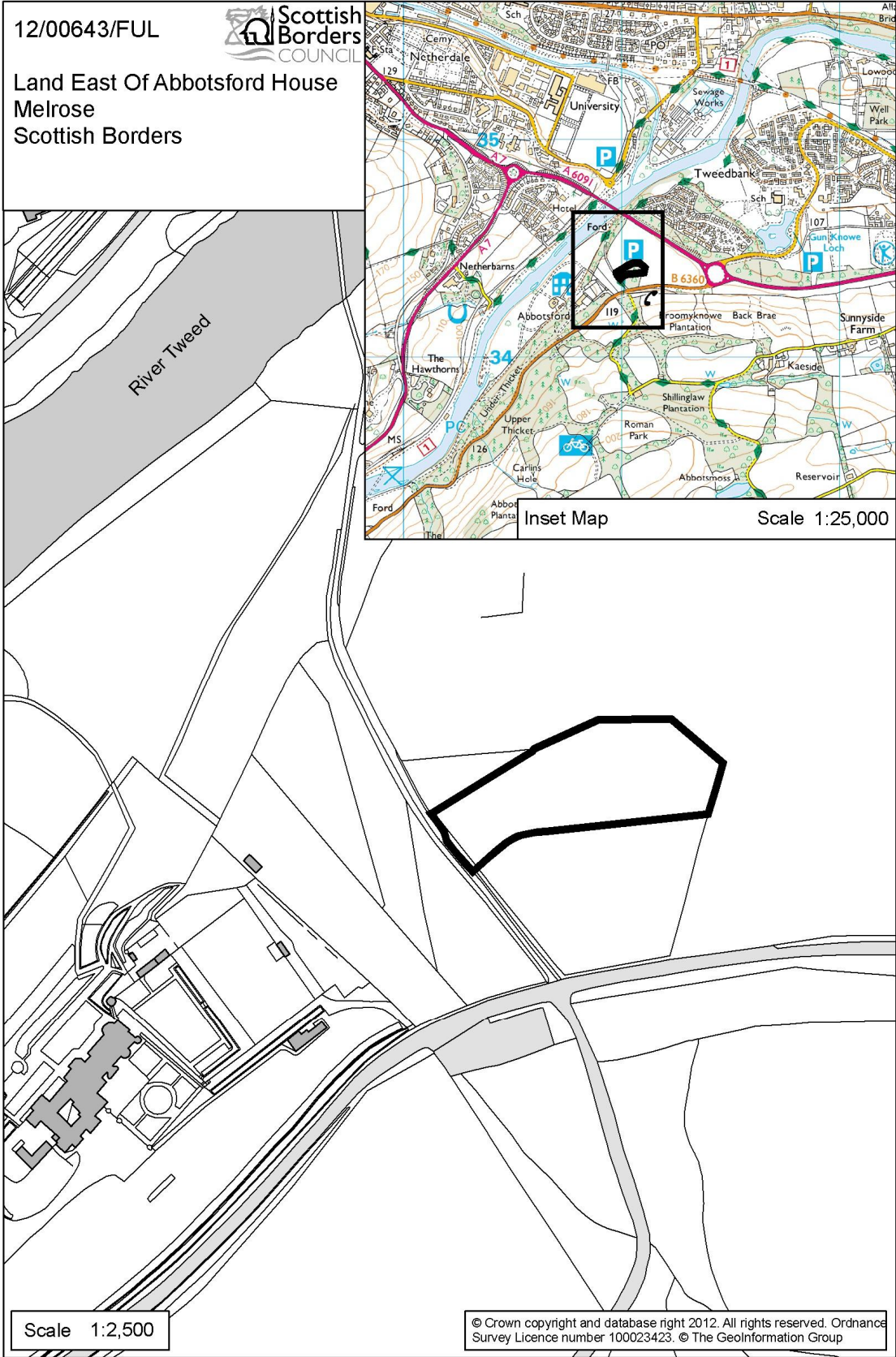
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Carlos Clarke	Principal Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

June 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 11/01505/FUL
OFFICER:	Mr S Shearer
WARD:	Selkirkshire
PROPOSAL:	Erection of dwellinghouse
SITE:	Plot 3 Land South East of Glenmore, Townhead, Midlem
APPLICANT:	Mr James Purves
AGENT:	Sir Frank Mears Associates

SITE DESCRIPTION

The application site is grass land which measures 0.095Ha and is located between two existing dwellings of Trimontium View to the north east and Braid Lea to the south west upon a plateau which slopes towards a track to the south east and fronts on to an existing unnamed access road. The site has been formed following the development of the dwellings on either side of this plot. It is separated by a fence from the property to the east and a stone wall from the property to the west.

The site itself does not lie within the Midlem Conservation Area although part of the access road does and part of the adjoining plot to the east does. The site is also located within the Midlem Development Boundary as set out in the adopted Scottish Borders Local Plan.

PROPOSED DEVELOPMENT

This application constitutes a revised application for the erection of a dwellinghouse following the refusal of application 10/00436/FUL at the Planning and Building Standards Committee for the same proposal within this site. The proposed dwelling is set down 2m within its site from the level of its fronting access with dry stone dyke retaining walls to the north east and north west fronting sides. The one and a half storey pitched roof dwelling is orientated so that its gable fronts its access. The proposal is to be finished using wet dash render clad walls and a slate roof, features of the development include a recessed timber entrance to the front and upper floor enclosed balcony and ground floor decked terraced to the rear. Two parking spaces and a turning are will be formed at the entrance to the site with the boundary walls being constructed as dry stone dykes.

PLANNING HISTORY

The site originally formed part of approvals 03/01219/OUT and 06/02008/FUL for a dwellinghouse at Plot 2 Townhead which is now known as Braid Lea, this approval is the development which has been implemented. Application 06/00249/FUL obtained consent for a different design of dwelling, with a further revision under application 06/01176/FUL withdrawn prior to determination.

07/01780/FUL First proposed the erection of a dwellinghouse on the land now referred to as Plot 3. A one and a half storey dwelling was proposed with full north eastern wing extension, the proposal was finished in render, stone and slate. This application was refused at the Eildon Area Committee against recommendation on the basis that the proposal represented overdevelopment of the site which would adversely affect the character and appearance of the surrounding area and the adjoining Conservation Area.

10/00436/FUL – Erection of dwellinghouse (Plot 3), proposed a one and a half storey dwelling standing 8.5m tall and detail a roof over hang, the proposal was to be finished with timber boarded walls and a slate roof. This application was refused at the Planning and Building Standards Committee, contrary to recommendation for the following reason:

The proposed development, by virtue of its design, scale, form and massing would represent an unacceptably cramped form of development and would have an unacceptable impact upon the site setting and the adjoining Conservation Area, contrary to the criteria contained within Policies BE4 and G7 of the of the Scottish Borders Local Plan (as amended) and the adopted Placemaking and Design Supplementary Planning Guidance.

REPRESENTATION SUMMARY

At the time of writing this report, a total of five objections have been received to the application. Full copies of these can be viewed on the *Public Access* system. The main issues raised can be summarised as follows:

- A previous proposal for a single dwellinghouse at this site was refused by the Eildon Area and Planning and Building Standards committee
- The site is queried as being outwith the settlement boundary of Midlem
- The proposal constitutes overdevelopment of this area of Townhead which was meant to serve 4 houses not 5
- The development would adversely affect the character and appearance of the Conservation Area on a readily visible location on the entry into the village
- The location of a dwelling within the site would detrimentally affect the amenity of surrounding properties by affecting their outlook, while causing loss of light and visual intrusion into private space of neighboring houses with the impact on Trimontium View and Braeside being a particular concern.
- The application would result in increased traffic and noise while adding extra pressure on the existing drainage and infrastructure in the area
- Proposal represents overdevelopment as the site is too small to provide a dwellinghouse and a sufficient area of garden ground, thus in not an appropriate infill development opportunity
- Proposed redefinition of the boundary wall between the application site and Braid Lea will still produced a cramped form of development
- The plot has been created through the ill development of previous plots and development of a site created in this manner should not be supported
- Development will impinge on property values
- The section through the site provides a false representation of the scale of the neighboring dwellings

One third party comment of support has been received, the grounds of favouring the proposed development are summarised as follows;

- Site represents a gap site which is becoming overgrown
- Development of this plot in the design proposed will improve aspect of this part of Midlem
- Proposal will not appear overdevelopment alongside dwellings to the house which are sited within smaller plots
- Existing access on to B6453 can access can safely cater for increased use

APPLICANTS' SUPPORTING INFORMATION

Various comments have been lodged by the agent and the applicant, these are summarised as follows;

- Plot is larger than appears on site with existing boundary wall between application site and Braid Leas being re-sited towards the south west
- On comparing the plot ratios to that of the surrounding properties the proposed dwelling will encompass a similar percentage of its respective site
- The proposal has been informed by the discussion at the previous committee hearing with a reduced ridge height, render wall finish and windows and balcony reconsidered to avoid overlooking
- Site is within the development boundary of Midlem where housing is a sensible use of this land

CONSULTATION RESPONSES:

Scottish Borders Consultees

Roads Planning Service:

In response to previous applications for a house on this site it was recommended that the road which serves this site would be required to be upgraded to an adoptable standard. On reassessing the existing road situation at the request of Members, a more sympathetic road improvement could be provided in the form of a long service lay by type access parallel with the public road to serve all the existing dwellings would be agreeable.

Director of Education and Lifelong Learning:

No response at the time of writing.

Rights of Way Officer:

No response at the time of writing.

Statutory Consultees

Lilliesleaf, Ashkirk and Midlem Community Council: Object, proposal will adversely affect amenity of area by providing a cramped appearance with properties too close to one another. The statistics on plot sizes provided bear no relevant to the overcrowded effect the proposal will have on the area. An extension to the west of Braid Lea beyond the existing boundary is an inappropriate method to accommodate new development.

Other Consultees

Midlem Conservation Committee: No response received at the time of writing.

DEVELOPMENT PLAN POLICIES:

Consolidated Structure Plan 2009

Policy N18	Development Affecting Conservation Areas
Policy N20	Design
Policy I11	Parking Provision in New Development
Policy I12	Provision of Water and Sewerage Services
Policy I14	Surface Water

Consolidated Local Plan 2011

Policy G1	Quality Standards for New Development
Policy G5	Developer Contributions
Policy G6	Developer Contributions related to Railway reinstatement
Policy G7	Infill Development
Policy BE4	Conservation Areas
Policy BE6	Open Space
Policy H2	Protection of Residential Amenity
Policy INF3	Road Adoption Standards
Policy INF4	Parking Standards

OTHER PLANNING CONSIDERATIONS:

Scottish Planning Policy
Designing Streets
SPG Placemaking and Design
SPG Privacy and Sunlight
SPG Developer Contributions

KEY PLANNING ISSUES:

The main determining issue with this application are whether or not the revised proposal has addressed the reasons for refusal of application 10/00436/FUL and illustrates an acceptable infill development which does not adversely affect the setting of the adjacent Conservation Area or amenity of neighbouring properties.

ASSESSMENT OF APPLICATION:

Policy Constraints

The application site is located on land within the development boundary of Midlem as defined in the Local Plan 2011. While this site appears to be formed from the amalgamation of parts of two neighbouring plots this has resulted in the creation of a gap site between Trimontium View and Braid Lea, therefore Local Plan Policy G7 applies. This policy supports suitable infill development of sites where it is firstly demonstrated that the proposal will not result in the loss of Open Space as defined within Local Plan Policy BE6. The policy seeks to ensure that the development does not introduce a land use which conflicts with those surrounding, while securing a design which does not detract from the character or amenity of the surrounding area and ensuring that the site can be suitably accessed and serviced.

The application must be assessed against the following Policies which include; Local Plan Policy H2 to consider whether or not the proposal is judged to have cause any adverse impact on the amenity of any existing or proposed residential areas. Local Plan Policy BE4 and Consolidated Structure Plan Policy N18 to ensure that the proposed development will not detract from the character and appearance of the neighbouring Conservation Area and Local Plan Policy Inf3 and Inf4 to establish if a relaxation of standards will be considered where the nature of the development and/or positive amenity gains can be demonstrated that do not compromise road safety.

Suitability of the plot as an infill site

The site is accepted as being within the development boundary of Midlem and given the existing boundary features which enclose this site, being the stone boundary wall to the south west (between the site and Braid Lea) and the fencing on the north eastern boundary (between the site and Trimontium View) there would seem to be little argument that this area of ground is a gap site for the purposes of this policy. In terms of the loss of this ground as Open Space in reference to Policy BE6 it is considered that this parcel of ground confined between two properties already appears as private ground with no obvious role as either a formal or informal use nor making a contribution to the wider setting. Therefore the loss of this space will not adversely affect the surrounding area.

The site is located within an established residential area, and the introduction of a house upon this land will not conflict with immediately adjoining land uses.

The position of the site upon a plateau between the two existing properties within a wider sloping "street" appears to lend itself for development. Although the neighbouring plots are wide, the narrow form of this plot relates to the traditional plan form of the Conservation Area and the density of siting a dwelling within this plot does not disturb this edge of the settlement location and neither does the nominal repositioning of the plots south western boundary raise any unacceptable implications or detract from the plot of Braid Lea which is owned by the applicants.

The Roads Planning Service has not raised any objections regarding the proposal parking and turning area and an appropriately worded condition will require the appropriate use and surfacing of the parking area.

House Design

The design of this proposal has attempted to address the reasons for refusal of the previous applications for a dwelling on this site; the overriding concern expressed by Members has been creation of a cramped form of development which was judged to represent overdevelopment of the site and adversely impact upon the setting of the adjoining Conservation Area.

The application site is narrow in comparison to its neighbouring plots, the proposed development has remained sited to the widest area of this site with its orientation also consistent with previous proposals where a gable forms the principal elevation presented to the road. This positioning remains a clear response to the dimensions of this site and produces a development of a density and relationship which appears to sit comfortably within its site and respects the building line of the neighbouring properties. The height of the proposal has been reduced by 0.5m and although the

width of the proposal has remained constant, the replacement of a roof overhang with a flush positioning achieves a narrowed simpler form.

Through the course of the application further information was sought to clarify the siting of the dwelling within its site. The site level and section information provided, illustrated that the proposal would be cut into its area of the site by approximately 1m which would need the support of retaining walls and due to the topography of the site; this siting would be 2.04m below the level of the fronting road. This level of excavation is reasonably significant, but still reflects the sloping topography of the site which continues to fall beyond the rear of the proposal and importantly will not conflict with the established context of the surrounding area whereby the dwellings on each side and in particular Trimontium View to the north east which has required a large level of excavation.

The additional sectional information which suggests the land embanking into the western elevation needs further clarification and additional information has been requested for presentation at the Committee, however a sensitive treatment of the land into this side of the dwelling appears achievable. This positioning has still allowed for the proposal to be framed by the existing development within this wider sloping streetscape so that the proposal fits in between dwellings on differing ground levels on each side. As a result, the reduction to the height of the proposal and associated ground levels diminishes its impact on the character and appearance of the Conservation Area.

The proposed development has largely reverted to the material finishes which were proposed indicated on the first refused application 07/01780/FUL. However, unlike the most recent refusal, these materials finished were not specifically noted as a reason for refusal. This proposed development is considered to be a contemporary interpretation of a traditional design and form, and does not contain any full height extensions or central glazed elements. It contains recessed timber sections which appear provide interest. In this context the proposed render and slate material finishes are consistent with existing neighbours and an appropriate to the character and appearance of the adjoining Conservation Area. An appropriately worded condition would seek the submission of samples to determine the precise material finishes.

Residential Amenity

Amenity grounds have not been previously cited as reasons for refusing previous applications on this site. Given the differing ground levels on which surrounding properties are located the impact that this development will have upon the amenity of neighbouring properties remains a key consideration and one which has again been raised by objectors.

Within the submission, it is specified that the boundaries of the proposal will be delineated by drystone dykes (apart from the north western road fronting boundary). Their inclusion coupled with the lowering of the proposal within the site by 20cm will further reduce inter-visibility from the proposal to other dwellings. Nevertheless to fully comply with the Council's Supplementary Planning Guidance Note on Privacy and Sunlight, it would be prudent to attach a condition to require obscure glazing to be installed upon the living room and study windows upon the north eastern elevation which faces on Trimontium View. This will ensure that no overlooking into this garden ground and principal rooms of this neighbour arises, and this recommendation has been previously accepted by the agent.

A balcony remains a feature of this proposal on the rear elevation however a previous glazed area on the south west elevation facing towards Braid Lea has been removed. The balcony with decked area below will remain to face in the direction of the plot of Braeside Cottage while some impact will be felt by this plot this will be limited to the upper section of its rear garden ground and given the views from the track between the two plot, a condition is recommended to secure landscaping within the base of the garden ground of the application site which will comfortably alleviate any overlooking.

Overall, the scale of this proposal will not detrimentally affect the access to light or sunlight of any surrounding properties and the incorporation of the safeguarding conditions will ensure that the development will not cause any detrimental overlooking implications allowing the proposal to comply with Local Plan Policy H2.

Access

Previously, the Roads Planning Service have advised that an additional dwelling would result in a volume of residential properties served by the access from the B6453 which would require that this access would need to be upgraded to an adoptable standard. However, the visual consequences of doing so were considered to conflict with the character and visual integrity of the Conservation Area. Policy Inf3 allows scope for flexibility to the application of these standards where amenity gains can be exhibited. On reassessing the existing access, the Roads Planning Service has accepted that opportunity exists for this access to be upgraded in a sensitive method which would enable the required road safety improvements to be delivered in a manner which will not adversely affect the character of the Conservation Area. This stance is in compliance with the relaxations allowed for within Policy Inf3 and the objectives promoted with Designing Streets and the Council's Placemaking and Design SPG. An appropriately worded condition will seek to agree the precise details of the access improvements.

Services

In terms of drainage and water supply there are not known to be any capacity problems in Midlem and a appropriately worded condition will secure the agreement of site service infrastructure, in relation to water supply, foul and surface water drainage.

Rights of Way

Although no consultation response has been received from the Rights of Way Officer there has been no change in planning policy affecting and routes surrounding the application site, therefore the proposed development remains to not affect any rights of way.

Developer Contributions

This application falls within an area subject to the Council's policy seeking developer contributions towards the funding of the Waverley project. Any decision to approve would therefore require be subject to the conclusion of a Section 75 or alternative agreement securing the appropriate developer contribution.

CONCLUSION

Subject to the compliance with Schedule of Conditions, the proposed development is considered to comply with development plan policies G1, G5, G7, BE4, BE6, H2, INF3 and INF4 in that the proposed development represents appropriate infill development that will not adversely impact upon the character and appearance of the Conservation Area.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend that the application is approved subject to the following conditions and conclusion of a Legal Agreement.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006
2. A sample of all materials to be used on all exterior surfaces of the development hereby permitted shall be submitted to and approved in writing by the Planning Authority before development.
Reason: The materials to be used require further consideration to ensure a satisfactory form of development, which contributes appropriately to its setting.
3. Notwithstanding the specification on the approved plans, the windows which are to serve the living room and study on the north eastern elevation shall be obscure glazed and so retained in perpetuity.
Reason: To safeguard the amenity of the neighbouring property.
4. Prior to the commencement of the development hereby approved, a tree/shrub planting scheme shall be submitted for the approval of the Planning Authority, the planting shall be carried out concurrently with the development or during the next planting season thereto and maintained thereafter.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
5. Prior to the commencement of the development hereby approved, details of all proposed means of enclosure shall be submitted to and approved in writing by the Planning Authority before work on site is commenced.
Reason: To enable the proper effective assimilation of the development into its wider surroundings.
6. The means of water supply, foul and surface water drainage shall be submitted for the approval of the Planning Authority before the development commences
Reason: To ensure the development can be adequately serviced.
7. The area allocated for parking on the submitted plan shall be properly consolidated, surfaced and drained before the use of the site commences/the buildings are occupied, and shall not be used other than for the parking of vehicles in connection with the development hereby permitted.
Reason: To ensure there is adequate space within the site for the parking of vehicles clear of the highway.

8. No development shall commence until precise details of the improvements to the sites access road which adjoins with the B6453 road have been submitted to and agreed in writing by the Planning Authority. Thereafter the details so approved shall be implemented prior to the development being brought into use.

Reason: Further details are required to ensure that the site can be accessed safely.

Informatives

With reference to Condition 8, it recommended that the applicant should contact the Councils Roads Planning Service on 08135 824000 to understand the detail of improvements to the sites access road required to be submitted for approval.

DRAWING NUMBERS

ML (PL) 001 Location Plan
 ML (PL) 002A Site Plan
 ML (PL) 003 Floor Plans
 ML (PL) 004 Elevations
 ML05B Section
 Additional 1 Site Levels
 Additional 2 Illustrations

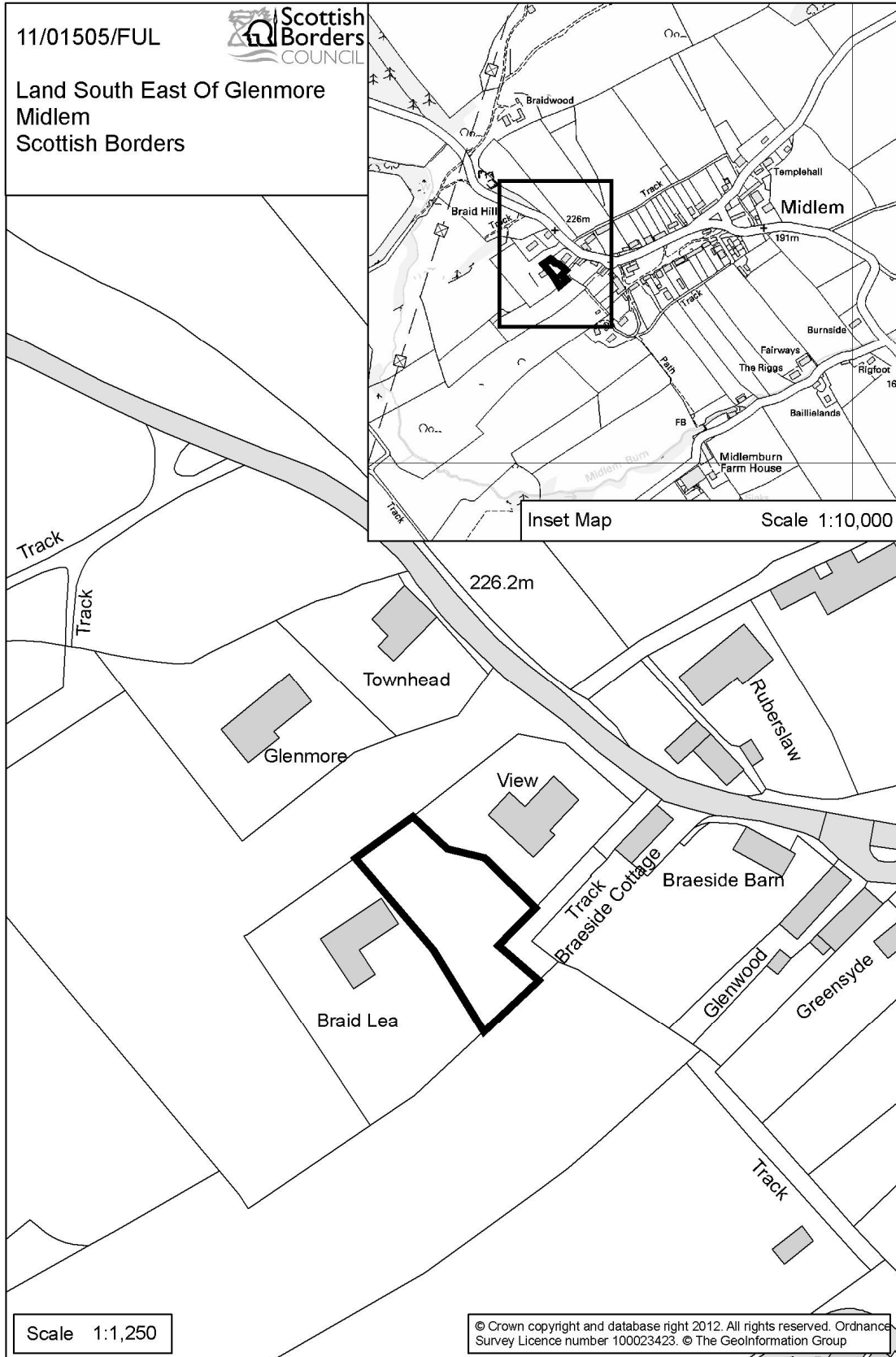
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Scott Shearer	Assistant Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER:	12/00505/FUL
OFFICER:	Mr C Miller	
WARD:	Tweeddale East	
PROPOSAL:	Siting of Storage Container	
SITE:	St Ronan's Primary School	
APPLICANT:	Leithen Vale Sports Club	
AGENT:	David Jane Architects	

SITE DESCRIPTION

The site lies to the east of St Ronan's Primary School, Innerleithen, within school grounds and immediately adjoining the track from Craig Terrace to Nether Pirn. The site comprises part of the open grassed fields associated with the school, separated from adjoining residential property at Pimbank by trees and hedging.

PROPOSED DEVELOPMENT

The proposal is submitted by Leithen Vale Sports Club to erect a storage container on the site, measuring 10 x 2.5m and with a height of 2.5m. The container will be green painted steel with double doors at one end. The application is presented to Committee for determination as it involves a site within the ownership of Scottish Borders Council – delegation in such circumstances is not possible under the 2009 Development Management Regulations.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2018

Policy C4 Sports Facilities
Policy C5 Protection of Playing Fields/Sports Pitches

Scottish Borders Consolidated Local Plan 2011

Policy G1 Quality Standards for New Development
Policy G7 Infill Development
Policy H2 Protection of Residential Amenity

OTHER PLANNING CONSIDERATIONS:

None

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning : No objections.

Other Consultees

None.

REPRESENTATION SUMMARY

None.

KEY PLANNING ISSUES:

The main determining issue with this application is whether the proposed container complies with Development Plan Policies on development within settlements and protection of residential amenity.

ASSESSMENT OF APPLICATION:

Planning policy

The storage container is proposed within the grounds of St Ronan's Primary School but is required for storage for Leithen Vale Sports Club which uses the adjoining playing field. Although not intended for use of the Primary School, it would still be of benefit to local sports and this would comply with the general purpose of Structure Plan Policy C4. Furthermore, the container would not occupy a formal area of playing pitch and, thus, is not in contravention of Policy C5 of the Structure Plan.

Local Plan Policy G7 relates to all infill development within a settlement, whether housing or other development. The Policy requires the development to respect the scale and form of its surroundings and not to result in any significant adverse effects on adjoining properties which are residential. These interests are also respected by Policy H2. The container will be positioned close to other property but separated by trees and hedging which will not be prejudiced by its siting. As the container will only be 2.5m high, any impacts on the adjoining property are considered to be acceptable. Similarly, as the building is intended only for storage, this should not give rise to any noise issues. There have been no third party objections.

Access and parking

There have been no objections from the Roads Planning Service as access can be gained safely along the track leading from Craig Terrace to Nether Pirns. As the building is to be used for storage by a Sports Club who already use the playing fields, there is no demonstrable increase in road safety risk.

Landscape and visual impacts

Policies G1 and G7 require any new development within a settlement to respect the form and character of its surroundings and to integrate with the general landscape. Storage containers are functional and clearly not designed with visual impacts in mind although their impacts can be lessened by choosing appropriate colouring,

exact siting and granting temporary permissions. In this particular case, screening would prevent the container being seen from the main A72 and it would largely only be visible from the housing areas to the west of the school.

However, it is being sited with a backdrop of trees and hedging and is intended to be coloured in green to match with its immediate setting. This should be dark green, the precise shade being controllable by planning condition. The lifespan of the consent should also be limited as this is generally the approach with portacabins and containers where their appearance can deteriorate over time and given that their appearance and purpose are perceived to be temporary in any case. A three year permission is suggested in the first instance, controlled by planning condition. This can be renewed if necessary towards the end of the period, provided the visual impacts are still acceptable.

CONCLUSION

The application complies with Development Plan Policies on development within settlements and protection of residential amenity in that the proposal will be sited and coloured sympathetically for a limited period of time.

RECOMMENDATION BY HEAD OF PLANNING AND BUILDING STANDARDS:

The application is recommended for approval subject to the following conditions.

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. The container hereby permitted shall be removed and the land restored to its former condition no later than three years from the siting of the container unless a further permission is applied for and granted for its retention.
Reason: The container is constructed of materials which are likely to deteriorate to the detriment of its external appearance and which would then have an adverse effect upon the visual amenity of the area.
3. The external colour of all external surfaces of the container to be agreed with the Planning Authority before the development is commenced.
Reason: To safeguard the visual amenity of the area.

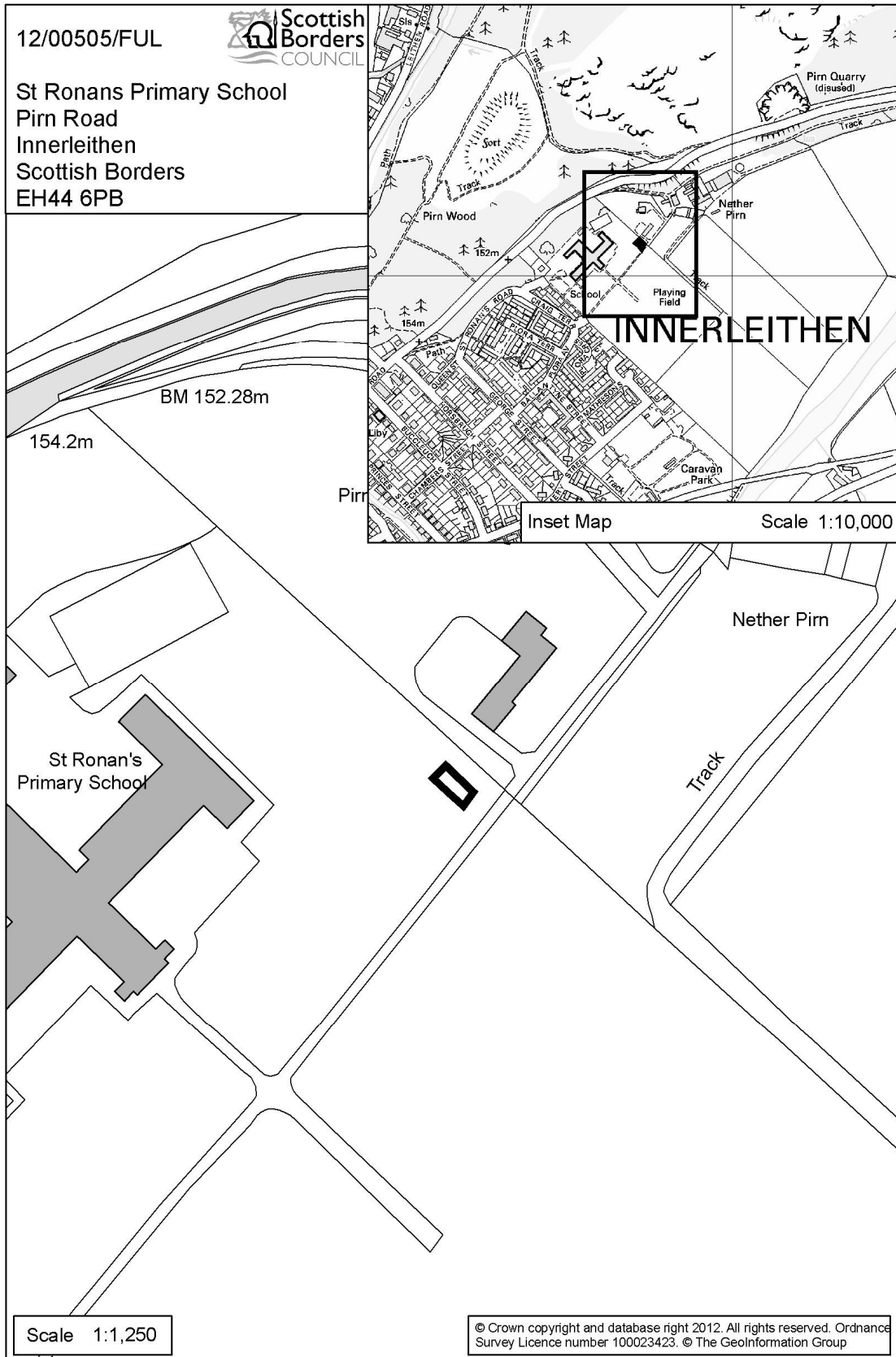
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Building Standards and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Craig Miller	Principal Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

9 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM: **REFERENCE NUMBER:** 12/00648/FUL
OFFICER: Andrew Evans
WARD: Kelso and District
PROPOSAL: 1. Formation of storage yard, boundary fence and gates.
2. Erection of storage building.
SITE: 1. Land North East Of Forbes Plastics, Pinnaclehill Industrial Estate, Kelso.
2. Forbes Plastics, Pinnaclehill Industrial Estate, Kelso.
APPLICANT: Forbes Plastics Ltd.
AGENT: John Thorburn and Sons (Construction) Ltd.

CONSIDERATION BY PLANNING AND BUILDING STANDARDS COMMITTEE

This application is presented to Members for determination due to the provisions in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008 relating to planning authority interest. These provisions set out that applications relating to land in the ownership of the planning authority, or land in which the planning authority have a financial interest, cannot be determined via the normal delegation to "the appointed officer" under the Scheme of Delegation.

In the specific case of this planning application, this application requires to be determined by the Planning and Building Standards Committee because the site is currently in the ownership of Scottish Borders Council.

SITE DESCRIPTION

The site comprises of two discrete parts.

The first section of the site is a undeveloped part of the industrial estate, currently given over to grass, located to the north east of the existing Forbes Plastics premises. This part of the site is surrounded by mature woodland planting along its south eastern and western boundaries, though this planting is outwith the application site boundary. To the northern boundary lies the industrial estate distributor road, with the Plexus car park and electronics manufacturing facility beyond. This section of the site measures approximately 1.8 acres.

The second section of the site much smaller (8.5m x 30m), and comprises an area within the yard of Forbes Plastics existing site, located between the existing building to the sites south and the fence along the northern boundary of the factory, facing the estate road.

Both the sites are allocated within the Adopted Scottish Borders Local Plan for employment use (site Pinnaclehill / Spylaw Road zEL205), and both sites are located within the Kelso Development Boundary set out in the same plan.

PROPOSED DEVELOPMENT

Forbes Plastics are a manufacturer of custom designed plastic tanks. It is proposed to form a new storage yard on the larger first site, to the north east of the existing factory. This sloping site would be levelled out with cut and fill of topsoil taking place to create a flat platform with an access ramp leading from the distributor road up to the storage area. The surface would be finished in type 1 stone. In the western corner of this site, a break would be formed in the earthen bund, to link through to the existing Forbes site. A new 2.4m high fence would be erected along the boundaries of the yard. This fence would be to the standard Council specification for the industrial estate, with a painted steel frame, and stained timber vertical panels.

The second site would accommodate a new 2 storey storage building. The building would have dimensions of 8.5m x 30m. The building would be substantial, with an eaves line height of 6m, and a maximum height of its mono-pitched roof of 7.41m.

PLANNING HISTORY

There is no planning history for the land adjoining the factory, subject to the current application. The Forbes Plastics site has the following recent planning history:

- 04/00543/FUL - Extension to building and erection of fence and gates at Site 2 and erection of boundary fence at Site 1- Approved 12.07.2004.
- 98/00143/FUL - Extension of previous consent R339/91 to erect 2 gantries - Approved 13.03.1998.
- 98/01123/FUL - Extension to factory - Approved 05.10.1998.
- 98/01559/FUL - Alterations and extension to factory and office – Approved with conditions 11.06.1999.

REPRESENTATION SUMMARY

The application was publicised by means of direct neighbour notification of 4 neighbouring properties, a press notice in the Southern Reporter, and an advertisement on the national public notices website. At the time of writing, no representations had been received to the application from any neighbours or third parties, other than Scottish Power Energy Networks, who wrote to confirm they have no objection to the proposals, and to highlight the presence of a Low Voltage energy cable which is potentially located in the direct line of part of the proposed new building. Should Members resolve to approve this application, then this information on cable routes would be conveyed to the applicant by means of a note attached to any forthcoming consent notice.

APPLICANTS' SUPPORTING INFORMATION

None.

DEVELOPMENT PLAN POLICIES:

Consolidated Scottish Borders Structure Plan 2001-2018

Principle S1: Environmental Impact
Principle S2: Development Strategy
Policy N20: Design
Policy E12: Employment Land Supply
Policy C8: Access Network
Policy I1: Transportation and Development
Policy I11: Parking Provision in New Development

Consolidated Scottish Borders Local Plan 2011

Policy G1: Quality Standards for New Development
Policy G7: Infill Development
Policy ED1: Protection of Employment Land
Policy Inf 4: Parking Provisions and Standards

OTHER PLANNING CONSIDERATIONS:

Supplementary Planning Guidance: Placemaking and Design (January 2010)
Supplementary Planning Guidance: Designing Out Crime in the Scottish Borders (August 2007)
Supplementary Planning Guidance: Privacy and Sunlight Guidance (July 2006)

Scottish Planning Policy 2010

CONSULTATION RESPONSES:

Scottish Borders Council Consultees

Roads Planning Service: No objections in principle to the above proposal, although the following points must be incorporated:

- The new access must be constructed as per the details in the 'Draft Platform Design' drawing which is submitted as part of this application. This includes a minimum road width of 6m and an internal radius of 15metres.
- New access to be kerbed, with 100mm upstand to match the existing carriageway.
- Consultation with the Council's Traffic Section will be required to determine the extent of white lining required at the new junction.
- The maximum gradient of the new access must be not greater than 1 in 12.
- The first 10 metres of the new access must be formed to the following specification '*40mm of 14mm size closed graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.*'
- Footway adjacent to the public road to be extended adjacent to the new access up to the new gates to the following specification '*30mm bitmac wearing course, 50mm DBM basecourse, 280mm type 1 sub-base.*'

It should be noted that all work within the public road boundary must be undertaken by a contractor on the Council's approved list (DC-8).Form DC-8 to be included with any consent notice.

Economic Development Section: This section is involved in the sale of this development site to the applicant, and, therefore, supports the development in principle. We would, however, require the platform to be constructed in accordance with the draft platform design including levels and slopes. The access requires having a 10m radius with 6m wide access road and a substantial bitmac or ribbed concrete surface over the first 4m, at least, although the full 40m ramped access would be preferable, and drainage installed to prevent surface water running onto the public road. The applicant has shown a pedestrian access gate at the entrance, off the industrial estate road at the bus lay-by, and therefore we consider that the footpath should be extended up to this gate at between 1.5m – 2.0m wide. There are services within the verge where the access is to be taken and these require to be suitably protected as part of the construction works.

The drawings show new screen fencing along the frontage to the public road, but we would note that there is a substantial section of existing screen fencing on the NE boundary of the existing Forbes site and suggest that this fence is carefully taken down and re-used by re-erecting along this boundary edge. The applicant has not included the new front edge which will require the creation of a sloped banking as it is out with the boundary of the red line application site. This will become under the control of the applicant and we would suggest that planting this up with a woodland screen belt should be a condition as it will both help screen large tanks in the longer term; which it is anticipated will be stored there, will provide a new wildlife habitat and will help to stabilise this new banking. The existing woodland strip between the existing and new site also needs to be retained and protected during the construction of the platform and should also be enhanced with new planting on the rear yard slopes for the reasons mentioned above, even though they are also out with the red line boundary.

The planned new building is shown close to the boundary that is protected by a concrete retaining wall. This new building is substantial and we suggest that either as part of the Planning or Building Management process that an engineering certificate is obtained to ensure the wall strength is not compromised by the pressure from the new building.

Statutory Consultees

Kelso Community Council: Reply awaited.

Sprouston Community Council: No objection.

Other Consultees

None

KEY PLANNING ISSUES:

The main determining issues with this application are whether the proposals comply with planning policies on economic development, development of employment land, and neighbouring amenity. Specific regard should be given to:

- Policy considerations, principally whether the principle of the proposed development complies with Scottish Planning Policy and Scottish Borders Council Planning Policies;
- The details of the proposed development;
- The consultation replies received and correspondence received as a result of neighbour notification and advertisement.

ASSESSMENT OF APPLICATION:

Planning Policy

The application is seeks permission for the change of use of land to form a storage yard and construction of a new access, boundary fence and gates. Permission is also sought on the neighbouring site for the erection of a storage building.

Both sites are allocated within the Adopted Scottish Borders Local Plan for employment use (site Pinnaclehill / Spylaw Road zEL205). As allocated sites, the Employment Land Safeguarding Policy ED1 of the plan would apply. This requires that in the case of non-strategic employment sites such as Pinnaclehill, the estate will be retained for industrial development in classes 4, 5 and 6 of the Use Classes (Scotland) Order.

Scottish Government Planning Policy is contained in the Document “Scottish Planning Policy”, published in February 2010, which is supportive of the principle of economic development.

Scottish Planning Policy goes on to state that:

“The specific needs of different businesses should be taken into account in development plans and development management decisions, including the importance of access to the strategic road and rail network..”

Scope of Application

The application seeks permission for change of use of land to form a storage yard. Storage uses fall within Class 6 (Storage and Distribution) in the Town and Country Planning (Use Classes) (Scotland) Order 1992. Permitted development rights would allow for use of the land for Class 4 uses (Office, R&D, and Light Industry). Subsequent planning applications would however be required for any buildings or structures to be erected on the site or for use for general industrial purposes.

The proposed developments in this application, falling in classes 5 and 6 of the use classes order, would comply with policy ED1 of the Local Plan. Given that the proposed building would fall within class 5 of the Use Classes Order, and the proposed storage yard would be in class 6, there is not considered to be any requirement to further limit these operations by planning condition.

All proposed use classes are consistent with the land use allocation in the adopted Local Plan.

Design

Policy N20 of the Structure Plan states that the Council will encourage a high quality of layout, design and materials in all new developments. Policy G1 of the Local Plan

requires all development to be of high quality in accordance with sustainability principles, designed to fit in with Borders townscapes and to integrate with its landscape surroundings. The policy contains a number of standards that would apply to all development. Policy G7 of the Local Plan requires that the development respects the scale, form, design, materials and density of its surroundings; the individual and cumulative effects of the development should not lead to over-development or town cramming.

The building would be substantial, with an eaves line height of 6m, and a maximum height of its mono-pitched roof of 7.41m. The building would however be set against the backdrop of the even larger existing manufacturing buildings when viewed from the adjoining public realm of the estate road. The proposed building would not be widely visible from outwith the industrial estate. The building would be finished in goose-wing grey coloured composite panels, to match the existing buildings at the factory.

In this specific case, having regard to existing uses and building types in the immediate vicinity, the proposed building would be acceptable in terms of its design and detailing, matching in with the form and materials found on the existing premises.

A planning condition will ensure use of acceptable materials.

The fencing proposed for the new storage area would be of the agreed style for use within Council industrial estates.

Impact on Neighbouring Properties

Policy G7 of the Local Plan states that the development should not result in any significant loss of daylight, sunshine or privacy to adjoining properties as a result of overshadowing or overlooking. Policy H2 states that development that is judged to have an adverse impact on the amenity of residential areas will not be permitted.

In this case, whilst the proposed building would be of a considerable height, there would be no significantly adverse impacts on the amenity of neighbouring properties.

The comments of the Council Economic Development section are noted; however Members should be aware that the impact of the proposed new building upon the adjoining retaining wall is a matter to be considered under the Building Standards regulations, not the planning process. As such, it will be given consideration at Building Warrant stage.

Access and Parking

Policies I1 and I4 of the Structure Plan guides development to locations that are well served by a variety of means of transport, especially public transport. Policy Inf2 of the Local Plan seeks to uphold access rights by protecting existing access routes. Policy I11 of the Structure Plan and Inf4 of the Local Plan require that car parking should be provided in accordance with Council adopted standards. Policy G7 requires that adequate access and servicing can be achieved.

In this case the Roads Planning Officer has raised no concerns, subject to the imposition of a number of planning conditions.

CONCLUSION

Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning (Scotland) Act 2006, requires that the determination of planning applications be made in accordance with the provision of the development plan, unless material considerations indicate otherwise.

The proposed development is considered to be acceptable. The site lies within an area allocated for employment development, and it is considered that there would not be such an adverse impact on neighbouring amenities as to warrant refusal. The proposals are considered to comply with policies G1, G4, ED1 and H2 of the adopted Local Plan. A series of Planning Conditions and Applicant Informatives are however considered necessary.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

I recommend the application is approved subject to the following conditions and informative note:

Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
2. Prior to the bringing into use of the site, full details of the positioning of the boundary fence are to be submitted to and agreed in writing by the planning authority. Thereafter the development is to be completed in accordance with the agreed details, unless otherwise agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development and in the interests of road safety on the estate distributor road.
3. Prior to commencement of development details for the proposed drainage of the site, and measures for the prevention of flooding of the adjacent roadway are to be submitted to and approved in writing by the planning authority. Thereafter the development is to be completed in accordance with the agreed details unless otherwise agreed in writing, and the drainage measures are to be implemented prior to the bringing into use of the development.
Reason: To maintain effective control over the development and in the interests of road safety on the estate distributor road.
4. Finished site levels to be in accordance with the approved drawing entitled "Draft Platform Design" prepared by Scottish Borders Council Engineering Design & Construction Service, unless otherwise agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development.
5. Prior to the commencement of development, full details of the external materials, including colour, to be used in the construction of the storage building are to be submitted to and approved in writing by the Planning Authority. Thereafter the development shall be completed in accordance with

the approved details unless otherwise agreed in writing by the planning authority.

Reason: To maintain effective control over the development, and in the interests of visual amenity.

6. Prior to the commencement of development, full details of the landscaping of the site, including the area between the application site and the edge of the estate road are to be submitted to and approved in writing by the Planning Authority. Prior to the bringing into use of the storage yard, the agreed landscaping is to be implemented, unless an alternate timescale for implementation has first been agreed in writing by the Planning Authority.
Reason: To maintain effective control over the development and in the interests of visual amenity within the industrial estate.
7. The new access must be constructed as per the details in the 'Draft Platform Design' drawing which is submitted as part of this application. This includes a minimum road width of 6m and an internal radius of 15metres.
Reason: To maintain effective control over the development and in the interests of road safety on the estate distributor road.
8. The new access is to be kerbed, with 100mm upstand to match the existing carriageway.
Reason: In the interests of road safety on the estate distributor road.
9. The maximum gradient of the new access must be not greater than 1 in 12.
Reason: To maintain effective control over the development and in the interests of road and pedestrian safety on the estate distributor road.
10. The first 10 metres of the new access must be formed to the following specification unless otherwise agreed in writing by the Planning Authority: *'40mm of 14mm size closed graded bituminous surface course to BS 4987 laid on 60mm of 20mm size dense binder course to the same BS laid on 350mm of 100mm broken stone bottoming blinded with sub-base, type 1.'*
Reason: To maintain effective control over the development and in the interests of road safety on the estate distributor road.
11. Prior to the bringing into use of the external storage area hereby approved, the footway adjacent to the public road is to be extended adjacent to the new access up to the new gates to the following specification: *'30mm bitmac wearing course, 50mm DBM basecourse, 280mm type 1 sub-base.'*
Reason: To maintain effective control over the development and in the interests of road and pedestrian safety on the estate distributor road.

Informative Note:

For the information of the applicant:

1. Attention is drawn to the enclosed letter and plan from Scottish Power Energy Networks, highlighting the existence of a low voltage underground cable in the vicinity of the site.
2. All work within the public road boundary must be undertaken by a contractor on the Council's approved list (DC-8, attached).

3. Consultation with the Council's Traffic Section will be required to determine the extent of white lining required at the new junction.

Drawing Numbers:

Drawing	Reference
DRAFT PLATFORM DESIGN	SBC Engineering Design & Construction
LOCATION PLAN	OS Extract
LOCATION AND SITE PLANS SHOWING WOODLAND	12/PL/014A
FLOOR PLAN & ELEVATIONS	6085/01
BLOCK PLAN	6085/03
FENCE ELEVATIONS	6085/04
BLOCK PLAN	6085/04-1
ROOFING DETAILS	KS1000 Panel Details

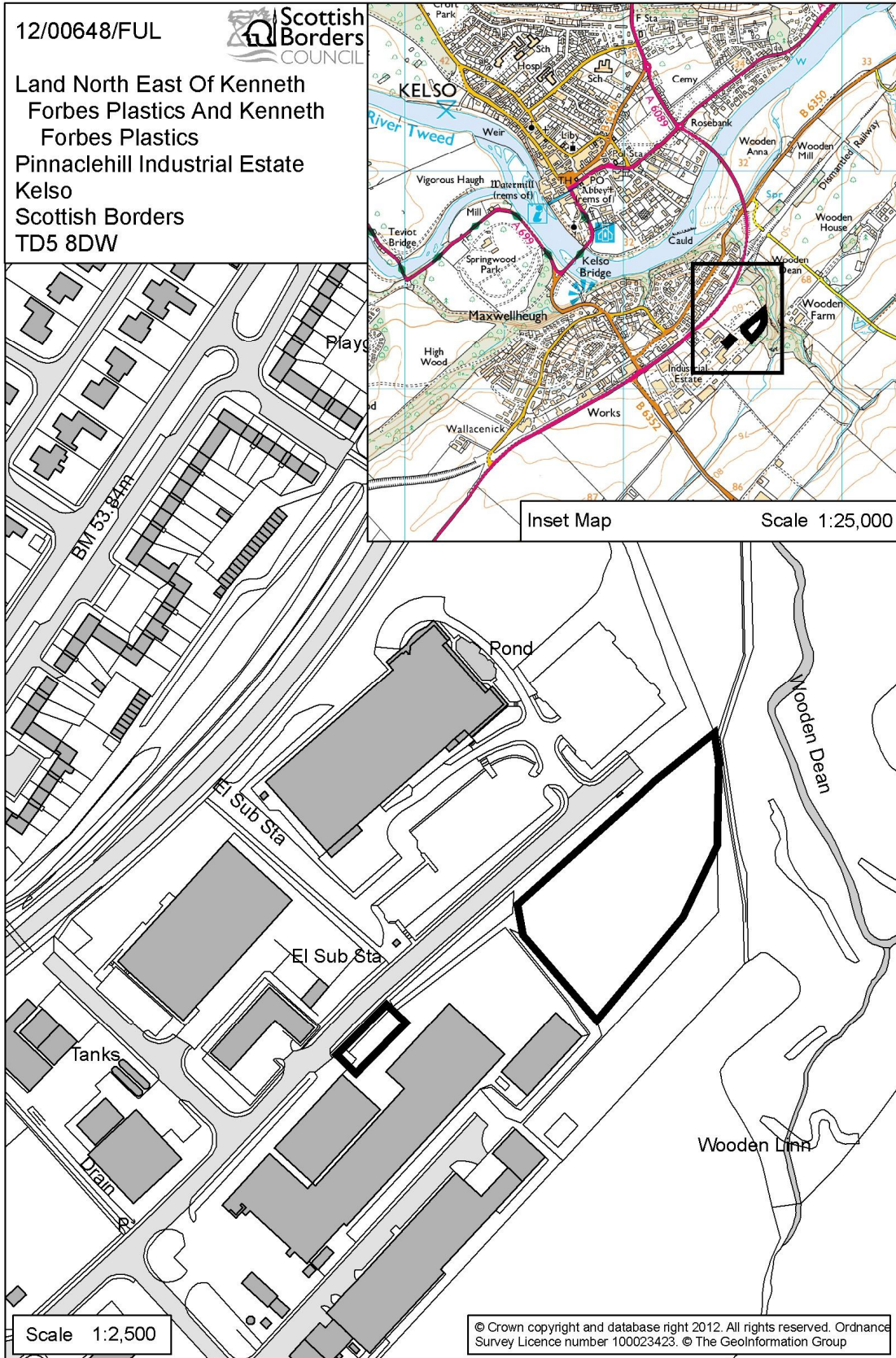
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Andrew Evans	Planning Officer



SCOTTISH BORDERS COUNCIL

PLANNING AND BUILDING STANDARDS COMMITTEE

09 JULY 2012

APPLICATION FOR PLANNING PERMISSION

ITEM:	REFERENCE NUMBER: 12/00465/FUL
OFFICER:	Lucy Hoad
WARD:	Tweeddale
PROPOSAL:	Erection of poultry shed
SITE:	Whim Poultry Farm Lamancha West Linton Scottish Borders EH46 7BD
APPLICANT:	Glenrath Farms Ltd
AGENT:	SAC

SITE DESCRIPTION:

The application site is located at Whim Poultry Farm, West Linton accessed of the A701, 2.5KM south west of the Leadburn Junction, and 2KM northeast of Lamancha. The poultry unit currently comprises 2No sheds (Dovecot and Blairburn), an egg collecting and packaging unit, office block, laboratory and storage facilities). Two sheds (Potters and Hellmans) have recently been demolished from the poultry farm in order to accommodate the development.

The site is encircled by woodland with a nursing home and residential properties lying to the north comprising Whim Hall (Cat B Listed), Whim Square (A listed), and Mosswood, and to the west, the properties, Cowdenwood and policy woodland, Cowden Lodge (Cat B Listed) and The Whim. The A701 and agricultural fields lie to the south and east. In addition, there are further listed buildings in the vicinity which include the Ice House (Cat B) and cistern (Cat C(S)) to the west of Whim Square.

Whim Poultry Farm is located within the Whim Garden and Designed Landscape and adjacent to the Whim bog SSSI and Whim bog Ancient Woodland Inventory site to the north west of the site.

PROPOSED DEVELOPMENT:

It is proposed to erect a single poultry shed (model Big Dutchman) to house colony system hens (169,128 No) on Whim Poultry Farm. The proposed replacement shed would be located on the site of the 2No former sheds (conventional cages) that have been recently removed because they were deemed unsuitable for conversion (1No being deep pit manure system). The proposed shed would be of a steel portal framed construction and would measure approximately 116m by 28m by 14m high to ridge height. The shed would be finished using green profile sheeting with ventilation/extraction fans located on the north east elevation, furthest away from the neighbouring properties. A feed silo and manure elevator would be located adjacent

to the shed. The shed would be accessed via the existing access onto the A701. Water supply is from a combination of public mains and private source.

It is noted that the remaining Dovecot and Blairburn sheds on the farm adjacent to the site have been converted to colony systems to comply with recent EU regulations for laying hens.

PLANNING HISTORY:

92/01093/FUL Proposed deep pit battery poultry house Approved 11 May 1992

93/01116/FUL Alterations and extension Approved 12 July 1993

93/01117/FUL Alterations to service road layout Approved 12 July 1993

93/01118/FUL Erection of office Approved 02 December 1993

94/01185/FUL Construction of deep pit poultry house Approved 09 May 1995

95/01074/FUL Erection of prefabricated cabin type staff Approved 12 January 1996

96/00959/FUL Extension to egg packing shed Approved 09 September 1996

97/05551/FUL Erection of staff accommodation Approved 21 April 1997

97/05552/FUL Erection of offices Approved 16 July 1997

A Section 50 (now known as a Section 75 agreements) legal agreement was entered into under application 94/01185/FUL which restricts further development of new buildings on the land to accommodate birds, the number of birds that can be housed at the site to 160,000 birds, the capacity of the egg packing unit (now moved to Millennium Farm), the hours for outdoor working, the requirement to maintain fans and extraction equipment in good order, the establishment of a monitoring regime for noise and odour emissions, the ability for Council to enter the land to carry out inspections and the requirement for prior consent of the council for any additions, extensions, alterations, or installations on the land or building forming part of the development.

The precise extent of the area covered by the legal agreement is being determined and an oral report on this matter will be made at the meeting. If the agreement covers the land subject of this application then, if members are minded to approve the application, they will also be required to sanction the modification or removal of the original agreement.

REPRESENTATION SUMMARY:

10 letters of objection have been received. The principal grounds of objection can be summarised as follows:

- Adverse impact on the landscape
Loss of light/overshadowing
- Increase in the number of flies
- Risk to human health
Increase in the number of birds on site
- Increase in the levels of dust and PM10

- Noise, smell
- Potential damage to natural wildlife habitats
- Increase in heavy traffic
- Damage to the ecology of the area – flora, fauna and wetland bog
- Adverse impact on local amenity
- Inadequacy of the Environmental Statement modelling

APPLICANTS' SUPPORTING INFORMATION:

The applicant submitted a full Environmental Statement, Non-Technical Summary and Community Engagement report with the application (received 16 April 2012). Following consultations, additional supporting information was submitted by Glenrath in the form of a report on dust emissions (received 21 June 2012).

The company is one of only two suppliers to Tesco and Asda for eggs in the UK. The company produce eggs at three existing sites in the locality of the application site at Whim Farm, Easter Deans Farm and Millennium Poultry Farm. Grading and packing of the eggs is also carried out at Millennium before the eggs are dispatched to supermarkets.

The legislative driver for the proposed development is EU Directive 1999/74/EC on the welfare of laying hens. The Directive bans the use of conventional cages for laying hens after 1st January 2012. From that date on birds are to be housed in either colony systems, or non cage systems with nests such as free range or barn. There is an essential need for all UK egg producers to comply with new animal welfare legislation and the proposed development will allow Glenrath Farms Limited to meet the latest welfare standards while providing its customers with a high quality locally produced product.

DEVELOPMENT PLAN POLICIES:

Scottish Borders Structure Plan 2001-2018:

- Policy N1 – Local Biodiversity Action Plan
- Policy N6 – Environmental Impact
- Policy N7 – Protection of Nature Conservation Interest
- Policy N8 – River Tweed System
- Policy N9 – Maintaining Landscape Character
- Policy N13 - Gardens and Designed Landscapes
- Policy N15 – Regional and Local Archaeological Sites
- Policy N16 – Archaeological Evaluation, Preservation and Recording
- Policy N17 – Listed Buildings
- Policy N20 – Design
- Policy E2 – Farm Diversification
- Policy E16 – Rural Economic Development
- Policy I13 – Water Quality
- Policy I14 – Surface Water

Consolidated Scottish Borders Local Plan 2011:

- Principle 1 – Sustainability
- Policy BE1 – Listed Buildings
- Policy BE2 – Archaeological Sites and Ancient Monuments
- Policy BE3 – Gardens and Designed Landscapes
- Policy NE3 – Local Biodiversity

Policy NE4 – Trees, Woodlands and Hedgerows
Policy NE5 – Development Affecting the Water Environment
Policy EP5 – Air Quality
Policy Inf2 – Protection of Access Routes
Policy Inf5 – Waste Water Treatment Standards
Policy Inf6 – Sustainable Urban Drainage
Policy G1 – Quality Standards for New Development
Policy D1 – Business, Tourism and Leisure Development in the Countryside

OTHER PLANNING CONSIDERATIONS:

SBC SPG on Biodiversity
SBC Local Biodiversity Action Plan
SBC SPG on Landscape and Development

CONSULTATION RESPONSES:

Scottish Borders Council Consultees:

Road Section: No objection. The junction onto the A701 at this location is deceiving, in that the horizontal geometry of the road gives the impression that the visibility is poor, however upon closer inspection my full standard of 215m is available albeit only to the centreline channel to the left as opposed to the inside channel. Whilst the traffic associated with this shed may differ in pattern from the two it replaces generally the amount of vehicles will not change significantly and as such I do not object to this proposal.

Heritage Officer: No objection. The new shed is located within the established chicken unit and the new shed is a replacement for two existing sheds. The shed will be clad in dark green sheeting which will help to minimise the impact of the building when viewed from outwith the site. There is established planting screening the buildings from Whim Square. The principal elevation to Whim Square is the West elevation. I do not consider that the provision of this replacement shed will impact adversely on the setting of Whim Square, Whim House or the Lodge. It can be deemed to have a “neutral” impact.

Archaeologist: No objection. I am satisfied that no archaeological mitigation measures are needed. However, I do recommend a condition for the erection of protective fencing around the C(s) listed Dovecote, subject of course to agreement with the Heritage & Design Officer.

Environmental Health Officer: Has concerns over application of modelling data. If planning approval is granted for the proposed development, the applicant will be required to apply to the Scottish Environment Protection Agency for a Pollution Prevention and Control Permit (PPC). The PPC will cover areas such as noise, dust, and any other emissions, and will be enforced by the Scottish Environment Protection Agency. Under the PPC Regulations, for all aspects of the site operation, the site will have to be compliant with the best available technique in order to minimise any environmental emissions from the activity at the commencement of the proposed development. To this end items such as an odour and noise management plan will be required to be provided at the PPC application stage. As SEPA is the Regulator for these premises, Environmental Health does not intend to comment on areas which are the responsibility of SEPA for enforcement purposes.

Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Ecologist: No objection: The Environment Statement (ES) identified no significant direct impacts on habitats, there was limited evidence of otter activity within the area of search, low badger activity was also recorded within the area of search and no water vole activity was recorded. I note that the timing of survey (November 2011) is late for water vole activity, although I do not anticipate that results would be significantly different if water vole survey was carried out at the appropriate time (March-October). Mitigation is proposed in sections 9.6.7, 9.7.7 and 9.8.7 of the Environment Statement. This should be included in a Species Mitigation Plan which should also include provision for checking surveys and measures to protect breeding birds from proposed works including demolition.

SEPA indicate that the proposal will result in ammonia emissions to air being reduced overall and the most important and good quality lowland raised mire habitat in Whim bog SSSI will receive ammonia concentrations well below the allowable contribution of 50% of the critical level. The development is potentially consentable under the required Pollution Prevention and Control permit variation required by SEPA. SNH indicate that emission levels are acceptable for the features of the River Tweed SAC. Regarding Whim bog SSSI, SNH consider that with the addition of the proposed shed the concentration of ammonia will be below the critical threshold for SSSIs and that there will be a substantial reduction in emissions compared to the earlier poultry operation. SNH indicate that tree planting immediately surrounding the sheds would help buffer the SSSI and absorb ammonia.

Regarding the impacts on Whim bog Ancient Woodland Inventory site, in my opinion the impacts are acceptable given that there will be a reduction in ammonia emissions compared to the earlier poultry operation and that the emissions will be below critical thresholds for SSSIs. Environment Agency guidanceⁱ (although not directly applicable to Scotland) indicates that they apply on a precautionary basis a critical level of 1 $\mu\text{g}/\text{m}^3$ for local nature conservation sites including ancient woodland. Adopting this approach would indicate that areas located within transect 1, nearest to the proposal, would exceed this level, covering a small area in the south-east corner of Whim bog ancient woodland site (indicative boundary), but the majority of the site would have emissions lower than this. On balance, given the reduction in emissions compared to the earlier poultry operation, I consider such impacts to be acceptable.

Landscape Officer: No objection In view of the increased size of the proposed shed, as part of this application I think it would be appropriate for a woodland management plan to be carried out by a qualified arboriculturalist to assess the existing woodland that screens the development on all sides, with an assessment of its life expectancy and which should demonstrate opportunities for enhancement planting along the A701, as stated in the Environmental Statement and in the rest of the woodland within the control of the applicant that will contribute to screening the proposal. This should be submitted for approval. Despite the agent's confirmation that Glenrath will undertake some planting to a small gap in the screen planting along the A701 we still require a management plan for all the woodland in the applicant's ownership that surrounds the development site. This will include all the woodland within the site boundary and the large block of woodland to the north east of the site (within the blue line ownership boundary but outwith the red line site boundary) as all of this

woodland has an impact on how well the site remains screened from surrounding areas. Adequate protection must also be put into place to protect the existing woodland from damage during the course of the proposed development.

Statutory Consultees

Community Council: Objects to the proposal. It was understood that the chicken shed is being erected in order to comply with EU regulations and that no further chickens were to be housed beyond existing numbers. This no longer seems to be the case and we are advised the applicant is intending to house approximately 328,000 hens an increase of 61% of bird numbers. The proposed shed would be within 250m of several houses and a care home for the elderly and within less than 100m of one residential protected building. We would support the local residents in their objection to this particularly as the shed could be located in another location away from residential housing. Because of the close proximity of the proposed shed to local residents there is concern about health and safety issues particularly relating to emissions of ammonia and dust.

ENVIRONMENT & FORESTRY DIRECTIVE: This response relates to the Scottish Ministers responsibilities for air quality and noise. In relation to the case and information available and without prejudice to any further consideration the Scottish Ministers may be required to give, we have no comments on the Environmental Statement.

SNH: No objection. The proposal would replace 2 demolished poultry sheds with one large poultry shed. The new shed has a footprint that is nearly identical to that of the old sheds and the treatment and disposal of manure will be replaced with a system which is less polluting. The new shed will house 169,126 laying hens in a colony system. The increase in number of laying hens and increase in manure produced is offset by the proposed new belt drying system which will reduce the emissions. Bio-monitoring by SEPA has shown that ammonia concentrations have dropped below the critical threshold where damage to lichen and mosses may occur, therefore we do not object to this proposal. The proposal does not affect any nationally important areas or raise natural heritage issues of national importance.

The shed will sit on the footprint of the dismantled sheds behind a screen of trees and although taller than previous sheds there is no significant additional effect on landscape and visual impact.

SEPA: No objection in principle. The proposal, which is to replace two sheds with one new shed (to house 169,128 birds), will require a technical variation of the existing PPC permit. We have not yet received an application for this but we believe that one is currently being prepared by the applicant. Based on the information provided in the application and Environmental Statement, the proposal is potentially consentable under PPC.

Odour, dust, emissions, waste and impacts on sensitive receptors from the proposed poultry houses has been covered within the Environmental Statement and they will be controlled by us as part of the PPC permit. The new shed will house more birds overall however the manure management system will be greatly improved to the current system (one of which was deep pit) and will be based on a modern manure dry belt system. This will result in emissions to air being reduced overall.

The overall reduction in emissions is also favourable in terms of reducing impacts on sensitive receptors such as the nearby Whim Big SSSI. We note that ammonia concentrations, in the most important relict and good quality lowland raised mire

vegetation, according to the modelling, will receive ammonia concentrations well below the allowable process contribution of 50% of the critical level. The variety of woodland habitat, which will be mitigating and recapturing ammonia and the Best Available Techniques currently in use and planned for the new shed, in combination, are likely to continue to improve the situation further in relation to ammonia deposition on Whim Bog SSSI. The existing surface water system discharging to a reed bed system will continue to serve the site. There are currently no pollution problems associated with this system and as long as this continues to be the case we are satisfied with this approach.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take into account factors not considered at the planning stage. The proposed poultry shed will require a variation to the existing PPC permit. As the applicant has chosen not to pursue parallel processing we consider that it is their commercial risk to accept that any significant changes that are required during the regulatory stage may necessitate a further application or variations to your planning application.

TRANSPORT SCOTLAND: The proposed development represents an intensification of the use of this site however the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the truck road network. On this basis the Trunk Road and Bus Operations Directorate has no comment to make.

SCOTTISH WATER: No response to date.

HISTORIC SCOTLAND: Historic Scotland has considered the consultation and has no comments to make on the proposals. HS confirm that the Council should proceed to determine the application without further reference to HS.

KEY PLANNING ISSUES:

The key planning issues are:

1. Whether the proposed development would have an adverse impact on the landscape
2. Whether the proposed development would have an adverse impact on local ecology
3. Whether the proposed development would have an adverse impact on the amenity of residential properties
4. Whether the proposed development would have an adverse impact on the Whim Bog and River Tweed SAC
5. Whether the proposed development would result in an unacceptable increase in traffic
6. Whether there would be an adverse impact on local historical buildings or archaeological sites

ASSESSMENT OF APPLICATION:

Background

The applicant has submitted in support of the application an Environmental Impact Statement prepared by Scottish Agricultural College. This was supplemented by

further supporting information, also prepared by SAC, in respect of air quality following the initial tranche of consultations. The documents outline the background of the company, the rationale for the project, the methodology they have adopted in assessing the environmental impacts and what measures or mitigation they intend to carry out in order to avoid demonstrable harm to the locality.

Principle

Policy E16 of the Scottish Borders Structure Plan and D1 of the Local Plan are particularly relevant in this case as business and industrial development will be encouraged which will support the rural economy, provided it can be achieved in accordance with the Plan's other policies, particularly those on the environment. Proposals that provide employment in villages or the countryside, contribute to the wider rural economy, are part of farm diversification schemes, or re-use vacant and derelict buildings will generally be supported. The proposed development would clearly provide employment in the locality and would contribute to the wider rural economy, therefore consideration must be given to this proposal. The development would represent a significant investment by the company that would help sustain an existing well established business.

Impact on the Landscape

Concerns were raised by neighbours as to the visual impact on the rural landscape. The site lies within the Rolling Farmland type (as defined in the Scottish Borders Landscape Character Assessment) and is distinguished by a characteristic topography of rolling undulations, becoming steeper and more pronounced towards the uplands and more gentle at the lowland fringes. Land cover is characterised by a patchwork of medium and large sized arable, permanent and ley pasture fields typically enclosed by mature beech or hawthorn hedgerows or fences. Drystone dykes are common in the higher areas where sheep grazing predominates. Tree cover consists mainly of coniferous and mixed plantation blocks and shelterbelts. Broadleaf trees are generally less prominent, occurring mainly in small woodlands close to farmsteads, shelterbelts, or occasionally in hedgerows and narrow riparian strips along burn courses. Although this is a relatively well-settled landscape, it is not generally prominent other than to the local population, the road network predominantly consisting of minor rural roads. The West Linton character area is locally more sensitive due to the presence of major road routes (A697, A702, A701).

The proposal consists of the erection of 1No poultry shed (Big Dutchman), approximately 116m long by 28m wide, with associated feed silos and manure elevator. The shed is located on the footprint of the 2No sheds that have been removed, due to the buildings being deemed unsuitable for conversion to the required colony system to comply with EU legislation. At 7.8m to eaves and 14m to ridge height the shed would be taller than the existing structures on site. The sheds removed were approximately 8-9 m to ridge height. The shed is to be clad in dark green coloured sheeting.

SAC have provided a cross sectional drawing to illustrate the topography/land gradient through the site and allow a comparison of the scale of the proposed shed with the existing/removed sheds. The Environmental Statement explains that the model of shed proposed, incorporates an automatically controlled natural ventilation system (ACNV) which requires a steeply pitched roof design in order to allow warm air to rise through convection, this would lead to reduced noise levels from the extractor fans for the following reason. In the smaller sheds the fans are on continuously expelling the air above head height thus lowering the pressure of the air

which causes cool air to be drawn in from outside along the lower side of the sheds. With the large shed proposed warm air rises into the space under the ridge, drawn by convection. As the temperature of the ridge space air rises, the fans will come on and expel this air replacing it with cool air which falls and cools the cages. This increases the convection currents. As a result the fans do not need to be on all the time. They are thermostatically controlled. This results in a more efficient power usage.

The introduction of 1No larger building on site has the potential to create significant landscape impacts. In views into the site, consideration has to be given to the topography and level of containment, along with the screening function provided by existing woodland.

The topography of the land means that ground slopes north west down from the main road A701 towards the Whim Hall nursing complex and residential Whim courtyard. The proposed shed is to be located on the existing hardstanding (at a land level cut below the road line for the earlier sheds now removed) which sits at approximately 2m below the roadway. As the driver travels along the main A701 in either direction the proposed shed would sit at an oblique angle (as do the existing sheds) and not be directly visible from the main road due to the screen cover provided by the woodland strip bounding the site.

The land rises to south west from the A701 and in views back into the poultry farm from the surrounding countryside the site is screened/encircled by woodland and the existing sheds are not regarded as being highly visible. In views from the minor Whim to Shiplaw Road and the surrounding fields the ridge of the proposed shed shall be visible to public view. However, the fact that the cladding is a dark green I colour will help to minimise the impact of the building when viewed from outwith the site. The Environmental Statement includes a photo montage from this viewpoint.

The residential properties at the Whim Square Courtyard to the northwest sit at a much lower ground level than the poultry farm. The existing sheds are not visible from these properties screened by the woodland that circles the site. From this viewpoint the proposed shed is to be set back behind the existing sheds and mature high trees to the south east at a distance of approximately 140m from Whim Square and 100m from Cowdenwood. The mass of the shed should not be directly visible as the ground gently rises from the residential properties back up to the main road. The end elevation of the shed is sited approximately 70m from Cowden Lodge and screened by woodland. The roof of the shed may be partially visible from the rear access road to the Whim Hall and additional planting would be required to aid screening.

Given the screening provided by woodland and the distance from sensitive receptors (such as residential properties) results in the actual visual impact being relatively small for external viewpoints.

In order to ensure the screening function of the woodland is maintained in the longer term it is advised that a woodland management plan be conditioned as part of any consent. This should included an assessment of the existing woodland and demonstrate opportunities for enhancement planting along the A701, and in the rest of the woodland within the control of the applicant. The Landscape Officer has been consulted and does not object to the development. Although the shed is taller then the previous sheds, SNH consider that there is no significant additional effect on landscape and visual impact, given the siting on the former sheds footprint and level of screening.

SAC (agent) has advised that the applicant has agreed to forgo the intended new access track and relocate the feed silo as suggested by the Landscape Officer, in order to avoid having to remove existing trees as originally proposed. It is intended to use the existing access to the site

The new shed is located within the established poultry unit to replace 2 old sheds. Whilst the ridge of the shed will be visible from minor roads, it is considered that the mass of the building could be screened by an appropriate level of landscaping, and provided a woodland plan is agreed and implemented the proposal would not have a significant adverse impact on the landscape quality of the rural area.

Impact on ecology

Concerns have been raised by neighbours as to the impact on ecology and habitat. As stated previously, the proposed shed is to be constructed/sited on the footprint of the 2 No removed sheds within the poultry farm unit (brownfield site). The Environmental Impact Assessment carried out by SAC included A Phase 1 habitat survey, A Bird Survey and Protected Species Survey for otter, water vole and Badger. The Ecologist was content with the findings of the surveys and the proposed mitigation strategies outlined in sections 9.6.7, 9.7.7 and 9.8.7 of the Environment Statement. It is recommended that a Species Mitigation Plan, to include these measures, (and provision for checking surveys/measures to protect breeding birds) should be sought as a condition of consent.

Impact on the Whim Bog and River Tweed SAC

Concerns were raised by neighbours as to the impact on the environment stemming from ammonia emissions from the site. Usually it is the fertilising effect of the nitrogen component (ammonia dispersed down wind and deposited on vegetation) that causes long term changes to sensitive ecosystems. This happens when a 'critical load' of nitrogen is exceeded.

The Environmental Assessment states that the replacement shed shall operate a belt manure system in order to produce dry manure (dried by blowing warm air taken from the roof area of the shed) and this is regarded as an improvement from the old pit system (manure stored on site for 60 weeks). The belts are emptied on a twice weekly basis by conveyor into contractors vehicles, and the manure is removed to an off-farm storage location for future land application. It is noted that the 2 No existing converted sheds also operate a belt manure system.

The Environmental Statement has provided modelled data on ammonia emissions for the proposed shed to include the assertion that, prior to the change to colony systems, Whim Poultry farm emitted approximately 35,886 kg of ammonia per year from 204,400 birds. After the changes it is predicted that the farm will emit approximately 12,010 kg of ammonia per year from 328,000 birds, a 67% reduction in emissions.

SEPA have not objected to the principle of the proposed development. From the model data provided by SAC, SEPA are content that an overall reduction in ammonia emissions could reduce impacts on sensitive receptors to include the nearby Whim Big SSSI. Their response is based upon ammonia concentrations being well below the allowable process contribution of 50% of the critical level as demonstrated by the modelling data provided by SAC. In addition, SEPA note that the variety of woodland habitat, which will be mitigating and recapturing ammonia and the Best Available

Techniques currently in use and planned for the new shed, in combination, are likely to continue to improve the situation further in relation to ammonia deposition on Whim Bog SSSI.

It is noted that the Eddleston Water tributary (part of the River Tweed SAC) is 3.9km away from the proposed site, in a different water catchment area, and SEPA consider it is very unlikely the tributary shall be affected by this proposal.

SNH do not object to proposed development. SNH have concluded that the increase in the number of laying hens and increase in manure produced will be offset by the proposed new belt drying system resulting in a reduction in ammonia emissions. SNH consider that bio-monitoring by SEPA has shown that ammonia concentration levels have dropped below the critical threshold where damage to lichen and mosses may occur.

Given that the 1No of the former sheds operated a deep pit manure system (where manure was left for 60 weeks) and this shed has been now been removed, and with the improved practices in the treatment of the manure (air dried) it is considered that the proposed development shall contribute to a reduction in ammonia emissions to the atmosphere stemming from the site. Given the reduction in emissions compared to the earlier poultry operation, the Ecologist has not objected to the development.

The impacts on habitats and species are not at significant levels to warrant refusal of the application.

Impact on the amenity of residential properties

Local residents have objected to the development, their concerns to include additional number of birds, dust, odour, noise, water run off and loss of light.

The Community Council and third party objectors raised objections to this application on the grounds that it would have an adverse impact on air quality through an increase in bird numbers and additional dust emissions to include PM10 particles.

The Whim Square lies approximately 140m northwest of the development, Cowdenwood approximately 100m northwest of the development, and Cowden Lodge, approximately 75 m southwest of the proposed shed.

Bird numbers

The agent has confirmed that Whim Poultry Farm is currently permitted to house up to 204,400 laying hens. The recent changes to include the decommissioning of the old sheds (Hellmans and Potters), their replacement with the proposed new colony shed (169,128No hens), together with the conversion of Dovecote (housing 85,608 No hens) and Blairburn (housing 72,360 No hens) to colony systems, will mean that Glenrath shall be required to vary their SEPA environmental permit to allow them to house up to approximately 328,000 laying hens. By their calculations, bird numbers on site will increase by around 60%. No exact data has been provided to date on bird numbers per shed prior to removal of 2 No sheds and conversion of 2No sheds. The agent has provided an approximation of bird numbers prior to the change to colony systems as follows:

Dovecote shed – 60,000
Blairburn shed – 75,000
Hellmans and Potters sheds – 65,000

Using these figures the proposed increase in number of birds is calculated at 64%.

The question of the restriction on bird numbers set out in the Section 50 legal agreement will be discussed at the meeting, as mentioned above.

Dust and Air Quality

The Environmental Statement describes the design of the ventilation system within the shed. The air exits at a shrouded roof ridge with most of the dust remaining within the housing which is subject to a dry clean cleansing programme on a 60 week cyclic period prior to re-stocking of birds.

The applicant has provided modelled data on dust emissions from the site both within the Environmental Statement, and an additional submission, to take account of air modelling and Scottish Air Quality Objectives. Dust has been modelled from all three sheds at Whim Poultry Farm. The 2No existing sheds have been modelled as low level line sources. The proposed shed emits along the roof ridge and therefore has been modelled as a line source. Modelling was done for the worst of five years of weather data.

Members will be aware that objectors have raised concerns over the validity of the modelled data of particulates particularly with regard to the centre point of emissions and wind conditions. The Environmental Health Officer had initial concerns over the manner in which the data has been modelled and is still to provide a response.

The local authority is the responsible authority for local air quality management under the Environment Act 1995 and has a duty to review current air quality in the Borders and assess whether any locations are likely to exceed the national objectives. If they identify areas exceeding the objectives, or likely to exceed an objective, then one or more air quality management areas will need to be declared.

The nearest residential property to the proposed shed is Cowden Lodge (approximately 75m away). At the time of writing this report a consultation response from SEPA and the Environmental Health Officer on the additional dust data supplied by SAC remains outstanding and it is hoped that a verbal report shall be made to committee once their comments have been received.

SAC are confident in the model data. The additional statement states that current guidance requires local authorities to consider emissions of PM10 from poultry farms if they house in excess of:

- 400,000 birds in mechanically ventilated buildings
- 200,000 birds in naturally ventilated buildings.
-

Information on bird numbers and housing type provided within the environmental statement shows Whim Poultry Farm would (subject to approval) house up to:

- 157,968 birds in mechanically ventilated buildings
- 169,128 birds in a naturally ventilated building

The report concludes that the modelled data results adequately demonstrate that the Air Quality Standards (Scotland) Regulations 2010 limit level (where the PM10 limit is not more than 35 exceedences per year of 50 $\mu\text{g m}^{-3}$ as a 24 hour average) is not

exceeded either on-site, or at any sensitive receptor. The agent SAC considers the potential for dust pollution to be minimal and of low significance in terms of potential impact.

Notwithstanding the concerns raised in respect of this matter, it should be noted that SEPA have not objected to the proposal in principle. Based on the information provided in the application and Environmental Statement, SEPA have advised that the proposal is potentially consentable under PPC. A variation application is required to establish whether or not the development can be granted (PPC/A/1016750) and the applicant would be required to comply with SEPAs environmental regulations. SEPA advise that they will only control dust generated from within the installation boundary under the PPC permit.

Odour and flies

Concerns have been raised as to the location of the manure elevator being located at the southwest elevation of the shed. The applicant has confirmed that the design of the shed includes the elevator being located at this gable end in order that the fans to aid ventilation on particularly hot days be located at the north east gable end (further away from the majority of houses).

As mentioned earlier, given that the 1No of the former sheds operated an open deep pit manure system and this shed has been now been removed, and with the improved practices in the treatment of the manure (air dried) the proposed development should contribute to a reduction in manure being stored on site for long periods. In the proposed shed manure will be collected on manure belts where it is air dried making it unsuitable for flies to lay eggs. The belts will be emptied via a conveyor directly into trailers twice a week. Previously manure was stored for 60 weeks and removed over a period of a few days. There is potential for spillage during the removal stage and the Environmental Statement confirms that the contractors vehicles taking the ammonia off site are to be covered before travelling on public roads in order to reduce spillage and a regular site clear would deal with spillage on site.

The Environmental Statement confirms that Glenrath Farms maintains an odour management plan as part of the SEPA PPC process (Section 6).

Noise

Concerns have been raised by objectors as to the increased level of noise from the ventilation fans to be fitted on the north east gable end elevation of the proposed shed. The applicant has advised through the environmental statement that aspects of the building have been redesigned to accommodate the gable mounted fans in the north east gable to keep them as far as possible from properties around the farm, citing that noise from poultry house ventilations systems is unlikely to create nuisance at greater distance than 100m from the source. With the fans being located at the north east gable end the nearest property the nearest residential property is No 6 Whim Square at 140m to the north west.

As mentioned previously, the fans are on continuously in the smaller sheds expelling the air above head height thus lowering the pressure of the air which causes cool air to be drawn in from outside along the lower side of the sheds (mechanical ventilation system). The proposed shed will use a natural ventilation system where warm air rises into the space under the ridge, drawn by convection. As the temperature of the ridge space air rises, the fans will come on and expel this air replacing it with cool air

which falls and cools the cages. As a result the fans do not need to be on all the time being thermostatically controlled.

The environmental statement confirms that the fans fitted will only be operational when ambient temperatures rise above 20-23°C and that the proposed shed, will result in reduced noise levels at Whim compared with the previous situation when the older sheds were operating. The fans should not come on at night.

The agent has provided an estimate of the length of time the fans are likely to run as follows.

An estimate of the length of time these fans are likely to run can be made by looking at the number of hours in each year (for the years 2005-2009) when temperatures rose above 20°C.

Year	Hours above 20° C	Days above 20° C
2005	197	8
2006	316	13
2007	28	1
2008	55	2
2009	127	5
Mean	144.6	6

Timing of vehicle movements will ensure noise is not created during night time periods. Eggs are no longer dispatched from Whim Poultry Farm directly to retail outlets, removing the requirement for lorries arriving on site in early morning for loading. The company maintains a noise management plan as part of its PPC permit regularly reviewed and monitored by SEPA.

The EHO has advised that the applicant will be required to apply to the Scottish Environment Protection Agency for a Pollution Prevention and Control Permit (PPC). The PPC will cover areas such as noise, dust, and any other emissions, and will be enforced by the Scottish Environment Protection Agency.

Under the PPC Regulations, for all aspects of the site operation, the site will have to be compliant with the best available technique in order to minimise any environmental emissions from the activity at the commencement of the proposed development. To this end items such as an odour and noise management plan will be required to be provided at the PPC application stage. As SEPA is the Regulator for these premises, the Environmental Health had not provided comment on areas which are the responsibility of SEPA for enforcement purposes.

The Environmental Health Officer has recommended a condition in respect of noise levels not exceeding Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Water run-off

The water run off drains via the site to the swale and reed bed located on the lower ground on the north western edge of the site. After treatment in the reed bed storm

run off continues along a small ditch that runs through the field at the north east end of the site and on down towards Whim Pond and from then on down into the Lead Burn. The Environmental Statement confirms that minor breaches and modifications to the wetland system are monitored/approved by SEPA under the PPC permit.

Loss of light

Whim Square lies approximately 140m northwest of the proposed development, Cowdenwood approximately 100m to the northwest of the proposed shed, and Cowden Lodge, approximately 75 m southwest of the proposed shed. Given the distances to residential properties it is not considered that there will be a loss of light to these residential proposal stemming from the development.

Impact on Scheduled Ancient Monuments & Listed Buildings

There are several listed properties in the vicinity of the shed to include Whim Hall (Cat B Listed, Whim Square (A listed), the latter being approximately 140m away. The Ice House (Cat B) and cistern (Cat C(S) are situated to the west of Whim Square. Cowden Lodge (Cat B Listed) is situated 75m to the south west

The principal elevation to Whim Square is the West elevation and it is not considered that provision of this replacement shed will impact adversely on the setting of Whim Square, Whim House or the Lodge, it is deemed to have a neutral impact on the setting of these properties.

The Heritage Officer has been consulted and does not object to the proposed shed given the use of dark green materials in construction of the shed (minimising visual impact) and the level of screening through existing mature planting.

The archaeologist is satisfied that no archaeological mitigation measures are needed in respect of the development. A condition for the erection of protective fencing around the C(s) listed Dovecote, during construction works is recommended. During the site visit it was observed that a piece of plant had been placed within the dovecote. Given the plant is not visible externally it is not considered to compromise the setting of the structure and removal may cause damage.

Historic Scotland has raised no objections to the development. The Department are therefore satisfied that the proposed development would not have a significant adverse impact on the setting of scheduled ancient monuments or listed buildings in the area.

Impact on traffic

Five to six deliveries of feed is required per week. Four loads of manure shall be removed from the site per week. Eggs will be taken to Millennium Farm for processing and packing prior to dispatch. Egg collection at Whim will involve 1 lorry load per day. Birds are removed and sheds re-stocked every 60 weeks and traffic will increase during this period.

Transport Scotland has raised no objections to the development, noting that the proposed development represents an intensification of the use of this site. However TS consider the percentage increase in traffic on the trunk road is such that the proposed development is likely to cause minimal environmental impact on the truck road network.

The Roads Officer has raised no objections to the development, considering visibility splays to be acceptable and no significant change to traffic volumes.

CONCLUSION

It is accepted that the proposed development will be consistent with the Council's policies on economic development in the countryside. It will provide full time employment for three to four people on site and will contribute to numerous other job opportunities within the processing and packing, and supply chain sectors (poultry shed staff, agricultural worker, staff at the egg processing and packing facilities, vehicle drivers, tractor drivers). The conversion to colony systems will safeguard the employment of all the staff at Whim Poultry Farm.

Whilst the community council and neighbours object to the intensification of birds on site and associated dust emissions in particular PM10s, SEPA have not objected to the principle of the development and are satisfied that the development is potentially capable of being authorised under the Pollution Prevention and Control (PPC) Scotland Regulations 2000, and that any environmental or health impacts that relate to SEPA's interests can be controlled under this regime. SEPA advise that they will only control dust generated from within the installation boundary under the PPC permit. It is anticipated that a verbal report will be available to committee in respect to the air quality and emissions (SEPA and EHO responses outstanding).

No other statutory consultees have objected to the proposal. Mitigation measures are considered to be acceptable in respect of visual impact on the landscape, ecological considerations, historic and archaeological concerns.

On the basis of the resolution of these outstanding matters, the clarification of the position in respect of the existing section 50 legal agreement and the listed condition the application can be supported.

RECOMMENDATION BY HEAD OF PLANNING AND REGULATORY SERVICES:

Approve subject to Conditions and informative:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: To comply with Section 58 of the Town and Country Planning (Scotland) Act 1997, as amended by the Planning etc. (Scotland) Act 2006.
- 2 The development hereby permitted shall not be carried out otherwise than in complete accordance with the plans and specifications and mitigation measures specified in the submitted Environment Statement approved by the Planning Authority, in unless agreed in writing by the Planning Authority.
Reason: To ensure that the development is carried out in accordance with the approved details
- 3 Manure control measures identified in 13 of the Environmental Statement shall be applied at all relevant times to include sheeting of all lorries prior to leaving the site
Reason: To safeguard neighbouring amenity
- 4 No development shall take place until fencing has been erected, in a manner to be agreed in writing by the Planning Authority, about the identified area of

archaeological interest and no works shall take place within the area inside that fencing without the prior written consent of the Planning Authority.

Reason: To safeguard a site of archaeological interest

- 5 Prior to commencement of the development, a woodland management plan (carried out by a qualified arboriculturalist) to assess the existing woodland that screens the development on all sides shall be submitted for the prior approval of the Planning Authority. This should include all the woodland within the site boundary and the large block of woodland to the north east of the site (within the blue line ownership boundary but outwith the red line site boundary) with an assessment of its life expectancy and which should demonstrate opportunities for enhancement planting. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: To provide effective screening of the development in perpetuity

- 6 The trees on this site shall be protected at all times during construction and building operations, by the erection of fences around the trees, together with such other measures as are necessary to protect the trees and their roots from damage. Details of the methods it is proposed to use shall be submitted by the applicant to the Local Planning Authority and be approved by them in writing. The approved protective measures shall be undertaken before any works commence on the site and must, thereafter be observed at all times until the development is completed.

Reason: To ensure that adequate precautions are taken to protect trees during building operations.

- 7 Noise levels emitted by any plant and machinery used on the premises should not exceed Noise Rating Curve NR20 between the hours of 2300 – 0700 and NR 30 at all other times when measured within the nearest noise sensitive dwelling (windows can be open for ventilation). The noise emanating from any plant and machinery used on the premises should not contain any discernible tonal component. Tonality shall be determined with reference to BS 7445-2.

Reason: To safeguard the amenities the surrounding residential properties.

- 8 Prior to the commencement of the development, a Species Mitigation Plan (to include the mitigation measures proposed in sections 9.6.7, 9.7.7 and 9.8.7 of the Environment Statement, and provision for checking surveys and measures to protect breeding birds from proposed works) is to be submitted for the approval in writing by the Planning Authority. Any works shall thereafter be carried out in accordance with the approved scheme.

Reason: In the interests of preserving biodiversity

- 9 No works to be carried out during the breeding bird season (breeding season March-September) without the express written permission of the Planning Authority. If works are to commence during the breeding bird season checking surveys of areas affected by the development and mitigation proposals for birds will be required.

Reason: In the interests of preserving biodiversity

- 10 No lorry deliveries or upliftings shall take place between the hours of 11.00pm and 6.30am on any day.

Reason: To safeguard the amenities the surrounding residential properties.

- 11 Prior to the commencement of the development, details of the precautions to be taken to ensure that the natural or artificial drainage of adjoining land is not affected shall be submitted for the approval of the Planning Authority.
Reason: To avoid interference with the drainage of the adjoining land.

Informative

SEPA advises it be at the applicant's commercial risk if any significant changes required during the regulatory stage necessitate a further planning application and/or neighbour notification or advertising.

DRAWING NUMBERS

2032469-001(Rev A)	Site Layout	18 June 2012
2032469-002	Floor Plan, Elevations & Section	16 April 2012
2032469-003	Site Section	21 June 2012
	Environmental Statement	16 April 2012
	Community Engagement Report	16 April 2012
	Environmental Statement – Non Technical Summary	16 April 2012

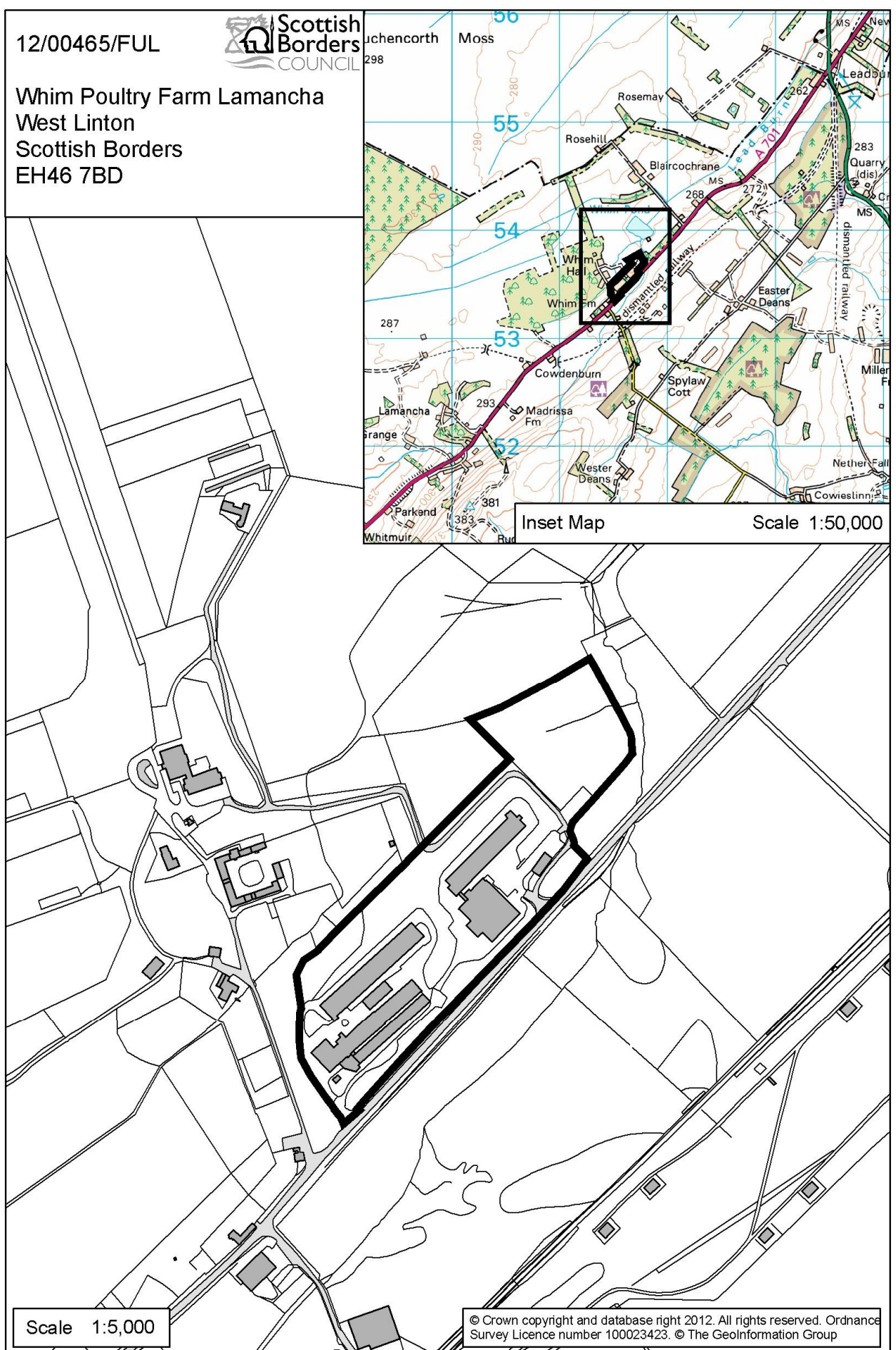
Approved by

Name	Designation	Signature
Brian Frater	Head of Planning and Regulatory Services	

The original version of this report has been signed by the Head of Planning and Regulatory Services and the signed copy has been retained by the Council.

Author(s)

Name	Designation
Lucy Hoad	Planning Officer



DEFECTIVE FLAT ROOF AT 16 GLADSTONE STREET, HAWICK

Report by Head of Planning and Regulatory Services

PLANNING AND BUILDING STANDARDS

9 July 2012

1 PURPOSE AND SUMMARY

- 1.1 **This Report seeks authority to rectify the defective flat roof and the defects resulting from the ingress of water at 16 Gladstone St Hawick.**
- 1.2 The flat roof serving the property at 16 Gladstone Street, Hawick has deteriorated to a level that water is entering the property. This water ingress has resulted in substantial damage to the internal fabric of the property and is now causing damage to another flat below.
- 1.3 The condition of the roof is such that if action is not taken to address the water ingress, the Council may be required to take action under Section 30 of the Building (Scotland) Act 2003 to address a dangerous building at some time in the future. The Council have a duty to deal with dangerous buildings and would have no alternative but to take appropriate steps to address the danger.

2 RECOMMENDATIONS

- 2.1 **I recommend that the Committee authorise the head of planning and regulatory services to undertake the required works to bring the property back to a wind and water tight state and undertake such preventative rot works as required and to seek to recover the cost if possible from the owner.**

3 Background

3.1 Legislative

- (a) Section 28 of the Building (Scotland) Act 2003 empowers the Council to serve Notice on owners of a property requiring them to rectify defects within their building in order to bring the said building into a reasonable state of repair having regard to its age, type and location.
- (b) This power is often used where it can be shown that a common defect within the building is not being addressed and is likely to cause further deterioration in the fabric of the building. The power can also be utilised where it can be shown that a defect, which is not a common defect, directly impacts on another party.
- (c) The recipients of a Notice are advised within the terms of the Notice that should they fail to comply with that notice they are guilty of an offence. They are also informed that the Council may then undertake the required works specified in the Notice and may recover from the recipient of the Notice any expenses reasonably incurred by it in doing so.
- (d) The recipients of a Notice have a right of appeal to the Sheriff under Section 47 of the Act against any requirement in the Notice served on them by the Council. An appeal against any requirement of the Notice must be lodged within 21 days of the date of the Notice.
- (e) A Notice under Section 28 of the Building (Scotland) Act 2003 was served on the owner on 15 April 2010. The Notice was not appealed becoming extant on 12 May 2010. the works required by the Notice have not been undertaken and authorisation is now sought to carry out the required works under Section 28 (10) (b) of the Act.

3.2 Defects

- (a) The property, which is the subject of this report, is an attic floor flat located within the two storey tenement building. The tenement building comprises flats on the ground, first and second floor levels.
- (b) The flat roof covering has deteriorated to a level such that water is able to penetrate through the roof deck and ceiling and into the flat. It is evident from the internal condition of the property that water has been entering the building for a considerable period of time. The ingress of water would have penetrated the ceiling separating the two flats had it not been for the actions of the owner of the first floor flat installing a water collection system. Whilst this system is working, this can not be considered a long term solution.
- (c) It has been established that the owner of the attic flat has vacated the property and attempts using all means available to the Council, including action through the Courts, to contact the owner have failed. It is the understanding of the Council that the property has not been repossessed. The property is currently vacant and neither the owner nor the standard security holder have to-date taken steps to address the condition of the flat roof or the property.

- (d) Due to the prolonged period of water ingress any remedial works would also require to address the possibility of a dry rot outbreak.

3.3 Proposed Works

- (a) The flat roof would be stripped of felt and the timber deck repaired or replaced as necessary along with any rotten structural timbers. A new deck would be provided and three layers of roofing felt applied to form a new flat roof.
- (b) The interior of the flat would be dried out with the sound deafening within the ceiling between the two flats removed and replaced if required (to prevent dry rot forming). Appropriate preventative rot spraying treatment would then be undertaken.

3.4 Summary

- (a) The property has been for a long period of time subjected to water ingress to an extent that the internal fabric of the flat is saturated and posing a risk to other properties within the tenement, both in terms of water penetration but also in terms of possible rot outbreak.
- (b) If steps are not taken at this time to address the defective roof and saturated fabric the condition of the property would continue to deteriorate to an extent that Council would be called upon to deal with the property as a dangerous structure under Section 29 / 30 of the Building (Scotland) Act 2003. It should be noted that if this stage is arrived at the costs involved in addressing the matter are likely to be higher than currently projected.
- (c) The steps proposed would be the minimum works required to return the property to a wind and water tight condition and reduce the risk of a rot out break.

4 IMPLICATIONS

4.1 Financial

An independent quantity surveyor has calculated the cost of repair works to be in the order of £15,000 to £20, 000, which would require to be met from the Environment and Infrastructure direct action budget.

4.2 Risk and Mitigations

- (a) As the owner has vacated the property and can not be traced the Council is at a substantial risk of being unable to recover the costs required to undertake the repair works.
- (b) If remedial works are not undertaken at this time the property will continue to deteriorate and the Council may be required to deal with the matter as a dangerous building under Section 29 / 30 of the Building (Scotland) Act 2003. If the property were to become dangerous the Council would be obliged to take appropriate action to remove the danger and seek to recover the costs thereafter if possible. There is a risk that delaying the repair works could result in the cost (possibly non recoverable) of the works escalating.

4.3 Equalities

It is anticipated there will be no adverse impact due to race, disability, gender, age, sexual orientation or religion / belief arising from the proposals contained in this report.

4.4 Acting Sustainably

It is anticipated there will be no significant effects on the economy, community or environments arising from the proposals contained in this report.

4.5 Carbon Management

It is anticipated there will be no effects on the Councils carbon emissions.

4.6 Rural Proofing

It is anticipated there will be no adverse impact on the rural area from the proposals contained in this report.

4.7 Changes to Scheme of Administration or Scheme of Delegation

The proposals contained within this report do not have an impact on the Scheme of Administration or the Scheme of Delegation.

5 CONSULTATION

5.1 The Chief Financial Officer, the Head of Legal and Democratic Services, the Head of Audit and Risk and the Clerk to the Council have been consulted. Comments received have been incorporated in the final report.

Approved by

Head of Planning and Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Alan Gueldner	Principal Officer Enforcement CHQ 01835 82400 EX 5285

Background Papers: None

Previous Minute Reference: None

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

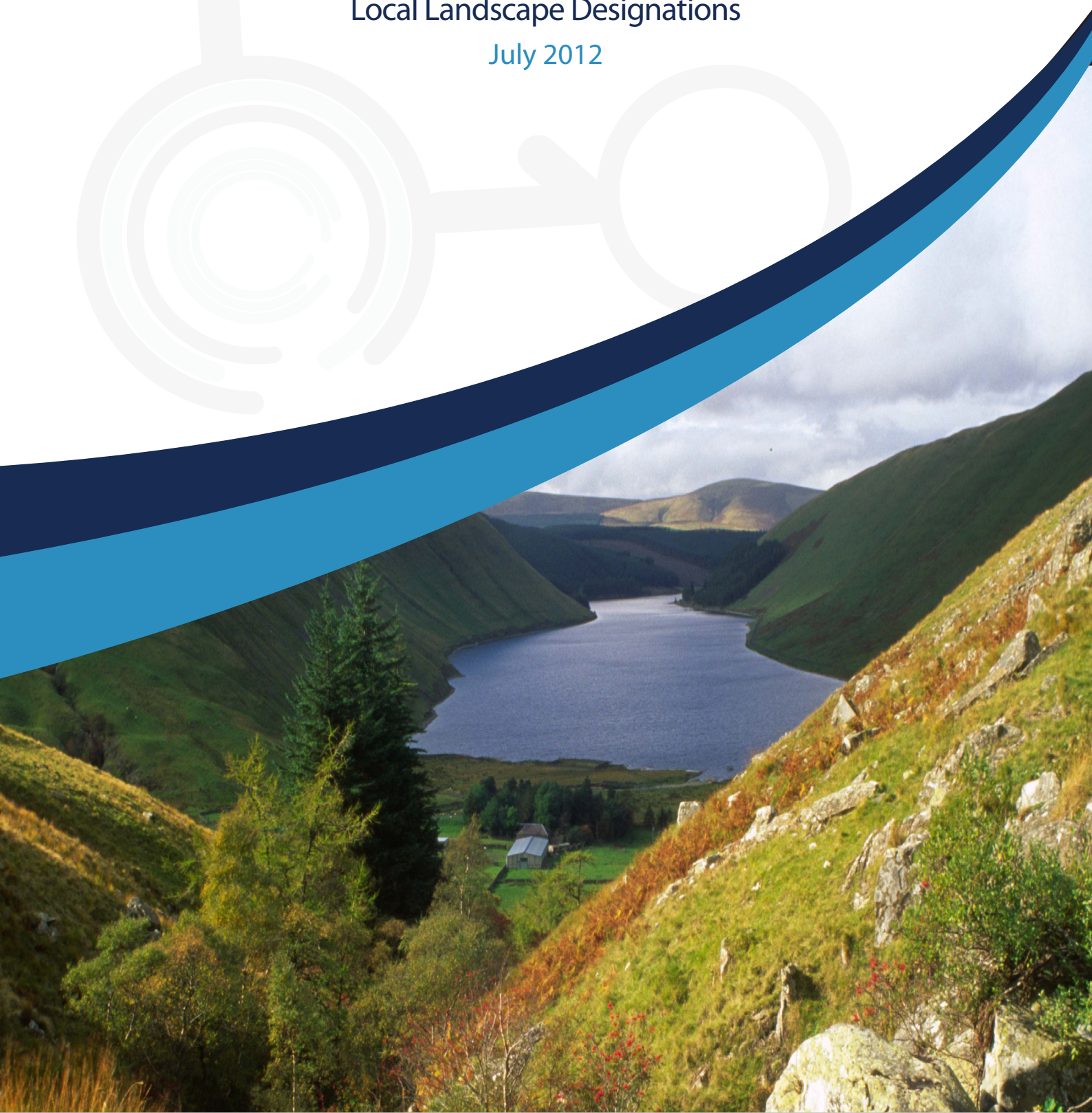
Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eittranslationrequest@scotborders.gov.uk.

Scottish Borders Council

Supplementary Planning Guidance

Local Landscape Designations

July 2012



Contents

1.	Introduction	2
2.	Background	
	Local Landscape Designations	3
	Policy Context	3
	Actions from Policy Context	5
3.	Study Approach	
	Borders Landscape Character Assessment	6
	Quantitative evaluation	7
	Field survey	9
	Qualitative evaluation	9
	Stage 1: Aggregation of LCUs	10
	Stage 2: Practical Criteria	16
	Proposed Special Landscape Areas	17
4.	Statements of Importance	19
5.	Development Pressures and Landscape Type	36
6.	Analysis of difference between AGLV and proposed SLA	37
7.	Supplementary Planning Policies	43

List of Figures

Figure 1– Refined Area of Search	15
Figure 2– Proposed Special Landscape Areas	18

Annexes

Annex 1: Land Use Consultants, Local Landscape Designation Review Revised Report (2012) can be accessed on-line at:

LINK WHEN AVAILABLE

Annex 2: Policy Context

1. Introduction

1.1 This Supplementary Planning Guidance (SPG) has been produced to incorporate the review and update of Local Landscape Designations in the Scottish Borders into the Council's planning policy framework. The current designations were made in the 1960s and they have little or no written justification. In the Local Plan Inquiry (18 January 2007) the Reporter stated that due to the length of time since designation and the increase in pressure from development, the Council should undertake a review of Local Landscape Designation areas where they would be desirable and appropriate. This requirement was incorporated into the adopted Local Plan (2008).

1.2 The lack of justification of the existing Local Landscape Designations in the Borders meant it was decided to undertake a complete re-evaluation. The current AGLV designations are largely concentrated on the area's uplands. The re-evaluation was therefore intended to consider the full range of areas of landscape quality through a consistent methodology. As a result the Council employed Land Use Consultants (LUC) to prepare a Local Landscape Designation Review (LLDR). LUC therefore identified a set of proposed Local Landscape Designations for consultation. This was done through a robust methodology that involved a desk-based study, a field survey and stages of refinement. In addition the LLDR identified measures to improve the conservation and management of Local Landscape Designations. The LLDR was presented for Consultation for 12 weeks between August and November 2011 and comments received were analysed by LUC and further revisions were made. As a result a LLDR Revised Report is included at Annex 1. A summary of the consultation representations received is included in Appendix 5 of Annex 1.

1.3 It is intended that the document will reinforce development plan policy and help bring forward land management initiatives to protect and enhance Local Landscape Designations

2. Background

Local Landscape Designations

2.1 There are many areas in Scotland where the scenery of the landscape is highly valued at a local level. To recognise this, local authorities can designate the landscape through a Local Landscape Designation. Currently the names for Local Landscape Designations vary from one local authority to another, the name used in the Scottish Borders is Area of Great Landscape Value (AGLV). In recent years SNH and Historic Scotland guidance has sought to standardise the terminology related to Local Landscape Designations to **'Special Landscape Areas'**, to promote further understanding and awareness of the qualities of local landscapes in Scotland. Therefore in this SPG and in future Local Development Plans it is proposed to use the term Special Landscape Areas (SLA)

Policy Context

2.2 The SPG has been prepared in the context of other documents in the planning hierarchy notably the National Planning Framework 2 (NPF2), the SESplan Proposed Plan and the Local Plan policies EP1, National Scenic Areas and EP2, Areas of Great Landscape Value. In addition there is guidance produced by Scottish Natural Heritage and Historic Scotland that deals with Local Landscape Designations. The policies are summarised on page 4 and stated in Annex 2.

NPF2¹

NPF2 states that “in their rich diversity, Scotland’s landscapes are a national asset of the highest value”. It is also stated that landscape and visual impacts will continue to be important considerations in decision-making on developments at all scales and that the landscape is influenced by a number of factors that can bring positive or negative change.

Scottish Planning Policy (2010)²

Scottish Planning Policy states local authorities should aim to promote landscape through Local Development Plans, and supplementary policy:

- Identification and justification of designations with an aim to promote understanding of the distinctive character and special qualities of the landscape
- Ensuring that there is careful consideration of development and the impacts that may result on the landscape
- Supporting positive change and opportunities for enjoyment and understanding whilst maintaining and enhancing distinctive character

Policy 1B The Spatial Strategy: Development Principles, SESplan Proposed Plan 2011

Local Development Plans will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations, in particular...Areas of Great Landscape Value

Policy EP1 National Scenic Areas Scottish Borders Consolidated Local Plan 2011

... development will only be permitted where the objectives and overall designation of the landscape will not be compromised or any significant adverse effect is outweighed by social or economic benefits of national importance.

Policy EP2 Areas of Great Landscape Value Consolidated Local Plan 2011

...in assessing development in AGLVs the Council will seek to safeguard the landscape and will have particular regard to the impact of the proposed proposal. Proposals that have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits at a national or local scale.

SNH & Historic Scotland, 2004, Guidance on Local Landscape Designations³

The guidance is designed to help local authorities undertake a consistent policy direction on Local Landscape Designations. Proposals are therefore put forward which aim for statements of importance to be produced which could put forward consideration of measures to further planning and management initiatives. In addition there is also guidance on development which states that the special character qualities of the landscape area are not adversely affected and that if development does take place it should be of a high standard.

1<http://www.scotland.gov.uk/Publications/2009/07/02105627/0>

2<http://www.scotland.gov.uk/Publications/2010/02/03132605/0>

3 <http://www.snh.org.uk/pdfs/publications/heritagemanagement/guidanceonLocalLandscapeDesignations.pdf>

Actions from Policy Context

2.3 The Policy Context influenced the scope of the work on the Local Landscape Designation Review.

2.4 The two Borders National Scenic Areas, at Eildon and Leaderfoot, and Upper Tweeddale are designated to be of national importance and have higher protection levels in development plan policy than the Local Landscape Designations (proposed SLA). As a result it was decided that the proposed SLAs should complement rather than duplicate the two National Scenic Areas in the Borders. Therefore the policy recommendations made in the LLDR accept the separate enhanced status of National Scenic Areas⁴.

2.5 In addition the planning policy hierarchy influenced the method of the LLDR through:

- the identification and justification of the proposed SLAs being carried out through a systematic process for implementation through development plan policy EP2.
- the preparation of Statements of Importance and the identification of measures to promote positive change and to conserve landscape qualities.

⁴ Scottish National Heritage is in the process of producing National Scenic Area statements and Scottish Borders Council will take cognisance of these when they are published.

3. Study Approach

3.1 An important part of the LLDR was ensuring that the proposed SLAs were prepared on the basis of a robust and justifiable methodology. To achieve this Land Use Consultants employed a systematic process which used a number of steps to result in proposed Special Landscape Areas. The major steps in this process are described below, and Annex 1(Section 3)contains the methodology in full, within the LLDR Revised Report:

Phase 1: Desk based review

- Borders Landscape Character Assessment
- Landscape Evaluation: Quantitative

Phase 2: Fieldwork and identification of Special Landscape Areas

- Field Survey
 - Landscape Evaluation: Qualitative
- I. Stage 1 Aggregation of LCUs
 - II. Refined Area of Search
 - III. Stage 2 Practical Criterion
- ⇒ Review of SLA identification process in light of consultation responses

Outcomes

- LLDR Revised Report (Annex 1)
- Proposed Special Landscape Areas

Phase 1: Borders Landscape Character Assessment

3.2 The Borders Landscape Character Assessment¹ (1998) was used as a basis for the classification of landscape and as a start point for landscape evaluation in the LLDR. The Borders Landscape Character Assessment identifies landscape types which can be found in the Borders, essentially defining the building blocks of different landscape types. Land Use Consultants examined these and used them as a basis for the evaluation process. This led to the production of 76 Landscape Character Units or LCUs.

1 www.scotborders.gov.uk/pdf/26582.pdf

Phase 1: Quantitative Evaluation

3.3 The Landscape Character Units were considered further by evaluating them against ranked criteria on landscape character and landscape quality as listed below:

Landscape Character Criteria

- **Representativeness**
extent to which a landscape is 'typical' of the Scottish Borders, and contributes to its wider identity and sense of place
- **Rarity**
identifies landscapes of features which are rare or unusual within the Scottish Borders, or which are known to be uncommon elsewhere
- **Condition**
state of repair of the landscape i.e. in ongoing land management and maintenance of landscape features
- **Intactness**
extent to which there is past landscape change or current change due to development or changing land management
- **Wildness**
the relative remoteness of the landscape, including lack of human features, distance from settlement, and ruggedness of terrain

Landscape Quality Criteria

- **Scenic qualities**
the extent to which the landscape contains pleasing combinations of features, or to which it prompts strong sensory appeal
- **Enjoyment**
importance of the landscape as a recreational resource, including accessibility, opportunities for appreciation of the landscape or views
- **Cultural qualities**
extent to which the landscape is the setting for features of historic value, including buildings, archaeology and designed landscapes. Also influence of intangible literary or artistic associations
- **Habitat value**
importance of the area in terms of valued habitats which are present and in terms of recognised natural heritage value in the form of designated sites
- **Settlement setting**
extent to which the landscape allows the appreciation of settlement form, including framing of views to and from settlements
- **Views**
extent and importance of views in and out of the landscape, including the relative visibility of the landscape from key routes and locations
- **Tourist economy**
importance of the landscape to the Borders tourist economy, in terms of the presence of landscape-related tourist attractions, and the area's importance in relation to key tourist centres

Phase 2: Field Survey

- 3.4 The initial evaluation resulted in giving the LCUs a score. The highest scoring 50% were evaluated in detail through a field survey to verify the initial evaluation findings and to gather more specific information on their key qualities. In addition the field work examined whether parts of each unit performed better or worse than the whole, and looked at how they could be split or grouped to form proposed Special Landscape Areas.
- 3.5 Fieldwork was also undertaken to look at the lowest scoring 50% landscape character units, this work validated the initial evaluation findings. If there were significant revisions as a result of the fieldwork a full survey was undertaken.
- 3.6 The results of the evaluation were used to generate a list of the highest scoring LCUs, this in turn was used to produce an initial area of search for proposed Special Landscape Areas.

Phase 2: Qualitative evaluation

- 3.7 To further refine the area of search a qualitative analysis was undertaken to add detail to the initial evaluation. The purpose of this was to examine each of the highest scoring LCUs in turn, in terms of identifying areas of land that had done well against the criteria or formed important composite landscapes. This was an important step because the landscape character units only reflect landscape type and not landscape quality, in completing this step the area of search could start to be refined to form proposed Special Landscape Areas that reflected landscape quality.
- 3.8 The working of the qualitative evaluation is shown in the following pages:
Stage 1: Aggregation of LCUs and
Stage 2: Practical Criteria, including post-consultation review and update.

Stage 1: Aggregation of LCUs

3.9 The Summary of Analysis in the LLDR (Section 8, p64-69) shows the output of the initial evaluation work; the first stage in identifying proposed SLAs that started to emerge; and the further refinement arising from the consultation process. This work is summarised below, the resultant Refined Area of Search is shown in Figure 1 (p15):

UP01 Western Pentlands

- This LCU represents a coherent block of upland landscape which, as a whole, scores highly against a range of criteria. The hills have a strong relationship with the lowland area around West Linton. The whole LCU was therefore considered for inclusion.

UP09 Culter Fell

- This is a consistent upland landscape, which is continuous across the Council boundary to the west. It frames the upper Tweed valley, along with the hills to the east, and forms part of the setting of Broughton and the Upper Tweed NSA. The whole area has been considered for inclusion.

Middle Tweed (RV59)

- The western part of the LCU, west of Peebles, was considered suitable for inclusion as it includes the picturesque gorge at Neidpath and the more remote upper valley around Stobo and Dawyck. It has a strong relationship with the surrounding foothills forming a coherent area focused on the upland valley.
- the central area of the Tweed valley, between Peebles and Walkerburn, scores highly against a number of criteria, but has a different character from the western end. This is largely the result of more extensive settlement development. This area was considered suitable for inclusion, but separately from the upper valley and lower valley sections.
- the eastern section, below Walkerburn, serves as a gateway from the core settlement area around Galashiels, into the Tweed Valley. The narrow lower section is considered to have a stronger relationship with the downstream valley and the Ettrick confluence. Again this area has been considered for inclusion separately.

UP05 Broughton Heights

- This area is a discrete upland hill group, formed by valley landscapes on all sides. It is consistent in terms of character and quality, though there are variations in the relationships with neighbouring valleys. To the south, the transition to the Tweed valley is more gradual, while to the north the hills present a steep slope facing the Pentlands. The whole area is considered for inclusion.

Hart Fell (UP08)

- The whole of this area was considered for inclusion. This area forms an extensive, coherent block of upland, scoring consistently highly against a range of criteria. It is strongly related to the surrounding valleys, and to the Broadlaw Group of hills to the north (UP07), which also score highly.

Broadlaw Group (UP07)

- This whole area was considered suitable for inclusion, as one of the key areas of open upland. It is strongly associated with the hills to the south, and the surrounding river valleys.

Minch Moor (UP10)

- All areas of this LCU scored highly against the criteria. The LCU has strong links with both the Tweed valley to the north, the Yarrow to the south, and the hills to the west. The area is important to the settings of neighbouring river valleys, and the whole LCU was considered for inclusion.

Upper Yarrow (RV49)

- The area around St Mary's Loch was considered for inclusion, as it is a popular recreational destination scoring highly against a range of criteria. It relates strongly to the surrounding upland, particularly Bridge End Hill above the loch, and to the nearby Megget Reservoir. The loch also provides a key gateway into the uplands from the A702.
- The central part of the LCU scores relatively lower than the area around the loch. This area forms the setting of hills to north and south, while the eastern tip of the LCU is closely related to the confluence of the Ettrick and Yarrow.

Eildon Hills (UF33)

- The Eildon Hills and the adjacent landscapes around the Tweed were considered suitable for inclusion within a proposed SLA. The iconic hills are closely related to the Tweed landscapes around St Boswell's and form an important composite landscape particularly when seen from Scott's view
- the western fringe of the LCU forms an important part of the setting of the Tweed and Ettrick valley landscape, including Selkirk, Abbotsford and dramatic views from the western A699 as it descends into the valley
- the central and southern parts score less highly against the evaluation criteria, the central area forms part of the setting to the Eildons and the southern part is physically detached from the Eildons and the Tweed Valley. Neither were considered for inclusion in a proposed SLA.

Lower Ettrick/Yarrow (RV60)

- The majority of this LCU was considered suitable for inclusion. The core of this area is the confluence of the Yarrow and Ettrick which hosts designed landscapes and, like the Ettrick/Tweed confluence to the north (RV67), forms a gateway from the settled areas into the Border valleys. The valley sections around the confluence have strong associations with the hills that define and separate them, including Minch Moor to the north.

West Gala (UF34)

- The southern and eastern parts of this LCU were considered suitable for inclusion, since they relate strongly to the confluence of the Tweed and Ettrick, an area where several high-scoring LCUs coincide (RV60, RV67). West Gala as a whole is not integral to this area, but the southern and western flanks along the Tweed form part of the valley landscape. The north-east area also forms part of the setting of Galashiels, and the hills are visible from the Tweed valley. The parts of the LCU to the north-west do not relate to the Tweed and Ettrick valleys and have not been considered further.

Tweed/Gala/Ettrick Confluence (RV67)

- The area to the south-west around Selkirk was considered suitable for inclusion as a proposed SLA. This area forms a gateway into the Border valleys, and is closely associated with the upland areas which contribute to the valley setting, including Minch Moor and West Gala.
- the western section of the Tweed valley, west of Melrose, was also considered suitable for inclusion. This area is closely associated with the landmark Eildon Hills and iconic features such as Scott's View.
- the developed parts of the LCU and the settlement fringe areas have not been considered for inclusion, since the density of development is not considered appropriate. These areas are also covered by the Country-side Around Towns policy

Lower Tweed (RV73)

- The central area of this LCU, which is focused on the River Tweed, was considered suitable for inclusion. The highest-scoring parts of the LCU are in the north-west, where woodland and designed landscapes predominate. The wider setting of the Tweed to north and south has also been considered, between Smailholm and Lilliardsedge, as the extent of the land with a strong relation to the river. An area to the north-east, which is more intensively farmed and more distant from the river, has not been considered further.

Black Hill/Hume Crags (L043)

- The south-western part of this LCU was considered for inclusion in a proposed SLA. This area is focused on the River Tweed, and those areas which contribute to the setting of the Tweed include the areas around Smailholm which provide the setting to this important landmark, and Black Hill which is important to the lower section of Lauderdale and Leaderfoot. Other features which do not relate to the Tweed valley, such as Hume Castle, although they score relatively highly against a range of criteria, are detached from a focal point and have not been considered further.

Lower Leader (RV65)

- The lower part of this LCU was considered suitable for inclusion. This lower part of the valley, being to the south of Earlston where the valley locally widens, scores more highly against a number of criteria, and is more closely associated with Black Hill and the Tweed valley at Leaderfoot.
- the northern part of the valley was not considered further, as it scores lower against some criteria, and also because it presents a narrow strip with lower-scoring LCUs to either side. The area would therefore lack the required integrity without the inclusion of large areas of lower-scoring landscape.

Lammermuir Plateau (UP02)

- The main plateau west of the Whiteadder forms a coherent upland landscape which scores highly against a range of criteria. Adjacent areas in the upper Whiteadder valley also score well. Areas east of the Whiteadder score relatively less well, as they are more affected by forestry and wind turbines. The Lammermuir Plateau LCU forms part of the wider Lammermuir Hills, extending north and east into Lothian, and the whole LCU was therefore considered for inclusion.

UF37 Greenlaw Common

- This LCU can be divided between the distinctive Dirrington Laws in the north, and the flat open moorland to the south. The Dirrington Laws are landmark features which form a key part of the wider Lammermuir Hills, and have a visual relationship with the plateau to the north. To the south are the Kaims, an important geomorphological feature, though this area is protected as a SSSI and for biodiversity reasons.

Cockburnspath (C045)

- The coastal strip was considered suitable for inclusion in a proposed SLA. It is distinctly different from the inland areas of this LCU, beyond the A1, East Coast Mainline railway and A1107, and scores higher on a number of the assessment criteria. The coastal strip is strongly linked north and south as part of a continuous landscape/seascape along the whole of the Berwickshire coastline.

Coldingham (C044)

- The coastal edge of this landscape was considered for inclusion, incorporating that part of the LCU which has a clear marine influence. Inland, beyond the A1107, the character of the area becomes less dramatic. The coastal strip is strongly linked north and south as part of a continuous landscape/seascape along the whole of the Berwickshire coastline.

Lamberton Moor (C046)

- Again, the coastal strip was considered suitable for inclusion in a proposed SLA, with the A1 forming a distinct boundary to landward. The areas to the west were not considered further, as the landscape qualities are generally identified along the marine edge. The coastal strip is strongly linked north and south as part of a continuous landscape/seascape along the whole of the Berwickshire coastline.

Coldingham Moor (C047)

- The coastal strip was considered suitable for inclusion in a cSLA. The inland moors are less intact, but have rarity value at a national level. The coastal strip is strongly linked north and south as part of a continuous landscape/seascape along the whole of the Berwickshire coastline.

Lower Eye Water (RV76)

- The coastal areas around Eyemouth were considered suitable for inclusion in a proposed SLA. These small areas relate to the coastal strip north and south, as part of a continuous landscape/seascape along the whole of the Berwickshire coastline. Inland areas of the Eye valley have not been considered for inclusion since they do not relate directly to the coast.

Lower Tweed Valley (L039)

- The western part of this LCU, between Kelso and Coldstream, contains the Tweed-Teviot confluence, and the designed landscapes of Floors and The Hirsell. It scores highly on scenic quality and settlement setting, and is contiguous with the high-scoring Lower Tweed LCU (RV73). Over the rest of the LCU, only the north bank of the Tweed is within the Borders, with the south bank in Northumberland, and any designation would lack coherence as a result.

Lower Teviot (RV74)

- The majority of this LCU was considered for inclusion. The area between Hawick and Peniel Heugh contains a number of landmark features which are the highest-scoring parts of the LCU, including Minto Crags, Fatlips Castle and Peniel Heugh. This section of the valley is also strongly interrelated with the landmark hills which define it and neighbouring valleys, the most prominent being Rubers Law to the south. The area of the LCU east of Monteviot is less dramatic and has not been considered further.

Bonchester/ Dunion (UF30)

- This area includes the landmark hills of Bonchester and Dunion, which define the surrounding valleys of Jed, Rule and Teviot. Dunion Hill is also important to the setting of Jedburgh. Much of the LCU has therefore been included for consideration as part of a composite landscape. The south and south-west parts of the LCU scores relatively less well compared to the main hills.

Cocklaw Group (UP17)

- The whole of this LCU was considered suitable for inclusion. The LCU forms a coherent area of upland character which scores highly against a number of criteria. It has strong associations with the surrounding valleys which define the upland area.

Jed Water (RV68)





- Most of this LCU was considered suitable for inclusion. The wooded valley of the Jed has high scenic value and importance as a gateway into the Borders. The valley forms the setting of the town of Jedburgh, and is associated with Dunion Hill above. The upper valley, which is less wooded and is more closely associated with the uplands along the Anglo-Scottish border, has not been considered further.

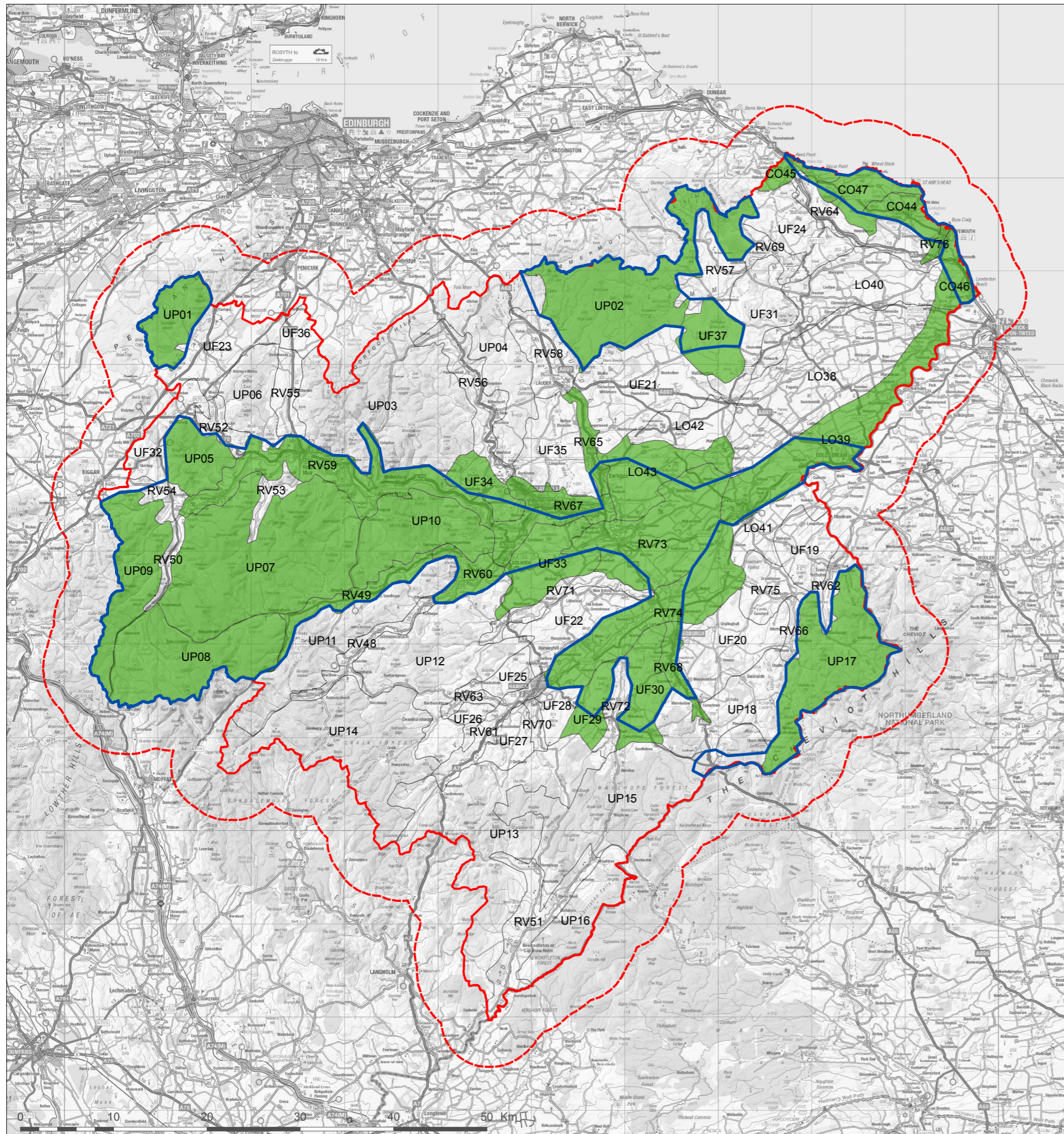
Rubers Law (UF29)

- Rubers Law was considered for inclusion as an iconic feature visible across wide areas of the Borders. It is a key feature of the adjacent valleys of Rule and Teviot, and scores highly against a range of criteria. The southern part of the LCU beyond the A6086 was not considered further, since it is a less remarkable landscape, not closely related to the hill.

Scottish Borders Local Landscape Designation Review

► Refined Area of Search

-  Scottish Borders Council area
-  5km study area buffer
-  Area of search (LCUs scoring 50 or more)
-  Refined area of search



Map Scale 1:450,000

Figure 8.1

Stage 2: Practical Criteria

3.10 At this stage practical criteria as set out in the SNH/Historic Scotland Guidance were used to inform the choices over inclusion as proposed Special Landscape Areas, the criteria and actions taken are shown below:

- Identity and coherence;
The LLDR states that it is important proposed SLAs represent recognisable landscape units, with a logical theme or focus, therefore areas such as upland hills, coastal landscape and river valleys were considered.
- Suitable size;
Smaller areas of identified quality were not taken forward in isolation since it would be impractical to apply policy at this scale. In larger areas of high quality landscape the area was reduced to focus the proposed SLA on the landscapes which most merit designation.
- Other policy/strategy considerations;
The proposed SLAs were revised on feedback received from the steering group and at this stage it was decided to exclude National Scenic Areas (as described at p5).
- Boundary features.
The aim was to select strong and permanent boundaries for the proposed SLAs, such as roads and tracks, field boundaries and coastal features. If this was not possible or obvious, the boundary was moved outward to incorporate lower quality landscape, rather than inward and risk losing high quality landscape.

Review of SLA identification process in light of consultation responses

3.11 Following the consultation, comments on the content and methodology of Annex 1 were reviewed by the Consultants. It was considered that extra practical criteria, additional detailed information on the landscape and cross-boundary issues, should be taken into account in a revised Annex 1. To do this the Consultants updated the evaluation criteria and scoring where appropriate.

Local Landscape Designation Report Revised Report

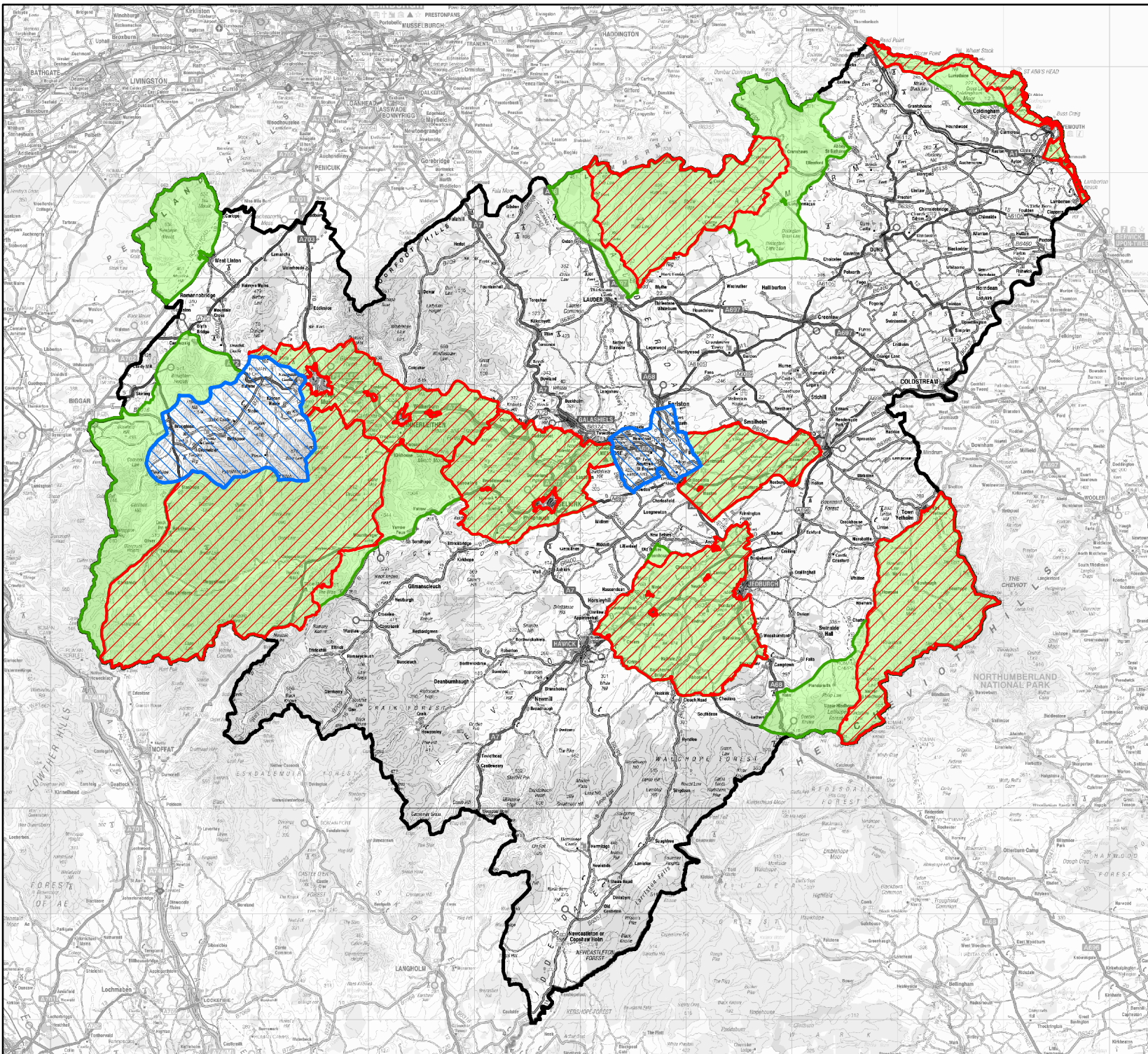
3.12 The main changes incorporated into the Local Landscape Designation Revised Report as a result of the consultation representations are summarised below, these are detailed further in Annex 1:

- ⇒ 'Typicality' criteria was changed to 'Representativeness',
- ⇒ The term 'wild land' was replaced with 'wildness' to reflect recent work carried out by SNH.
- ⇒ A new proposed SLA, Pentland Hills
- ⇒ Revisions to the extent of proposed SLAs Tweedsmuir Uplands, Teviot Valleys, Cheviot Foothills, Lammermuir Hills and Berwickshire Coast
- ⇒ Incorporation of a Statement of Interest for the proposed SLA, Pentland Hills
- ⇒ Revisions to the Statements of Interest for the proposed SLAs Tweedsmuir Uplands, Tweed Valley, Tweed, Ettrick and Yarrow Confluences, Teviot Valleys, Lammermuir Hills, Berwickshire Coast and Cheviot Foothills

Outcome: Proposed Special Landscape Areas

3.13 As a result of the stages in the methodology nine Special Landscape Areas are proposed, these are listed below, and are shown on the map in Figure 2 (p18):

1. Tweedsmuir Uplands
2. Tweed Valley
3. Tweed, Ettrick and Yarrow Confluences
4. Tweed Lowlands
5. Teviot Valleys
6. Lammermuir Hills
7. Berwickshire Coast
8. Cheviot Foothills
9. Pentland Hills






1:500,000
(A4)



Special Landscape Areas Proposals

Key:

-  Original SLA Proposal
-  Revised SLA Proposal
-  National Scenic Area

4. Statements of Importance

4.1 For each of the proposed Special Landscape Areas a Statement of Importance has been drawn up to record:

- Location and boundaries
The Location and boundaries statement gives a description of where the area is and what landscape type it comprises, most importantly there is justification of the boundaries of the area. This should therefore make any decision based on or near the edge of a proposed SLA better evidenced, given the knowledge that the boundary has been designated for a reason.
- Designation statement
The Designation statement provides the main evidence as to why the proposed SLA has been designated. This details the particular features that make the landscape special. Again this information can better evidence any potential decision on development which may adversely affect the landscape.
- Forces for change
The Forces for Change statement show the threats which could result in an adverse impact on the proposed SLA. This can be used by developers and the development management process to identify development types that would not be encouraged in the designated area. However they can also be used as indicators of how improvements could be made to counter the forces, for example through land management initiatives.
- Management recommendations
The management recommendations provide more details on landscape management and conservation initiatives that will help improve or maintain the proposed SLAs. In addition they also help to indicate what types of development may not be encouraged in the designated areas.

4.2 The Statements of importance attached to each proposed Special Landscape Area are stated in the following pages.

Special Landscape Area 1: Tweedsmuir Uplands

Location and boundaries:

This area comprises an extensive block of upland landscape, extending from Minch Moor, above the Tweed and the Yarrow in the east, to the Council boundary in the west. It is bounded by the A708 and the hills beyond St Mary's Loch to the south-east, and by the edges of the Upper Tweeddale NSA and Tweed Valley cSLA to the north-east. It includes the main group of hills around Broad Law and Hart Fell, extending west to Culter Fell and north to Broughton Heights.

The boundaries generally follow roads, tracks and paths. To the north-east, a combination of water-courses, ridgelines and forestry edges form the boundary between this cSLA and the Tweed Valley cSLA. Other short sections follow watercourses.

Designation statement:

This extensive area represents the Southern Uplands within the Borders. It comprises steep rolling landform, with deep valleys and rounded peaks of glacial origin. The area lacks the blanket forest cover that affects other areas, and is predominantly open moorland of rough grass and heather. This is a highly scenic area of dramatic landform, and has a significant degree of wildness. The more rugged, rocky summits in particular have a strong sense of remoteness, with little overt human influence on the landscape. The large reservoirs are the only substantive human incursion, but add variety rather than reducing remoteness. Together with St Mary's Loch they form the only substantial water bodies in the Borders, and the Loch in particular provides scenic variety in combination with the hills. Key summits include Minch Moor overlooking the Tweed, Broad Law, the highest in the Borders, and Culter Fell on the South Lanarkshire boundary. The uplands extend north to Broughton Heights, providing the setting for the NSA.

The uplands are well used for recreation, with the Southern Upland Way among many signposted routes in the area. Notable features include high peaks such as Broad Law, and the reservoirs at Talla and Megget which offer water-based activities, and provide access into the hills. St Mary's Loch is also a popular recreational destination, offering outdoor access and water-based activities. The upper Tweed is an important route through the Borders, as well as providing access into the hills.



Talla © LUC

Forces for change:

- Recreational development pressures around St Mary's Loch
- Footpath erosion and access management
- Potential wind farm proposals, and associated development including tracks
- Pressure for afforestation

Management recommendations:

- Focus land-use management around recreational access
- Positive management of valued habitats in line with LBAP, including ongoing protection of international-level designations
- Seek to maintain the wildness character of the great majority of the hills
- Promote the use of forest design plans for areas of proposed afforestation
- Consider visual effects of tall development on views to and from the landscape
- Seek cross-border cooperation on management of boundary areas such as Culter Fell.

Special Landscape Area 2: Tweed Valley

Location and boundaries:

This area includes the Tweed valley between Peebles and Thornielee. It is bounded to the north and south by ridges which contain the valley. To the west the proposed SLA extends to the boundary of the NSA, while to the east the edge of the Elibank and Traquair Forests forms the boundary between the Tweed Valley and Tweed, Ettrick and Yarrow Confluences proposed SLAs. The proposed SLA excludes the settlements of Peebles, Cardrona, Innerleithen and Walkerburn. The boundaries of this area are based on a combination of ridge-lines, watercourses, tracks, paths, settlement boundaries and forest edges. These have been selected as the most suitable available features, particularly with less 'defined' features being used where stronger features such as roads were not available.

Designation statement:

The broad Tweed Valley is typical of the Borders, and is the most familiar of the Borders valleys. Accordingly it has a strong sense of place, with certain views being instantly recognisable. The varied mix of landscape elements is highly representative, with forestry, woodland, open hillsides and pastoral farmland all juxtaposed. Added to this mix is a range of settlement types, with the valley providing the setting to several settlements. The landscape unfolds as the viewer follows the river through the valley, presenting new vistas alternately dominated by forestry, as around Walkerburn, or by the steep rocky slopes above Innerleithen. The contrast between the well-settled valley and the bare heather and grass moors and landmark hills is striking. Well-designed forestry actively contributes to this visual experience in places.

There are numerous opportunities for enjoying this landscape, including the cycle routes at Glentress and elsewhere, golf courses, equestrian centres, and walking routes. The tourist potential of the area is also significant, with Peebles being a key centre, and several attractions including Traquair House. Time depth is evident in estate landscapes and historic buildings. Horsburgh Castle provides a sharp contrast to new development around Cardrona, although landscape works around the new settlement are now maturing, folding this latest addition into the patchwork of the valley.



Tweed at Innerleithen © www.keithrobeson.com

Forces for change:

- Development pressures at settlement edges, for housing and commercial developments
- Potential pressure for road upgrading
- Changes to forestry management
- Potential for visual impact of development on hills outside the proposed SLA
- Creation of hillside access tracks

Management recommendations:

- Careful management of land use at settlement edges
- Consider landscape and visual impacts of proposed developments in and around settlements, particularly the treatment of their edges
- Seek opportunities to better integrate existing development into the landscape
- Promote the restructuring of forests, and the use of forest design plans for new areas of afforestation
- Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valley

Special Landscape Area 3: Tweed, Ettrick and Yarrow Confluences

Location and boundaries:

This area covers the confluences of the rivers Tweed, Ettrick and Yarrow, with areas of adjoining upland, which form part of the valleys' settings. Boundaries are formed by the ridges which contain the valleys to east, south and north-west, with the settlement of Galashiels forming the north-east edge.

The western edge follows the boundary of proposed SLA 1 Tweedsmuir Uplands and proposed SLA 2 Tweed Valley, along the edge of the Elibank and Traquair Forest. To the south-west the boundary follows watercourses and tracks. The southern boundary follows tracks and roads, extending east to the Eildon and Leaderfoot NSA. The settlement boundary forms the north-east edge, and tracks and watercourses form the northern boundary. These boundaries were selected as the most appropriate available, seeking to include the highest value landscape, without including extensive areas of lesser value.

Designation statement:

The confluence of these three valleys form a key node within the Borders, linking the main population centre with the highly typical Border valley landscapes. The area has a strong sense of place, and contains representative Border features, albeit that each valley retains its own character. The enclosing uplands and upland fringes offer contrast and an attractive wider setting, and enable views across the valleys, the descending approach to Selkirk along the A699 being particularly scenic.

East of Thornielee, the Tweed flows in to a narrower section, winding between steep valley sides which are often densely forested. The Yarrow enters a narrow, picturesque section around Yarrowford, characterised by woodland and estate buildings. The Yarrow flows into the Ettrick south of Selkirk, where the valley broadens, and is characterised by parkland influences, with mixed woodland climbing the valley sides. North of Selkirk the Ettrick joins the Tweed, which here broadens as it approaches the Galashiels area. The valley sides running east form a major part of the setting of Galashiels, Tweedbank and Melrose. A series of estate landscapes give visual diversity to these valleys, including Abbotsford, Sunderland and Bowhill. The area forms the setting for Selkirk, the town with its prominent spire forming an attractive feature in the landscape since, unusually for the Borders, it is located on higher ground.

Although several A roads pass through the landscape, there are many tranquil areas. The Southern Upland Way follows the ridge between Tweed and Yarrow, offering views across the area, before crossing the Tweed towards Galashiels, and there are numerous other paths. Attractions in the area include Abbotsford and Bowhill, and the area is very accessible from the main Borders settlements and further a field.



Three Brethren © www.keithrobesson.com

Forces for change:

- Changes to forestry management practices
- Changes to estate management practices, which may affect large areas
- Development pressure at the edges of Galashiels and Selkirk
- Development of wind farms and wind turbines, and hillside access tracks

Management recommendations:

- Continue to promote sustainable estate management to balance the needs of biodiversity, recreation and tourism
- Careful management of land use at settlement edges
- Consider landscape and visual impacts of proposed developments in and around settlements
- Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valley
- Carefully consider the effects of smaller wind energy proposals, and the cumulative effects that may arise

Special Landscape Area 4: Tweed Lowlands

Location and boundaries: This area is focused on the River Tweed as it flows through largely lowland landscapes between St Boswells and Kelso. It is bounded by higher ground to north and south.

The northern boundary follows roads, while the southern boundary is formed by Dere Street, Lilliardsedge, and the dismantled railway to Kelso. These boundaries were selected as they visually contain the Tweed and its setting in this area. To the north-east the Eildon and Leaderfoot NSA forms the boundary, and the east boundary is at the settlement edge of Kelso. The proposed SLA excludes the settlements of St Boswells, Maxton and Roxburgh.

Designation statement:

While the Eildon and Leaderfoot NSA covers some of the iconic landscapes at the heart of the Scottish Borders, including Scott's View and the Eildon Hills, this area includes the less dramatic but still distinctive landscape of the lower Tweed. It is a recognisable Borders landscape of rolling mixed farmland, well-wooded and mature, with attractive vistas over its visual diversity available from several locations. In views from the A699 it forms the foreground to the view of the Eildon Hills.

The area retains a rich cultural heritage with many historic and literary associations. The remains of Roxburgh Castle across the river from the grandeur of Floors Castle reflect two very different phases in the long history of the area. The area is of importance to recreation and tourism, containing numerous opportunities for enjoying the landscape, including some key attractions such as Smailholm Tower, Floors Castle and the Borders Abbeys Way/St Cuthbert's Way. This landscape is held together by the River Tweed, which runs through the geographical and cultural heart of the Borders. The extensive estate landscapes give this area strong visual diversity, and add to the evident time-depth inherent in features such as Dere Street, Smailholm Tower and the battlefield monument at Lilliardsedge.



Floors Castle & Tweed Lowlands © www.keithrobson.com

Forces for change:

- Changes in agricultural practices, crops and methods
- Farm diversification
- Changes in management of hedges and hedgerow trees
- Introduction of new woodlands
- Development pressure at settlement edges

Management recommendations:

- Encourage the sustainable management of hedges, and where possible seek the reinstatement of hedges and hedgerow trees
- Seek to direct farm diversification towards aims in keeping with the landscape, such as the creation of native broadleaf woodland

Special Landscape Area 5: Teviot Valleys

Location and boundaries:

This area covers sections of the Teviot, Jed and Rule valleys as they converge to the north-east of Hawick. It is located between Hawick and Jedburgh, with boundaries formed by ridges which contain the valleys, and by the A6088 to the south.

To the south the boundary follows an A road, and to the south-east, a forest edge. The eastern boundary is formed by minor roads and forest edges above the Jed, and by the settlement boundary of Jedburgh. The boundary follows the A68 north of Jedburgh, and then mirrors the Monteviot designed landscape boundary to the north-east. The north and north-west boundary follows roads and tracks and a disused railway to Hawick, which forms the western edge. These boundaries were selected as they visually contain the valleys and their settings in this area.

Designation statement:

This area covers a series of distinctive Borders valleys and hills, and has been defined to draw together a number of landmark features with their pastoral and woodland settings. Visually prominent hills include Minto Crag, Peniel Heugh, Dunion Hill, Minto Hills and Rubers Law, each of which has a strong relationship with the adjacent valleys and the wider landscape. The three valleys each have their own distinctive character and scale.

Minto Crag is a dramatic feature contrasting strongly with the gentle farmed valley Teviot below. Long views along the Teviot valley are terminated by the monument on Peniel Heugh. The romantic setting of Fatlips Castle is a reminder of a historic past, when the landscape was dominated by wealthy landowning and military classes, and extensive designed landscapes make a positive contribution. The smooth, rounded grassy Minto Hills contrast with the rugged, wooded Minto Crag.

Rubers Law has a distinctive craggy summit, dissected and rocky. Bonchester Hill is almost a reduced version of the same, while Dunion Hill is a landmark above Jedburgh.

The Jed valley is important as a key gateway into the Borders along the A68, including the sense of sudden arrival at Jedburgh after the scenic drive through the wooded valley. Rocky cliff features of red sandstone along the Jed are particularly attractive against spring green of trees.



Eildons Over Teviotdale © www.keithrobesson.com

The Rule Water is smaller in scale than the Jed valley, and is densely wooded with beech trees along the road. It is an intimate, picturesque valley with traditional stone buildings and bridges, and intriguing gateways into estates. There is evidence of management which suggests a well-established and well-loved landscape

Forces for change:

- Changes in agricultural practices, crops and methods
- Farm diversification
- Changes in management of hedges and hedgerow trees
- Introduction of new woodlands
- Potential for visual impact of development on hills outside the proposed SLA
- Development of wind farms and wind turbines, and associated works

Management recommendations:

- Continue to promote sustainable land management to balance the needs of biodiversity, recreation and tourism
- Encourage the sustainable management of hedges, and where possible seek the reinstatement of hedges and hedgerow trees
- Promote the restructuring of forests, and the use of forest design plans for new areas of afforestation
- Consider the effects of development on hilltops, such as masts or wind farms, which may be visible within the valleys

Special Landscape Area 6: Lammermuir Hills

Location and boundaries:

This area includes the open moorland of the main Lammermuir Plateau, from Lauderdale in the west to Abbey St Bathans in the east. It includes the Lammermuir plateau, the upper Whiteadder, Dirrington Laws and the fringes of upper Lauderdale.

The western boundary follows the A68 and A697, taking in the fringes of the Lammermuirs in Lauderdale. The southern boundary follows tracks, paths, watercourses and forest edges, selected to represent the moorland edge, where open land gives way to enclosed farmland. To the south-east the boundary follows the B6456 to the south of Dirrington Little Law, then runs northwards along tracks, watercourses, roads and the Whiteadder Water to Abbey St Bathans. The eastern edge follows the Monynut Water and a minor road to the Council boundary.

Designation statement:

This large area of open upland is representative of the moorlands and valleys of the northern Borders. It is the largest area of moorland in the Borders, with remote, wild qualities, despite its managed nature. Within the plateau, there is little visual diversity aside from the mottled patchwork resulting from muirburn, and views often present a seemingly endless succession of moorland ridges. The extent and uninterrupted openness of the landscape lend scenic value. To the south the moorland extends onto the striking conical Dirrington Laws, unique landscape features. The upper Whiteadder is a broad, relatively shallow upland valley, which serves as a visual foreground to the Lammermuir Plateau. The landscape becomes more intricate in the east, around Abbey St Bathans and the incised cleughs of the Monynut valley. Forestry and wind turbines are prominent around the valley of the Bothwell Water.

The area is popular with recreational users, with the Southern Upland Way passing through the area. The B6356, following the Whiteadder, is the main access into and through the hills. The area is valued especially for its upland and heathland habitats. Although the area is very sparsely settled, the wider Lammermuir plateau forms an important part of the setting of settlements in East Lothian. Visually, the edges of the hills are important to the Leader and Whiteadder valleys.



Lammermuir Hills © LUC

Forces for change:

- Wind farm development, including ancillary development such as tracks
- Changes in estate management practices
- Construction of vehicle access tracks and associated erosion

Management recommendations:

- Seek to balance the needs of biodiversity, recreation, access and tourism with estate management practises
- Positive management of valued habitats in line with LBAP, including ongoing protection of natural heritage designations
- Seek to maintain the strong wildness character of the plateau, including the sense of isolation where this is apparent

Special Landscape Area 7: Berwickshire Coast

Location and boundaries:

This cSLA covers the coastal edge of the Scottish Borders Council area, from the East Lothian boundary in the north to the English Border in the south. For the most part it comprises a narrow strip broadening to include the coastal moorland of Coldingham Common. The cSLA is bounded on the landward side by the A1 and A1107, or by landforms which mark the extent of overt marine influence. The settlements of St Abbs, Coldingham and Eyemouth are excluded.

Designation statement:

The proposed SLA covers the rocky coastline of the Borders. Although untypical of the wider Borders landscape, this stretch of cliffs and bays represents one of the most dramatic sections of Scotland's east coast. Around Cockburnspath the coast is dramatic and wild, expansive and exciting. The steeply-sloping landform results in a pleasing, occasionally secluded landscape with attractive colours. Coldingham Moor is wild and rugged, and of very high scenic quality, with distinctive rocky outcrops and long views to Fife. The elevated coastal moorland is unique along the Scottish east coast. Coldingham Bay is very attractive, and the surrounding cliff features make for a distinctive section of coast. The bay itself is a tranquil, calm environment in comparison with the wilder seas around St Abbs. Important coastal landmarks include St Abbs Head, and sites of biodiversity and geodiversity interest such as Siccar Point. Dramatic cliffs continue south of Eyemouth, though the A1 has a greater influence in this area.

The valued coastal landscape is well used for recreation. A continuous coastal footpath now links East Lothian and Berwick, passing Fast Castle, Siccar Point. The area provides the settlement settings of Eyemouth, St Abbs, Coldingham and Cockburnspath. The fishing village of Eyemouth is an important coastal access point, with a historic harbour.

Forces for change:

- Recreational development pressures such as caravan parks
- Wind farm development and associated access tracks
- Development pressure at settlement edges
- Road improvements along the A1 corridor

Management recommendations:

- Protect the wild nature of the marine edge, and continue to protect the internationally-designated natural heritage assets
- Recognise the importance of the open coastal moorlands and headlands as a unique landscape on the east coast of Scotland.



St Abb's Head © www.keithrobesson.com

Special Landscape Area 8: Cheviot Foothills

Location and boundaries:

This area covers the Cheviot Foothills, which occupy the south-east corner of the Borders, and adjoin the Northumberland National Park across the border. It is bounded to the north by the B6401, the Bowmont Water, and a minor road. To the west the boundary follows a minor road which runs along the Kale Water, then paths to Pennymuir, and minor roads west to the A68 and A6088. These boundaries contain those hills which are most representative of the Cheviot landform, and the area which forms the foreground to the Carter Bar viewpoint.

Designation statement:

The Cheviot uplands are distinct from typical Borders hills, being of different form with more frequent rocky outcrops. The area has a very remote feel, with wildness value at the summits. The rocky outcrops enliven the green grass moorland expanse of some hills. Layers of hills give visual depth to views into and within the area. It can be an exciting, dramatic landscape which draws you in with the promise of fine views from higher ground. The surrounding valleys have a quieter, unimposing drama. Flat valley floors without tree cover allow open views to the hills.

Carter Bar is a key access point into the Borders, and indeed into Scotland. The border car park offers panoramic views across wide areas of the Southern Uplands. The Cheviots are a well-used recreational resource, contiguous with the Northumberland National Park, and including sections of the Pennine Way and St Cuthbert's Way. The valley is a minor gateway into the Borders from Northumberland. Yetholm is an important settlement for recreation as it lies at the end of the Pennine Way. The Kale valley has prominent cultivation terraces on its east slope, presenting a clear sign of past habitation.



Mainside, Hownam © www.keithrobson.com

Forces for change:

- Changes in moorland management practices
- Potential for afforestation
- Recreational pressures including footpath erosion
- Increasing marginality of hill sheep farming
- Afforestation or changes in forestry management
- Development of wind farms and wind turbines, and associated tracks

Management recommendations:

- Seek to balance management needs of recreation, biodiversity and farming
- Seek to maintain the largely unforested and undisturbed wild land character of the hills
- Promote the reintroduction of native broadleaf woodland in valleys and along burns
- Positive management of valued habitats in line with LBAP, including ongoing protection of natural heritage designations

Special Landscape Area 9: Pentland Hills

Location and boundaries:

This area covers the section of the Pentland Hills which lie within the Scottish Borders. The south-east boundary follows the A702, while the other edges are formed by the Council boundary. The cSLA includes the uplands and the farmland foreground, though the settlement of West Linton is excluded.

Designation Statement:

The Pentlands form a distinct and recognisable hill group, running south-west from Edinburgh into Lanarkshire, and forming the physical boundary between the Borders and West Lothian. Though less dramatic than the northern hills, the Borders' section of the Pentlands is an integral part of this wider landscape. They are underlain by Old Red Sandstone, in contrast to other Borders Uplands, and gives rise to a distinctive topography. The rolling, rounded hills have wildness character despite their small extent and proximity to settlement. A patchwork of heather and grass is divided by occasional stone walls and isolated dwellings in upper valleys.

The Pentlands are a popular recreational resource for the Borders and the wider region. The area to the north is a Regional Park which, although not extending into the Borders, encourages high levels of use across the hills. The area is readily accessible from Edinburgh on the A702, which enables framed views into the hills from the road. The farmland at the foot of the hills serves as a foreground in these views.

Forces for change:

- Changes in estate management practices, including afforestation
- Pressures for enhanced recreational opportunities and access
- Potential loss of wildness character

Management recommendations:

- Maintain wildness character of the hills and upland glens
- Enhance native woodland cover in valleys
- Promote recreational access whilst minimising conflicts with other land uses
- Seek integration of management across Council boundaries



Top of Mount Maw, Pentland Hills © www.keithrobesson.com

5. Development Pressures and Landscape Type

5.1 Paragraph 10.9 of the Local Landscape Review (LLDR Revised Report p84) states that development has the potential to affect different SLAs in different ways. The proposed designated landscapes represent a range of landscape types and therefore this may need to be reflected in policy. Distinctions given are:

- Upland SLAs, where the emphasis of policy should be on retaining their largely undeveloped and remote character. This means ensuring that any developments are located and designed to limit their wider visibility and, as far as possible, protecting open skylines and rugged summits.
- Valley SLAs, where the emphasis of policy should be on maintaining the current patterns of land use and settlement, with development focused within towns and villages. Elsewhere, development should be located on the lower slopes or floor of the valley and carefully sited, designed and landscaped to integrate within the valley landscape. Development proposals in surrounding upland areas should be assessed to minimise the visual impact on the SLA, including views and vistas along the valley.
- Lowland SLAs, where the emphasis of policy should be to retain the distinctive rural character of the landscape. Isolated developments in the open countryside should be avoided wherever possible. Agricultural development and proposals for diversification or conversion of agricultural buildings should retain their character and avoid the creation of incongruous elements.
- Coastal SLA, where the emphasis of policy should be to maintain the focus of development within existing coastal settlements in order to retain the undeveloped character of the coast. Development within these settlements should be of scale and character that respects and complements their historic character. The effects of development along the coastal edge and within the hinterland adjacent to the SLA should be carefully considered.

6. Analysis of difference between AGLV and proposed SLA

- 6.1 The methodology employed in the Local Landscape Review found that there is a good correlation between the current Areas of Great Landscape Value the initial proposed Special Landscape Areas and the revised proposed Special Landscape Areas, though there are important areas of differentiation.
- 6.2 The revised proposed SLA cover an area of 152,913ha and the current AGLV cover 129,294ha (including 14,100ha of National Scenic Areas). If the revised proposed SLA and NSAs are added together it equates to 167,013ha of land designated. This is a 29% increase in land designated in the Borders from the current AGLV position.
- 6.3 Table 1 shows the existing Areas of Great Landscape Value, the initial proposed Special Landscape Areas and explanation of the change that has resulted from the LLDR, and the revised proposed Special Landscape Areas and the position that has resulted from the revised LLDR. In addition Figure 9.11 (p82 LLDR Revised Report) shows the existing AGLV and National Scenic Areas with the proposed SLA superimposed and Figures 9.2-9.10 show the proposed SLA in greater detail.
- 6.4 The amendments that comprise the proposed Special Landscape Areas are made on the basis that the methodology in the Local Landscape Designation Review Revised Report found that the areas described above either scored highly enough through the revised evaluation stages to be designated or, in turn, did not score highly enough to be designated as part of a proposed SLA.
- 6.5 By employing the robust methodology of the Local Landscape Designation Review Revised Report the final revised Special Landscape Areas have a justifiable basis. This is because the proposed designations have met a rigorous evaluation process which means that they are truly special. This is said in the context of the argument that the Borders landscape in its totality could be described as special. Therefore an important consideration was that the designation should not become diluted and less meaningful as a result.

Table 1: Difference between AGLV and proposed Special Landscape Areas

AGLV	Proposed SLAs	Explanation of difference between AGLV, initial proposed SLA and proposed SLA following consultation
Berwickshire Coast	Berwickshire Coast	<p>There is a slight increase in the proposed SLA from the existing AGLV:</p> <ul style="list-style-type: none"> • in the far north-east to the south of Reed Point • to incorporate land to the north-east of Coldingham and also to the east of Ayton (Annex 1, Figure 9.8) <p>There was additional land designated because parts of the LCU CO44 'Coldingham' and the LCU CO46 'Lamberton Moor' were found to be areas of high quality landscape, in the evaluation stages, and therefore worthy of addition to the proposed Special Landscape Area.</p> <p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>There is a further increase in the revised proposed SLA from the existing AGLV:</p> <ul style="list-style-type: none"> • The coastal strip broadens to include the coastal moorland of Coldingham Common <p>It was considered that the coastal moorland is unique to the east coast and that by moving the landward boundary to the A1107 more or the moorland would be protected.</p>
Cheviot Foot-hills	Cheviot Foothills	<p>The proposed SLA is significantly smaller than the current AGLV due to:</p> <ul style="list-style-type: none"> • the removal of land from Morebattle in the north, running south west to the Border and Carter Bar (Annex 1 Figure 9.9) <p>There was a reduction in designated land because the LCU UP18 'Fala Group' was found to be an area of lower quality landscape in the evaluation stages, it was therefore considered not worthy of designation.</p> <p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>The revised proposed SLA is larger than the original proposed SLA due to:</p> <ul style="list-style-type: none"> • the inclusion of additional land to the south west, including Carter Bar and the land that forms the Carter Bar foreground <p>It was considered that Carter Bar was a key gateway into the Borders and Scotland and that the panoramic views meant extension of the proposed SLA westward was warranted.</p>

AGLV	Proposed SLAs	Explanation of difference between AGLV, initial proposed SLA and proposed SLA following consultation
Eildon Hills and Bowhill	Tweed, Ettrick and Yarrow Confluences	<p>The proposed SLA differs from the existing AGLV due to: the separation from the Eildon and Leaderfoot National Scenic Area. There is additional land designated:</p> <ul style="list-style-type: none"> • an area in the west to the north of Yarrowford running to south west of Clovenfords • an area to the south around Aikwood Tower • an area in the north to the east of Caddonfoot (Annex 1 Figure 9.4) <p>There was additional land designated because the land in LCU UP10 ‘Minch Moor’ was considered to be an area of high quality landscape, in the evaluation stages, and was therefore considered to be worthy of designation as part of a proposed SLA</p> <p><u>Following Review of SLA identification process in light of consultation responses</u> No revisions were made following the re-evaluation</p>
Lammermuir Hills	Lammermuir Hills	<p>The proposed SLA is significantly smaller than the current AGLV due to:</p> <ul style="list-style-type: none"> • the removal of land on the local authority north-eastern border to, Abbey St-Bathans and Ellemford, in the south; • the removal of a wedge of land in the south-east covering Dirrington Law and on to Greenlaw in the south; • the removal of a section of land on the western edge adjacent to the A68. <p>There is a small addition to the proposed SLA:</p> <ul style="list-style-type: none"> • to the south, covering Edgarhope Wood (Annex 1 Figure 9.7) <p>Although the LCU UP02 ‘Lammermuir Plateau’ was identified as an area of high quality landscape in the quantitative analysis; the qualitative analysis showed that there was variation within the LCU that meant areas to the east and south east of the Whiteadder Plateau should not be considered as part of a proposed SLA. This was because of the effects of forest planting and wind turbines.</p> <p>In contrast the area of addition around Edgarhope Wood’ was found to be of a consistent high quality after both stages of analysis and was considered worthy of being designated as part of the proposed SLA.</p> <p><u>Following Review of SLA identification process in light of consultation responses</u> The revised SLA is larger than the initial proposed SLA:</p> <ul style="list-style-type: none"> • the Dirrington Laws are included,

AGLV	Proposed SLAs	Explanation of difference between AGLV, initial proposed SLA and proposed SLA following consultation
Lammermuir Hills	Lammermuir Hills	<ul style="list-style-type: none"> • On the eastern side, land to the west of Cranshaws to the Monynut Edge and Abbey St Bathans is incorporated • On the western side, the proposed SLA is extended to the A68, running south east along the A697 at Carfraemill roundabout <p>It was considered that the Dirrington Laws are striking conical hills that are unique landscape features and that on the eastern side the Upper Whiteadder serves as a visual foreground to the Lammermuir Plateau. The western fringe acts as a gateway to the Borders as well as the setting to Lauder and Oxton.</p>
Pentland Hills	Pentland Hills	<p>The Pentland Hills AGLV to the west of West Linton has been removed. During Phases 1 and 2 of the study approach it was found that the Pentland Hills AGLV did not score highly enough against the evaluation criteria to be considered further as a proposed Special Landscape Area.</p> <p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>The Pentland Hills is put forward as a proposed Special Landscape Area. The only difference between the AGLV and the proposal is that the boundary on the eastern side has been extended so that it now runs south-west along the A702.</p> <p>It was considered that the Pentlands form a distinct and recognisable hill group, of which the Borders part, though less dramatic, is an integral part of the wider landscape. In addition the Pentlands are a popular recreational resource for the Borders and the wider region.</p>
Tweedsmuir Hills and Upper Tweeddale	Tweedsmuir Uplands	<p>The proposed SLA is significantly smaller than the current AGLV due to</p> <ul style="list-style-type: none"> • the separation from the Upper Tweeddale National Scenic Area; • the removal of land in the north-west corner (south of Blyth Bridge to the NSA boundary); • the removal of land in the hills to the local authority western boundary (Annex 1: Figure 9.2). <p>There is a slight increase in the proposed SLA:</p> <ul style="list-style-type: none"> • land in the east to the south west and west of Kirkhouse <p>There was a reduction in designated land because the LCUs UP09, RV54, UP05 and LCU RV50 were found to be areas of lower landscape quality in the evaluation stages. Therefore they were not considered to be worthy of designation in the proposed SLA</p>

AGLV	Proposed SLAs	Explanation of difference between AGLV, initial proposed SLA and proposed SLA following consultation
Tweedsmuir Hills and Upper Tweeddale	Tweedsmuir Uplands	<p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>The proposed SLA increases in size. The revisions include:</p> <ul style="list-style-type: none"> • Inclusion of the land west of the A701 to the authority boundary • Inclusion of land to the north of Broughton Heights • Inclusion of land to the south of Minchmoor Summit, to the A708 and summits adjacent to the B709 including Peat Law and Altrieve Rig <p>It was considered the land to the west of the A701 and to the north, around Broughton Heights, is more contiguous with the Upper Clyde Valley and Tinto SLA in South Lanarkshire. It is also more representative of the Borders part of the Southern Uplands, including the key summit of Culter Fell. The land to the south of the Minchmoor Summit was a logical inclusion to protect the flanks of the hill and the views from the A708.</p>
	Tweed Valley	<p>Covers:</p> <ul style="list-style-type: none"> • land around Peebles (excluding the NSA in the west); • land around Cardrona, Innerleithen and Walkerburn. (Annex 1 Figure 9.3) <p>The Tweed Valley was considered to be a new proposed Special Landscape Area because the two constituent LCUs, fringes of UP10 Minch Moor and the central section of RV59 Middle Tweed were found to be areas of high landscape quality in terms of examples of a river valley and the hills that contain it.</p> <p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>No revisions were made following the re-evaluation</p>
	Teviot Valleys	<p>Covers</p> <ul style="list-style-type: none"> • a new proposed landscape designation which stretches over the confluence of the A68, A698 and B6400 in the north; • skirting Jedburgh to the east and Camptown in the south east • southern boundary stretches from Camptown, incorporating Bonchester Bridge to the north east of Hawick. • western boundary stretches over the Minto Hills and on to Ancrum to the north (Annex 1 Figure 9.5, 9.6) <p>The Teviot Valleys was considered to be a new proposed Special Landscape Area because, after the evaluation and scoring, it was felt that a coherent proposed SLA could be formed by combining a number of individual landmark features. Therefore the proposed SLA combines a number of LCUs of different types, to create a composite landscape of hill and valley. The constituent LCUs of RV72 'Rule Water' and, smaller parts, of UF29 'Rubers Law', UF30 'Bonchester/Dunion', RV68 'Jedburgh' and RV74 'Lower Teviot' were found to be areas of high quality landscape in the evaluation stages. Therefore they could be combined to form a proposed Special Landscape Area.</p>

AGLV	Proposed SLAs	Explanation of difference between AGLV, initial proposed SLA and proposed SLA following consultation
	Teviot Valleys	<p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>There is a slight increase in the revised proposed SLA:</p> <ul style="list-style-type: none"> • Inclusion of land to the north west to include the Troneyhill summit and for the boundary to follow roads and then the disused railway to Hawick. <p>This was considered to be a logical change to provide a more permanent boundary to the proposed SLA in the north west corner.</p>
	Tweed Lowlands	<p>Covers:</p> <ul style="list-style-type: none"> • the lowlands between west of Kelso to the east of St Boswells; • skirting Smailholm in the north, and Roxburgh and Fairnington in the south (Annex 1 Figure 9.5) <p>The Tweed Lowlands was considered to be a new proposed Special Landscape Area because the constituent LCUs, the central part of RV73 'Lower Tweed' and smaller parts of LO39 'Lower Tweed Valley', LO43 'Black Hill/Hume Craggs' and RV74 'Lower Teviot' were found to be areas of high landscape quality. Due to the removal of the National Scenic Area from consideration, the focus moved further east to represent the landscape of the area, settling on the land between Kelso and St Boswells.</p> <p><u>Following Review of SLA identification process in light of consultation responses</u></p> <p>No revisions were made following the re-evaluation</p>

7. Supplementary Planning Policies

7.1 In order for the Local Landscape Designation Review to influence the policy approach of Scottish Borders Council with regards to decisions affecting local landscape designations it is necessary to set out supplementary policies. The three policies below allow for the proposed Special Landscape Areas to replace the existing Areas of Great Landscape Value and ensure that the Statements of Importance can be used as a material consideration to better evidence relevant development management decisions, and to help inform decisions on conservation and enhancement measures for management of the proposed SLAs.

Policy A Boundaries

The Council will apply the Special Landscape Area boundaries as set out in Figures 9.2-9.10 (Annex 1 LLDR Revised Report) in the implementation of the Scottish Borders Local Plan policy EP2.

Justification

The Local Landscape Designation Review proposes appropriate boundaries for proposed Special Landscape Areas, the process of evaluation in the LLDR means that the boundaries can be justified as being robust. However the Council will monitor and update the boundaries, if there is an appropriate reason to do so, through future Local Development Plans.

Policy B Development Management

The Council will use the Statements of Importance attached to each of the proposed Special Landscape Areas as a material consideration in the determination of planning applications

Justification

The policy aims to ensure that the SPG and particularly Annex 1, the LLDR Revised Report, are to be used in the development management process. In particular this will mean that the Location and boundaries, Designation statement and Forces for change, contained within the Statement of Importance provided with each proposed SLA, will be used to evidence decisions taken. The SPG can therefore be used to support the Development Plan policies, as reflected by its position in the planning hierarchy.

Policy C Landscape

The Council will promote the use of the proposed Special Landscape Areas for conservation and enhancement measures taking into account the Statements of Importance.

Justification

The aim of the policy is for the Statement of Importance, and particularly the Forces for change and Management recommendations within, to be used to identify areas where conservation and enhancement of the proposed SLAs can be made. The aim of this is to enhance the landscape character and habitat and safeguard natural and historic features within the proposed SLAs. To achieve the body of work the Council can seek to identify partnership working with implementation agencies such as the Borders Forest Trust, Southern Upland Partnership and Tweed Forum.

SUPPLEMENTARY PLANNING GUIDANCE ON LOCAL LANDSCAPE DESIGNATIONS

Report by Head of Planning and Regulatory Services

PLANNING AND BUILDING STANDARDS **9 July 2012**

1 PURPOSE AND SUMMARY

- 1.1 **This report proposes the Supplementary Planning Guidance (SPG) on Local Landscape Designations (Appendix 1) and the associated Local Landscape Designation Review Revised Report (Annex 1 of Appendix 1) for approval.**
- 1.2 The SPG proposes a new suite of local landscape designations, known as Special Landscape Areas (SLA) to replace the current Areas of Great Landscape Value (AGLV). The suite of SLAs have resulted from an independent Local Landscape Designation Review that was commissioned from Land Use Consultants (LUC). The Local Landscape Designation Review (LLDR) Revised Report is set out in Annex 1 of Appendix 1.
- 1.3 The Consultants conducted a complete re-evaluation of AGLVs using a robust methodology in line with relevant national guidance, as produced by Historic Scotland and Scottish Natural Heritage. The initial Local Landscape Designation Review and Draft SPG were approved for consultation by the Council's Planning and Building Standards Committee on 8 August 2011. Following a 12 week consultation period LUC reviewed the SLA identification process in light of consultation responses (see Appendix 2) and updated the LLDR Revised Report (Annex 1 of Appendix 1).
- 1.4 The LLDR Revised Report puts forward the following proposed changes following consultation:
 - 1 a Special Landscape Area for the Borders part of the Pentland Hills,
 - 2 revised and extended SLA boundaries for Tweedsmuir Uplands, Teviot Valleys, Cheviot Foothills, Lammermuir Hills and Berwickshire Coast

2 RECOMMENDATIONS

- 2.1 **I recommend that the Committee approves:**
 - a) Supplementary Planning Guidance on Local Landscape Designations as set out in Appendix 1**
 - b) the Local Landscape Designations Revised Report as set out in Annex 1 of Appendix 1**
 - c) the Council response to consultation representations as set out in Appendix 2**

d)that the supplementary planning guidance on Local Landscape Designations should be used as a material consideration in the assessment of planning applications

3 BACKGROUND

- 3.1 The SPG (Appendix 1) has been produced to incorporate the review and update of Local Landscape Designations in the Scottish Borders into the Council's planning policy framework ultimately feeding into the new Local Development Plan.
- 3.2 The current Areas of Great Landscape Value (AGLV) designations were made in the 1960s and they have little or no written justification behind them. At the Local Plan Inquiry (18 January 2007) the Reporter stated that due to the length of time since designation and the increase in pressure from development, the Council should undertake a review of Local Landscape Designation areas where they would be desirable and appropriate. This requirement was incorporated into the adopted Local Plan (2008).
- 3.3 The lack of justification of the existing Local Landscape Designations in the Borders meant it was decided to undertake a complete re-evaluation. As a result the Council employed Land Use Consultants (LUC) to complete a Scottish Borders Local Landscape Designation Review.

Work Undertaken

- 3.4 The Local Landscape Designation Review (LLDR) used a robust methodology which involved a desk-based study, a field survey and stages of refinement. In addition the LLDR identified measures to improve the conservation and management of proposed SLAs.
- 3.5 On 30 March 2011 LUC presented the findings of the Local Landscape Designation Review to Elected Members at Council Headquarters, Newtown St Boswells.

Outcome from Consultation

- 3.6 On 12 August 2011 the Draft SPG on Local Landscape Designations and Annex 1 Local Landscape Designation Review were agreed by committee as a basis for external consultation for a period of 12 weeks.
- 3.7 At the culmination of the consultation period over 120 responses were received (see Appendix 2), which is considered to be a high response rate. It was considered that within these responses a limited number of key issues arose, these were:
- a) the non-inclusion of the Pentland Hills as a proposed Special Landscape Area
 - b) queries over the landscape evaluation scoring and boundaries for the proposed SLAs Tweedsmuir Uplands, Teviot Valleys, Cheviot Foothills, Lammermuir Hills and Berwickshire Coast
 - c) queries over why certain areas of land had not been considered to merit proposed Special Landscape Area status
 - d) queries and challenges to the methodology used by LUC
- 3.8 Following the consultation period LUC were contracted to review the representations to establish if there was additional information which would

justify reviewing the initial Local Landscape Designation Review and the findings proposed within.

3.9 As a result LUC produced the Local Landscape Designation Review Revised Report (Annex 1 of Appendix 1) which put forward changes as set out in Appendix 2 to this report. In particular it proposes:

- 1 a Special Landscape Area for the Borders part of the Pentland Hills, along with an associated Statement of Importance, which provides for the boundaries of the designation, why the area is designated, forces for change and management recommendations;
- 2 revised and extended SLA boundaries for Tweedsmuir Uplands, Teviot Valleys, Cheviot Foothills, Lammermuir Hills and Berwickshire Coast (along with revised Statements of Importance for each respective SLA)

3.10 Appendix 2 contains a summary of all of the representations received, a Council response and recommendation. It is also the case that all of the full representations have been on the Council website since January, that a hard copy of the full representations is available for public viewing and an additional hard copy has been placed in the Members Library.

Review and Update of Local Landscape Designations

3.11 In terms of the findings of the Revised Local Landscape Designation Review, the Special Landscape Areas (SLA) proposed are:

- 1) Tweedsmuir Uplands
- 2) Tweed Valley
- 3) Tweed, Ettrick and Yarrow Confluences
- 4) Tweed Lowlands
- 5) Teviot Valleys
- 6) Lammermuir Hills
- 7) Berwickshire Coast
- 8) Cheviot Foothills
- 9) Pentland Hills

3.12 By undertaking the review in this way it is considered that the suite of SLAs put forward are better representative of the 'best' landscapes of the Borders and that the reason for their designation is now better justified. It is also considered that the Statements of Importance will assist development management and developers in the planning application process and that opportunity for landscape improvement and conservation can be better guided.

4 IMPLICATIONS

4.1 Financial

There are no costs attached to the recommendations contained in this report

4.2 Risk and Mitigations

- (a) The report fully describes all the elements of risk that have been identified in relation to this project and no specific additional concerns need to be addressed

- (b) It is also the case that the LLDR Revised Report is an independent study which has identified the 'best' of the range of Borders landscapes. If the Report was discounted then the risk would be that certain high quality landscapes in the Borders would not have the increased level of protection that designation as a SLA brings. They would therefore be more likely to be subject to inappropriate development.
- (c) If the whole of the Borders was designated as a Special Landscape area, in recognition of the fact that the totality of the Borders landscape could be described as special, the risk would be that the level of protection afforded by a Special Landscape Area would become diluted and essentially meaningless.

4.3 **Equalities**

- (a) An Equalities Impact Assessment has been carried out on this proposal and it is anticipated that there are no adverse equality implications.

4.4 **Acting Sustainably**

- (a) It is considered that the SLA designations provide for positive environmental effects because by conserving the 'best' of the range of Borders landscapes, their enjoyment potential for tourists, walkers and cyclists etc remains and could be enhanced. There is also a positive social impact because conservation of the landscape helps to ensure that the Borders remains a high quality place to live and work, in addition quality of life is improved by the fact residents can enjoy these landscapes. There are also positive environmental impacts because for each respective SLA the Statement of Importance identifies what the potential forces for change are (i.e. 'threats') and what management can be done to conserve and improve the landscape. In identifying these factors there is a platform for further positive change.

4.5 **Carbon Management**

- (a) It is not considered the Report brings any impact on the Council's carbon emissions.

4.6 **Rural Proofing**

- (a) It is not considered there are any impacts arising from the completion of the rural proofing checklist. However, the designation of Special Landscape Areas is anticipated to have a positive impact on the rural areas within the Borders.

4.7 **Changes to Scheme of Administration or Scheme of Delegation**

- (a) There are no changes to be made.

6 **CONSULTATION**

- 6.1 Consultation on this report has been undertaken including with the Clerk of the Council, Head of Legal and Democratic Services, the Head of Audit and Risk and the Chief Financial Officer. Their comments have been incorporated into this report where appropriate.

Approved by

Director of Environment and Infrastructure

Signature

Author(s)

Name	Designation and Contact Number
Philip Graham	Assistant Planning Officer, 01835 825 060

Background Papers: Scottish Natural Heritage and Historic Scotland (2006)
Guidance on Local Landscape Designations

Previous Minute Reference: Planning and Building Standards Committee 8 August
2011

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Jacqueline Whitelaw, Environment and Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA, Tel 01835 825431, Fax 01835 825071, email eitranslationrequest@scotborders.gov.uk.

Annex 2 Policy Context

- **NPF¹**

In their rich diversity, Scotland's landscapes are a national asset of the highest value. They provide the context for our daily lives and are a major attraction for our tourist visitors. They are settings for outdoor recreation and are valued as a source of refreshment and inspiration by many. Nationally important landscape characteristics include openness, intervisibility, perceived naturalness, and remoteness. Areas considered of national significance on the basis of their outstanding scenic interest are designated as National Scenic Areas.

Our landscapes have been shaped by human activity since prehistoric times. Natural and cultural landscapes and the historic fabric of our cities, towns and rural areas are important aspects of our national identity and the distinctive character of each part of Scotland. Edinburgh's Old and New Towns, New Lanark, St. Kilda, the Neolithic monuments of Orkney and the Antonine Wall have been accorded an international status as World Heritage sites. The Lochaber and North West Highland Geo-parks are part of the UNESCO European Geo-park Network. Natural and historic environments help create a sense of place, contribute to the quality of life and are a rich resource for tourism and leisure, our creative industries, education, and national and regional marketing. They can also provide a focus for regeneration. The Scottish Government is committed to protecting, promoting and supporting the sustainable management of these key assets.

Landscapes evolve continuously in response to climatic, economic, social and technological change. As the European Landscape Convention recognises, their value extends beyond those protected by formal designations to all areas which reflect the interaction of natural processes with human activities. Landscape and visual impacts will continue to be important considerations in decision-making on developments. The cumulative effects of small-scale changes require as much attention as large developments with immediately obvious impacts. Some of Scotland's remoter mountain and coastal areas possess an elemental quality from which many people derive psychological and spiritual benefits. Such areas are very sensitive to any form of development or intrusive human activity and great care should be taken to safeguard their wild land character.

Major urban regeneration projects, the changes taking place in the rural economy, the expansion of woodland cover and the restructuring of our forests offer strategic opportunities to enhance landscape quality and repair past damage. We will see significant changes to some of our landscapes to help deal with contemporary challenges such as climate change. However, even changes which offer clear environmental benefits, such as the expansion of woodland cover, require careful design and management to avoid adverse impacts. The aim must be to build environmental capital and pass well-managed, high quality landscapes on to future generations.

¹ Scottish Government, 2009, National Planning Framework 2, p34-35

- **Scottish Planning Policy²**

It is stated in the document that local authorities should:

- Clearly identify and protect locally important landscapes
- Clearly explain the reasons for designation, on-going relevance and function of local designations in considering preparation of development plans
- Ensure that the distinctive character and special qualities of the landscapes are designated in such a way that greater understanding is achieved
- Facilitate positive change whilst maintaining and enhancing distinctive character
- Ensure that through careful planning and design the potential conflict can be minimised and the potential for enhancement maximised
- Ensure that locally designated areas of landscape that are particularly sensitive are not developed
- Ensure that potential effects, including cumulative effect of incremental changes, are considered when preparing development plans
- Support opportunities for enjoyment and understanding of natural heritage

- **Policy 1B The Spatial Strategy: Development Principles SESplan Proposed Plan 2011**

Local Development Plans will:

- Ensure that there are no significant adverse impacts on the integrity of international, national and local designations, in particular National Scenic Areas, Special Protection Areas, Special Areas of Conservation, Sites of Special Scientific Interest and Areas of Great Landscape Value and any other Phase 1 Habitats or European Protected Species

- **Policy EP1 National Scenic Areas Scottish Borders Consolidated Local Plan 2011**

Development in National Scenic Areas will only be permitted where:

- i) the objectives of designation and the overall landscape value of the site will not be compromised, or,
- ii) any significant adverse effects on the qualities for which the site has been designated are clearly outweighed by social or economic benefits of national importance.

² Scottish Government, 2010, Scottish Planning Policy, p26-27

- **Policy EP2 Areas of Great Landscape Value Scottish Borders Consolidated Local Plan 2011**

In assessing proposals for development in AGLVs, the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development. Proposals which have a significant adverse impact will only be permitted where the impact is clearly outweighed by social or economic benefits of national or local importance

- **SNH & Historic Scotland, 2004, Guidance on Local Landscape Designations³**

- To secure a better understanding and support for Local Landscapes Designations...prepare a statement of importance for each designated area.
- Ensure that designation of Local Landscape Designation is part of a consistent policy direction and that there is consideration of measures to further planning and management initiatives.
- Development should therefore generally only be permitted within a Local Landscape Designation when:
 - I. It will not have significant adverse impacts on the special character or qualities of the landscape of the area;
 - II. The social and economic benefits of the development are considered to be more than of just local significance in the context of the local authority area
- For developments that meet these tests, the location, scale, design, materials, and landscaping should be of a high standard and, where appropriate, should seek to enhance the special qualities and character of the landscape

³ SNH/Historic Scotland, 2004, Guidance on Local Landscape Designations, p1-32

Consultation Representations to Draft SPG: Local Landscape Designations

Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
Support 1.) General Support	Infinis	- In general, Infinis find this (methodology) to be robust and comprehensive...Infinis consider that the LLDR draws appropriately on the 2005 SNH/HS Guidance, and uses transparent criteria to construct a logical decision making framework to arrive at the identification and description of the SLAs.	Support noted	Support noted
	John Muir Trust	- The Trust fully supports the eight SLAs proposed within the consultation document, all of which are high quality landscapes deserving effective care and protection. The Three Brethern are some of the finest wild land in the south of Scotland. The Borders is fortunate to have such a precious natural asset, valuable in its own right, vital for eco-services, carbon sequestration and biodiversity, but equally valuable to the visitor economy. The inclusion in the proposed SLAs of the middle stretches of the Tweed between Peebles and Kelso and the landscapes between and including the lower Teviot and Jed and their	Support noted	Support noted

		<p>tributaries is also very welcome. These landscapes, too, are of great importance as key elements in how people see and experience the Borders</p> <ul style="list-style-type: none"> - ...it is now widely recognised that a patchwork of relatively small but protected areas is ineffectual, leading to a steady deterioration in the quality of these isolated areas, despite being designated...the Trust commends the draft SPG for recognising this requirement, and proposing a series of inter-connected candidate SLAs as a result. 		
	Philip and Finoula Kerr	<ul style="list-style-type: none"> - Scottish Borders Council is to be commended for carrying out the Review of Landscape Designations to put the protection of the best of our scenic assets onto a more defensible basis, and for proposing new areas for designations. 	Support noted	Support noted
	Jane Douglas	<ul style="list-style-type: none"> - I thoroughly approve of the Scottish Borders Council's move to protect our wonderful landscape. It is all too easy when one lives and works in a beautiful area to take it for granted, so anything that goes towards protecting our stunning countryside for future generations and for the countless 	Support noted	Support noted

		<p>tourists who visit the area and love it, can only be applauded.</p>		
	Malcolm Dickson	<ul style="list-style-type: none"> - Firstly, I wish to commend the Council in taking the important step of progressing the designation of landscape beyond the terms of the pre-existing Areas of Great Landscape Value. I am certain that this is a significant move in improving the Council's ability to balance its responsibilities to protect its valuable asset – the previously undervalued scenic beauty and ecology of the Scottish Borders – against the accepted need to promote economic development. 	Support noted	Support noted
	Walkerburn and District Community Council	<ul style="list-style-type: none"> - We welcome the fact that the proposals are underpinned by a considerable body of independent expert assessment, which lends credibility to the objectivity of the proposals. - The draft SPG is well written and the intent is clear to non-experts. 	Support noted	Support noted
	Dr David Long	<ul style="list-style-type: none"> - In general I think this is an excellent study and I strongly support the policy of defining more clearly landscape designations in the Scottish Borders. The landscape is one of our most 	Support noted	Support noted

	<p>Scottish Renewables</p> <p>Historic Scotland</p>	<p>important and valuable assets and in the past, protection has sometimes been inadequate leading to unfortunate developments in the Borders...local designations are very important and the lack of national designations of our landscape makes it even more important that this SPG goes ahead.</p> <p>- We fully support Scottish Borders Council's initiative to review the Areas of Great Landscape Value due to their lack of written justification and the time elapsed since their initial designation. We also support the decision to refer to AGLVs as 'Special Landscape Areas', to be in line with SNH and HS guidance. Furthermore, we are encouraged by the fact that the overall area (in Km²) of the proposed SLAs is to be no greater than covered by the existing AGLVs</p> <p>- We have reviewed the brief on behalf of Historic Scotland and welcome the preparation of the guidance which outlines the approach to selection of new Local Landscape Designations and outlines the relevant regulations and draft policies in development management</p>	<p>Support noted</p> <p>Support noted</p>	<p>Support noted</p> <p>Support noted</p>
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		<ul style="list-style-type: none">- We note that a key purpose of the SPG is to undertake a review of current Areas of Great Landscape Value and consider better the full range of landscape areas of quality within the Council area which are not currently part of the current AGLV designations.- We welcome the systematic approach taken for sifting and selecting 8 new SLAs...In particular we welcome that The Statement of Importance which accompanies each proposed SLA. This will be particularly helpful in the consideration of development management processes, because their inclusion in the draft policies will be used to evidence decisions taken		
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Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
<p>Cheviots and Carter Bar</p> <p>1.) Carter Bar</p>	<p>Philip Mason; Jen & Ron Garrod Lintott; Philip & Finoula Kerr; Alan Bailey; Susanna Rickett</p> <p>Philip and Finoula Kerr; Susanna Rickett</p> <p>Alan Bailey, Malcolm Ouldcott, Jed Valley</p>	<ul style="list-style-type: none"> - It is a viewpoint of world renown and undoubtedly the most spectacular 'gateway to Scotland'. - For this reason alone, and given the international importance of the view, I feel that, even if it requires the creation of a different set of criteria, a way must be found to include the whole of the Carter Bar view - Carter Bar, or the view from it, is not reflected within the SLA designations as having protected status. It is clearly mentioned as being a view of significance, but because of the LCU divisions it has been incorporated into a large LCU, but is very much at the fringe of it. - LCU 18...Falla could score higher for both Views and Scenic characteristics than it currently does and if both were accorded the highest rating to reflect the influence of Carter Bar it would reach the top twenty LCU's - The view crosses several LCU's and it can be argued that although this has been clearly reflected in the SPG 	<p>It is agreed that Carter Bar and associated landscape play an important role as a 'gateway to Scotland' and that the northward panorama is central to this. In addition there should be consideration of cross-boundary continuity of designation (with Northumberland National Park).</p> <p>The responses to Issue 1.) in association with other responses in this section led to the recommendation stated.</p>	<p>Extend the proposed Special Landscape Area (SLAs) westward, incorporating the Roman Camps, Philip Law, Leithope Forest and crossing the A68 to Lethem therefore incorporating Carter Bar and increasing the continuity with the Northumberland National Park.</p>

	Community Council	on wind energy, it has not been treated in a similar way here, and does not afford protection from other large scale developments.		
2.) Cheviot Foothills cSLA (Jed Water, Falla etc)	Philip Mason; Susanna Rickett;	- Cheviot Foothills SLA is of at least the same quality as the two Borders' NSAs evidenced because part of the same Cheviot massif, on the English side of the border is designated as a National Park.	The purpose of the LLDR was not to review National Scenic Areas (NSA); this would need to be done by Scottish Ministers. It is the case that cross boundary issues should be considered. The proposed SLA boundary has been extended westward to incorporate more of the Cheviot Foothills as described for Issue 1.) Carter Bar.	Accept recommendation to extend cSLA boundary westward
	Philip Mason	- inclusion of the Cheviot Foothills in a Review which uses criteria appropriate <u>only</u> to other parts of the Scottish Borders is inappropriate. The Cheviot Foothills are part of the distinct Cheviot hillscape	The purpose of the LLDR was to identify SLAs for the whole of the Borders. To fit with national guidance and ensure the designation of SLAs was defensible the Borders had to be treated as a whole. The proposed SLA boundary has been extended westward to incorporate more of the Cheviot Foothills as described for Issue 1.) Carter Bar.	Accept recommendation to extend cSLA boundary westward
	Philip Mason	- western boundary of the proposed	The LCU UP18 Falla Group did	Accept recommendation to extend

	<p>David Leggate; Christian Curtis; Neil Bryce</p> <p>Susanna Rickett</p>	<p>SLA appears to simply follow the line of the Hindhope- Hownam- Morebattle road. A study of a large scale map shows that the detailed hillscape topography extends well beyond the road, at the very least to the old AGLV boundary, and arguably, using criteria applied in the Northumberland National Park, to the A68</p> <p>- Reduction in size of SLA due to LCU UP18 'Falla Group' being lower quality in evaluation stages is a serious error in judgement</p> <p>- "Wildness". This is ranked as medium (not even high!) presumably partly because of the unsympathetic blocks of conifers. It is hard to think of any other reason as this area contains many extremely wild areas e.g. the upper Kale Water valley. This strikes me as perverse. Much of the landscape is very similar to that in the Cheviot foothills to be designated an area of SLA and differs only in that the hills are slightly smaller and lack the rocky outcrops at their summits.</p>	<p>not score as highly as UP17 Cocklaw Group and even with a re-examination of the scoring this remained the case and so affected where the boundary was drawn. In deciding boundaries efforts were made to look for a logical delineation in the landscape, roads were a good choice due to their permanence. The proposed SLA boundary has been extended westward to incorporate more of the Cheviot Foothills as described for Issue 1.) Carter Bar.</p> <p>Relative wildness is restricted to the eastern areas, while the western part of the LCU is crossed by the A68 and cannot be considered remote.</p>	<p>cSLA boundary westward</p> <p>No further action.</p>
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<p>3.) Land to the south between Teviot Valleys cSLA and Cheviot Foothills cSLA</p>	<p>Philip Mason</p> <p>T.G.O Douglas; Mrs MM Asquith; Jane Douglas</p> <p>Malcolm Ouldcott for Jed Valley Community Council</p> <p>John Muir Trust</p>	<ul style="list-style-type: none"> - The unprotected corridor (between Teviot Valleys/Cheviot Foothills) if inappropriately developed, not only has the potential to erode the landscape and amenity quality of the adjacent SLAs, but also to impact adversely on the views from Carter Bar. - the area to the south east between the A6088 and the A68, taking in the Carter Bar, should be included, as should the area to the east, Oxnam Water, linking the Teviot, Jed and Rulewater area to the Cheviot Foothills area. - the proposed SLA (Teviot Valleys), at its southern end, leaves a corridor about a kilometre wide between Chesters and Camptown which lies between the Teviot Valleys SLA and the Carter Bar area of significant protection. This oversight should be rectified by extending the Teviot Valleys SLA southeastwards between the A68 and the A6088 roads, as far as the Carter Bar. - ...the assessment that this is an area with 'Low' value to the 'Tourist Economy' is misleading. For those arriving at Carter Bar the view eastwards towards Morebattle is very fine and an essential part of that 	<p>It is the case that the LCUs UP18 Falla Group and UF20 Oxnam did not score highly enough to be considered as/part of a SLA, this remained the case despite a re-examination of the scoring. The proposed SLA boundary has been extended westward to incorporate more of the Cheviot Foothills as described for Issue 1.) Carter Bar.</p>	<p>Accept recommendation to extend cSLA boundary westward</p>
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		<p>experience of crossing the border into the beautiful and dramatic Borders' landscape</p> <ul style="list-style-type: none">- These foothills also form the foreground to substantial sections of St Cuthbert's way and the Pennine Way. These routes are high quality walking routes which contribute considerably to the prosperity of communities from Melrose to Yetholm and beyond.		
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Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
<p>Pentlands</p> <p>4.) Cross Boundary SLA/AGLV issues</p>	<p>Friends of the Pentlands; Pentland Hills Regional Park; Professor Elizabeth Meehan; Roger Oakes; Colin Kilpatrick; South Lanarkshire Council; Midlothian Council; Quarries Action Group; West Linton Community Council; Carlops Community Council; Cynthia Hunter; Mr T.R.M Montgomery; Jim Pratt; Ms Diane O'Neil; Anna & Peter Woolverton; A.McL.Jenkins; Rosemary and Peter Eydes; Ms G Small; North</p>	<p>- Pentland Hills area is covered by 5 Local Authority areas, the current coherent planning policy protection of this regionally significant landscape area must be continued</p> <p><i>The above is a summary of the general theme of the comments listed adjacentl</i></p>	<p>The cross-boundary issues identified in representations were considered to be important additional information. In the re-examination of the findings this information along with scoring changes resulted in the justification for a proposed Pentlands Hills SLA. The responses to Issue 4.) in association with other responses in this section led to the recommendation stated.</p>	<p>Accept recommendation that Pentland Hills should become a proposed SLA.</p>

	<p>Tweeddale Paths; Fiona Anderson; Carol Kilpatrick; Mary and Rennie McElroy; Cathleen Baldwin; Dr Alan Crossley; Yvonne Crossley; Mrs Jane Dickson; Alison Wilson; Anna O'Connor; Peebles Community Council; Archie Hunter; John Muir Trust; Jon Laffan; JPA Parrott; Raymond Turnbull; Barbara and Richard Jones; Peter Raine;</p> <p>West Lothian Council</p>	<p>- You will be aware that the SNH and HS guidance on proposed SLAs specifies several criteria that includes "Identity and Coherence" where cSLA can cover recognisable landscape units such as upland hills like the Pentland Hills, that extend across administrative boundaries.</p>	<p>Please see the response to Issue 4.)</p>	<p>Accept recommendation that Pentland Hills should become a proposed SLA.</p>
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	SNH	<ul style="list-style-type: none"> - Consequently, we would ask that SBC reconsider their treatment of the south east part of the Pentland Hills range that occurs within your administrative area and promote an additional 9th SLA for this part of the overall hill range. This will continue homologous landscape protection over a sensitive upland area that continues to be under pressure from wind turbine development and other intrusive proposals. - We do consider there is likely to be long-term planning merit in maintaining the cross-boundary continuity of local landscape designation within the Pentland Hills, and suggest that the views of the neighbouring local authorities are taken into consideration on this issue. This idea of partnership working on identifying cross boundary landscapes of importance and the desirability of aligning planning and other policy measures is raised within the SNH/Historic Scotland guidance on local landscape designations (paras 6.7 and 6.9) and is also encouraged in principle by article 9 of the European Landscape Convention. We would also highlight 	Please see the response to Issue 4.)	Accept recommendation that Pentland Hills should become a proposed SLA.
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	South Lanarkshire Council	<p>the wider regional identity of the Pentland Hills and their importance as an entire landscape unit as being of wider influence. Additionally, the existing role that the current Pentland Hills AGLV designation plays in affording an important and valued landscape setting, or buffer, to the frequently visited Pentland Hills Regional Park should also be further considered as a further important influencing factor (SNH/HS guidance para 6.5 is of relevance)</p> <p>- I feel that perhaps your consultants study has given insufficient weight to the wider regional role of the Pentland Hills as a whole. In addition, the proposed difference in designated status across our boundaries may raise issues in future when dealing with cross boundary applications, e.g. for wind energy developments</p>	Please see the response to Issue 4.)	Accept recommendation that Pentland Hills should become a proposed SLA.
5.) Scoring of UP1 Western Pentlands - Enjoyment	Hugh Kilpatrick; Rosemary & Peter Eydes; Mary & Rennie McElroy; Raymond Turnbull; Sue &	- Enjoyment of the hills has not been taken into account sufficiently. <i>(the above is a summary of the comments listed adjacently)</i>	In the original LLDR rankings "enjoyment" scored very high, the best possible ranking, and this remains the case in the rankings after re-examination of the scoring by the Consultants.	No further action

	<p>Steven Allan; Russel & Carole Day; D & M. Dingle</p> <p>Pentland Hills Regional Park</p> <p>Carlops Community Council</p>	<ul style="list-style-type: none"> - The hill range includes an extensive network of rights of way and other paths enjoyed by walkers, cyclists and riders. The Regional Park specifically aims to encourage responsible public enjoyment of the area. - The Borders section of the Pentland Hills tends to be quieter than the busier northern end of the hills but they provide an important recreation amenity for a range of people, such as walkers, runners and horse riders. It is particularly important to have the opportunity to experience wilderness so close to a city the size of Edinburgh - 	<p>Please see the response to Issue 5.)</p> <p>Please see the response to Issue 5.)</p>	<p>No further action.</p> <p>No further action.</p>
6.) Scoring of UP1 Western Pentlands-Tourism	<p>Hugh Kilpatrick; Anna and Peter Woolverton; A.McL.Jenkins; Jon Laffan; Carol Kilpatrick; D & M Dingle; Anna</p>	<ul style="list-style-type: none"> - The Pentlands do not score highly on the Tourist economy criterion despite being located between and accessible from, both Edinburgh <u>and</u> the urban conurbations to the west-nor is it recognised that the A702 is the main route into Edinburgh from 	<p>After the re-examination of the scoring Tourism remained at medium. It is considered that the Pentlands are less central to the tourist economy of the Borders.</p>	<p>No further action.</p>

	<p>O'Connor; Elizabeth and Gordon Hamilton; Cynthia Hunter; Mrs Fraser Harris; Mrs Fiona Anderson; Mary and Rennie McElroy; K Crawford; Anna Milne</p> <p>Pentland Hills Regional Park</p> <p>Carlops Community Council</p>	<p>the south. <i>(the above is a summary of the comments listed adjacently)</i></p> <p>- The Pentland Hills are increasingly embracing the opportunities presented by recreation, access and tourism. Examples include: riding centres (including Carlops), livery, golf, catering establishments, farm shops and holiday accommodation.</p> <p>- We get a lot of visitors in Carlops who enjoy the opportunity to get into the hills. No doubt West Linton experiences a similar input in numbers due to the closeness of the hills. Although the SBC focus is the key tourist centres in the county there is a major city only 16 miles from Carlops which attracts people from around the world. A significant number of them visit the hills even as far south as Carlops and are a boost</p>	<p>Please see the response to Issue 6.)</p> <p>Please see the response to Issue 6.)</p>	<p>No further action.</p> <p>No further action.</p>
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		to the pub and the local B&Bs.		
7.) Scoring of UP1 Western Pentlands-Cultural Qualities	Fiona Anderson; Alan Crossley; Yvonne Crossley; D and M Dingle; Anna O'Connor; Elizabeth and Gordon Hamilton;	- Surprised that the consultant's report stated that the Scottish Borders area of the Pentlands was low on cultural qualities	The representations provided new information detailing the cultural qualities of the Pentlands and re-examination of the scoring took this information into account and the ranking was changed from poor to high. This played a role in providing the justification for inclusion of the Pentlands as a proposed SLA	Accept change of improved scoring.
	Friends of the Pentlands	- 2 nd Millenium BC burial cairns...thought to mark an important prehistoric route linking Upper Clyde valley with Forth Estuary. - Roman Road, though to have been constructed AD80. Later forming part of pilgrimage route from Edinburgh to shrine of St Ninian, who brought Christianity to Scotland. Siller holes on the Road...fragments of medieval pottery leather, textiles and other artefacts... - Cauldstane Slap...associations with the Covenanting movement and the Old Drove Road...was an important route for driving cattle	Please see the response to Issue 7.)	Accept change of improved scoring.
	Pentland Hills Regional Park	- The Pentland Hills have an interesting history and association	Please see the response to Issue 7.)	Accept change of improved scoring.

	<p>Archie Hunter; West Linton Community Council</p> <p>Professor Elizabeth Meehan</p>	<p>with our cultural past. Literary associations for example include Allan Ramsay and Robert Louis Stevenson</p> <ul style="list-style-type: none"> - ...there are serious omissions from the Western Pentlands' cultural qualities, namely the Roman Road and the old drove road over the Cauldstane Slap which traverses the Pentlands. These significant historic roads are very visible and extremely popular foot paths. - ...had the review team done such research, they could not possibly have said of the 'Attributes' of the current AGLV that: 'A few minor roads and footpaths cross the area'. That this demonstrates a complete misunderstanding of the significance of these roads and footpaths is clear even from a cursory reading of...History of Peebleshire, edited by James Walter-Buchan and the Rev. Henry Paton (and) The Call of the Pentlands: A land of Glamour and Romance by Will Grant. These books make visible much of what the review team describe in connection with previous settlements, industries, literary associations, church history, 	<p>Please see the response to Issue 7.)</p> <p>Please see the response to Issue 7.)</p>	<p>Accept change of improved scoring.</p> <p>Accept change of improved scoring.</p>
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		<p>and the important road networks.</p> <ul style="list-style-type: none"> - ...also matters of artistic significance...areas around Carlops are central to the work of two successful contemporary painters...Darren Woodhead, his book prints of the Carlops and North Esk have received critical acclaim; Victoria Crowe, whose study of Jenny Armstrong as a working shepherd in the Pentland foothills have acquired something of an iconic status - (Cauldstane Slap)...the road had existed for a long time. It was travelled on by Mary Queen of Scots in 1565 as far as Biggar. - The Pentlands (UP1 and part of the related UP23) were the scene of significant matters of church history before and after the reformation. - (Literary and artistic associations)...John Forbes and, later, Robert D.C.Brown of Newhall were patrons of the arts and men of letters themselves. Allan Ramsay and George Meikle Kemp both had close associations with Newhall. Also, the North Esk's inspiration for poets (Drummond Hawthorne and Walter Scott)...It is well known Robert Louis Stevenson enjoyed the Pentlands in general...Hugh 		
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		MacDiarmid...lived at Brownsbank, Candymill from the end of the Second World War until his death in 1978.		
8.) Scoring of UP1 Western Pentlands- Scenic Qualities/ Views	Pentland Hills Regional Park; Carlops Community Council	- The views of the hill range to the west from the A702 travelling south are of a high quality	In light of the representations the scoring for UP1 Western Pentlands was re-examined; for 'Scenic Qualities' and 'Views'. Both criteria were previously scored as high and were triple-weighted. After re-examination it was found that the 'scenic qualities' criteria had been applied consistently. However it was considered that the 'Views' criteria should be scored as very high and this played a role in justifying the Pentlands being put forward as a proposed SLA	Accept change of improved scoring for 'Views' criteria
	Professor Elizabeth Meehan	- ('scenic qualities')... I cannot accept that UP1 has only 'some pleasing features' and/or 'dramatic contrasts'. I am convinced that it merits 'very high'. - UP23 may rightly merit the score of 'medium' for parts of the route of the A702 but, beyond the Scottish Borders boundary, there are spectacular views over Edinburgh, Arthur's Seat, the river Forth, and to Traprain and Berwick Law.	Please see response to Issue 8.)	Accept change of improved scoring for 'Views' criteria

		<p>('views')... With respect to UP1, I think there is a case for 'very high'. The LLDR does not mention Mendick Hill (see 3 Settlement setting) of which there are spectacular views for miles around. Its aspect as seen from West Linton Golf Club is truly superb. Try having lunch in the clubhouse one day and see for yourself!</p> <ul style="list-style-type: none"> - The views from the Cauldstane Slap, through which passes the important drove road referred to at 1a above, are also spectacular, providing vistas for miles to the north and south along the old transport route. 		
9.) Risk of inappropriate development	<p>Pentland Hills Regional Park; Mrs Fraser Harris; A.McL.Jenkins; Peter & Rosemary Eydes; North Tweeddale Paths; Mary and Rennie McElroy; Dr Alan Crossley; Yvonne Crossley; D and M Dingle; Barbara and Richard Jones; Peter Raine; Anna O Connor;</p>	<ul style="list-style-type: none"> - This part of the hills may not be afforded the same degree of protection against inappropriate development that is currently supported by the AGLV designation - Loss of this important landscape designation may undermine the long term conservation of the Pentland Hills as an important landscape feature <i>(the above is a summary of the comments listed adjacently)</i> 	<p>The Council would presume against development with an adverse impact on the landscape whether in a SLA or not. However, SLA designation gives additional protection and potential to improve the landscape.</p>	<p>Accept recommendation that Pentland Hills should become a proposed SLA.</p>

	<p>Quarries Action Group (QAG); Mrs A.W McIntosh; Cathleen Baldwin; Sue & Steve Allan</p> <p>Matthew and Monica Shaw;</p>	<ul style="list-style-type: none"> - We are flabbergasted that SBC should be even considering removing the AGLV designation. It flies in the face of all common sense when our few remaining 'wild' areas are already under constant threat of development. All we can assume is that SBC is under such intense pressure from commercial organisations, such as wind farm companies and mining companies. You are failing to show leadership and failing to represent the people of the Scottish Borders (and further afield) who actually value to keeping areas undeveloped - Is there no end to this monstrous profligacy of self interest that continually overrides and disregards the cost to public welfare and natural wellbeing 	<p>The Local Landscape Designation Review was an independent study undertaken with a robust methodology by the Consultants employed. Following the Consultation period additional evidence provided in representations has influenced a re-examination of the scoring and as a result the Pentland Hills has been put forward as a proposed SLA</p>	<p>Accept recommendation that Pentland Hills should become a proposed SLA.</p>
10.) Boundary of current	Roger Oakes; Colin Kilpatrick;	- The southeast boundary of the present Scottish Borders/Pentlands	The A702 is a logical boundary for the proposed Pentland Hills	Accept recommendation Pentland Hills should become a proposed

AGLV	QAG; Anna O'Connor	AGLV is well defined by the route of a Roman Road, or rather the distinct track either on the route of that historical feature, or close to it, an even better demarcation would be the A702 trunk road	SLA because it allows for views of the Pentlands from the road and the potential for improvements of the somewhat degraded landscape of the flanks of the hills.	SLA, with the A702 as the eastern boundary.
11.) General Pentlands	<p>Colin Kilpatrick</p> <p>Colin Kilpatrick</p> <p>Colin Kilpatrick; West Linton Community Council; Mrs Susan Oakes</p>	<ul style="list-style-type: none"> - Table 6.2 does not list the Pentland Hills AGLV within West Lothian - Did the consultants in their fieldwork walk to the tops of Craigengar, Wolf Craigs, the West Cairn and the Cauldstane Slap to appreciate the views and landscapes from these Pentland Hills within Scottish Borders? If so, during which month and year was the fieldwork undertaken? - Did they appreciate the huge importance to pink-footed geese of the West Water reservoir ramsar site? 	<p>The Pentland Hills AGLV is incorrectly referenced as "Almond and Limehouse Valleys AGLV" in Table 6.2</p> <p>In this case the Consultants did not walk to the summits mentioned. However extensive field-work was carried out and this was validated by the Steering Group. In addition representations on views resulted in the ranking changing from 'High' to 'Very High' this played a part in justifying the Pentlands Hills as a proposed SLA</p> <p>Westwater SPA/Ramsar site is protected from inappropriate development by international legislation and Council policy NE1 International Nature Conservation Sites. However the Pentlands has been proposed</p>	<p>Change Table 6.2 in the updated LLDR/SPG</p> <p>Accept change of improved scoring for 'Views' criteria</p> <p>Accept recommendation that Pentland Hills should become a proposed SLA.</p>

	<p>Archie Hunter; Susan Oakes; Cynthia Hunter; Elizabeth and Gordon Hamilton</p>	<p>- The Pentlands are the “lungs” of Edinburgh and of a number of small towns and villages on either side and are an important amenity for daily recreation and exercise for local residents. The Borders are truly blessed with wonderful scenery, and in that context the Pentland Hills are not as grand and scenic as some of the sweeps in the Southern Uplands. But magnificent as many of the Borders Hills are, they do not have this close association with our Capital City, and are certainly not so frequently used and visited. In other words the Pentlands are a “Special Case” and should be considered as of national rather than regional importance</p>	<p>as a SLA</p> <p>The responses to Issue 4.) in association with other responses in this section led to the recommendation stated.</p>	<p>Accept recommendation that Pentland Hills should become a proposed SLA.</p>
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Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
<p>Teviot Valleys SLA</p> <p>12.) Support for SLA status</p>	<p>Marion & Julian Livingston; Craig & Pauline McAdam; Mr Keith Breckby; Jen & Ron Garrod-Lintott; Sarah Glendinning; Jane Douglas; Annabelle Skinner; David Skinner; Innerleithen & District Community Council; Prof AW & Mrs DD Illius; Jeremy Snodgrass; TGO Douglas; Mrs MM Aquith; Mr D.R Walmsley; Christian Curtis; David Leggate</p> <p>Malcolm Dickson</p>	<p>- We are writing to fully support the proposal to give the beautiful Teviot Valley SLA status <i>(the above is a summary of the representations listed adjacently)</i></p> <p>- I wish to commend the Council in</p>	<p>Support noted</p> <p>Support noted</p>	<p>Support noted</p> <p>Support noted</p>

		taking the important step of progressing the designation of landscape beyond the terms of the pre-existing AGLV. I am certain that this is a significant move in improving the Council's ability to balance its responsibilities to protect its most valuable asset- the previously undervalued scenic beauty and ecology of the Scottish Borders- against the accepted need to promote economic development.		
13.) Land between Teviot Valleys cSLA, Ettrick and Yarrow Confluences cSLA and Eildon and Leaderfoot NSA	Marion & Julian Livingston	- Consider joining up the NSA of the Eildons and Leaderfoot with a much enlarged Teviot Valley SLA that also takes in the beautiful Alewater Valley. This would help to safeguard some of the Scottish Borders' most stunning views. It would also help to conserve and safeguard the future of the wonderful diversity of flora and fauna in the small hills, woodlands, rivers, valleys and farmland typical of this largely unspoilt part of the country.	It is considered that UF22 Minto Hills and RV71 Ale Water do not score highly enough, even after re-examination of scoring, to be included as a SLA. UF33 is the highest scoring LCU however this is related to the areas contained in the NSA. The Council will presume against development with an adverse impact on the landscape whether in a SLA or not and there is a series of Natural Environment policies which help to conserve the features listed.	No further action
	Marion & Julian Livingston; Prof AW & Mrs DD	- Northern boundary of the proposed Teviot Valley SLA be extended to include Troneyhill: important in its	As a part of the re-examination of the findings following consultation representations it	Accept extension of the north western boundary along the disused railway line running north

	<p>Illius; Mike & Catherine Robinson; Malcolm Dickson; Mr D.R Walmsley; Gerald & Angela Goldsburgh;</p> <p>Minto Hills Conservation Group</p>	<p>own right and on the same skyline as the Minto Hills; border follows the old railway line from Minto Kaimes-Belses-Pinnacle, at which point it could follow the road to Ancrum;</p> <ul style="list-style-type: none"> - This would provide: <ul style="list-style-type: none"> a. a clear physical boundary b. removal of the necessity to rely on commercial woodland to act as a screen for turbines and other masts c. protection for Troneyhill (OS Sheet 73 GR576230) - Our reasons are: to protect the high ground and ridges mentioned above and their associated rolling valley farmland to the NW, which can be seen for many miles and from many settlements; to make use of a well known and established man made boundary (the old railway line) which offers an uncomplicated straight edge to the boundary at this point; to avoid reliance on commercial stands of trees and woodland which are temporary and upon felling will lose all significance <p>If the disused railway line is considered not suitable, please consider instead, in the bottom of the valley, just a few hundred yards to the</p>	<p>was considered that the boundary change proposed was a logical change. Therefore it is proposed that the Teviot Valleys cSLA should increase in size, with the revised boundary following the railway line further to the north east and then along the road past Rawflat to just past Bloomfield (heading south east)</p> <p>Please see the response to Marion & Julian Livingston et al under Issue 13.)</p>	<p>east and then to Bloomfield, running south east.</p> <p>Accept extension of the north western boundary along the disused railway line running north east and then to Bloomfield, running south east.</p>
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	Save Scott's Countryside	<p>north west, runs the Jordan Burn, almost parallel to the railway line, and this too would make a suitable and distinct natural boundary.</p> <ul style="list-style-type: none"> - Do not understand exclusion of the area from the moorland and wooded burns. Its inclusion would give added protection to the Eildon and Leaderfoot NSA. 	<p>The LCU UF33 Eildon Hills is the highest scoring LCU assessed. However it is considered that the Eildon Hills themselves are particularly prominent and distinctive, but they occupy only a very small part of this relatively extensive LCU. The remainder of the LCU is less obviously iconic, though still with value.</p> <p>The argument of protecting the setting of the NSA is accepted however development proposals which would have an adverse effect on the setting of the NSA would be presumed against by the Council and it is therefore unnecessary to try to 'fit' this land into a SLA.</p>	<p>No further action</p>
	Save Scott's Countryside	<ul style="list-style-type: none"> - (that NSA)...is under continuing threat and we are concerned that the proposed SLA does not, unlike the existing AGLV include the NSA. We believe that Local Designations 	<p>Designation as an SLA and a NSA would not offer additional protection. The Eildon & Leaderfoot NSA is subject to stringent protection through</p>	<p>Accept the split of National Scenic Areas and Special Landscape Areas to better articulate the policy approach to the respective designations.</p>

		should include... NSA's to demonstrate approval, commitment and a sense of co-ownership of national designations.	Local Plan policy EP1, National Scenic Areas. It is considered that by having the two types of landscape designation stand alone there is greater clarity in Policy approach	
14.) Teviot Valleys SLA: Forces for Change	Mike and Catherine Robinson; Malcolm Dickson; Minto Hills Conservation Group; Professor AW and Mrs DD Illius; Alan Bailey; Philip and Finoula Kerr Minto Hills Conservation Group	<ul style="list-style-type: none"> - Potential wind farm proposals are not listed as a force for change as they are, for example, under the Tweedsmuir Uplands SLA. This should be amended to make sure that it is also included in the Teviot Valley SLA which is currently under threat from numerous turbine investigations and applications - We would also suggest that the phrase 'Potential Wind Turbine Proposals' be used instead of 'Potential Wind Farm Proposals' to reflect the possibility that a single or small number of wind turbines could have a significant impact on the landscape 	<p>Considered wind farms are an appropriate force for change in the Teviot Valleys.</p> <p>It is logical to use "Potential Wind Turbine Proposals" to reflect the possibility of cumulative effect of a number of individual turbines.</p>	<p>Accept amendment of Forces for Change for Teviot Valleys to include wind farms in updated LLDR</p> <p>Accept the use of the term "Potential Wind Turbine Proposals" in updated LLDR</p>
15.) Comments on LCU RV71 Ale Water	Lilliesleaf, Ashkirk and Midlem Community Council	- Wildness- suggest a higher rating, areas to south and west of Ashkirk when viewed from the higher ground looking south west have wildness	The scoring was re-examined by the Consultants where it was considered additional information had been supplied in	Accept positive change in scoring for 'Cultural Qualities', 'Views' and 'Tourist Economy'.

		<p>character. They give uninterrupted views with no signs of human habitation apart from the odd farm house which fits perfectly into its landscape. Certainly walks across this SW area feel very wild.</p> <ul style="list-style-type: none"> - Enjoyment- suggest a higher rating. The area has...paths such as The Borders Abbey way and many locals know walks and core paths the scenic quality of which is on a par with anywhere in the UK. There are 2 golf courses...riding school at Dryden... many bridal ways...clay pigeon shooting...Pheasant shoots throughout the area...fishing locks including trout fishing...car rallies, motor bikes and cyclists frequently use the minor roads in the area. The enjoyment of all these activities is increased by the high quality of the scenery - Cultural Qualities- agree with high rating. Amazed at the omissions of the Will. H Ogilvie cairn and memorial seat on the hill road to Robertson (B711). - Settlement Setting- Midlem a conservation village with medieval routes is one of the highest villages in the Borders. - Views- suggest a high rating. Those 	<p>the representations. As a result the Cultural Qualities and Views criteria were changed from medium to high (the latter being triple weighted). The Tourist Economy criteria was changed from low to medium.</p> <p>In addition it was considered that as a settled river valley there was limited wildness character and that the enjoyment of the landscape was appropriately ranked as high.</p> <p>The total ranking score changed from 41 to 45 and this was not sufficient to be incorporated into a proposed SLA</p>	
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	Dr Walmsley	<p>of us that live here constantly see open wide views as we go about our daily business...The villages are in the valleys but many houses have far reaching views from windows. The minor roads offer spectacular views. For example the B711 road from Ashkirk to Roberton has got to be by any criteria one of the most beautiful in the Borders. The Ashkirk to Etrickbridge road offers views towards Bowhill and Selkirk going west. Open views to the hills going east. A few steps off this road to higher ground will offer unspoilt open views to the south. The top of Riddall estate has views over the whole area.</p> <ul style="list-style-type: none"> - Tourist Economy- strongly contest the low rating given. Contribute highly with scenery and walks. Point out the hill road to Roberton and the Will Ogilvie cairn and seat... many holiday cottages in our area...many tourists that use us as part of the wider area - ...it would be ideal, if as a tributary of the Teviot and surrounded by some very picturesque countryside the Alewater Valley might be considered for inclusion as part of the Teviot Valley SLA - 	Please see the response for Issue 15.)	Accept positive change in scoring for 'Cultural Qualities', 'Views' and 'Tourist Economy'.
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16.) Clarification of Teviot Valley cSLA methodology	SKM for Infnis	- many of the constituent LCUs included in the Teviot Valleys cSLA appear to fall significantly out with the 1/3 rule	Lower scoring areas were included to help form coherent SLA areas. The methodology states <i>“Where there is a lack of obvious boundaries, it has occasionally been necessary to move outwards and to include areas of lower merit, rather than to move inwards and reduce the area of higher merit landscape included within the cSLA, particularly where this has an impact on the integrity of the area in question”</i> (Para 3.30, LLDR)”	No further action
	SKM for Infnis	- Unclear as to which features the cSLA is attempting to offer the highest level of protection to...it would be helpful to clarify the relative importance, and by inference degree of protection, to be placed on the landscapes within the valleys <i>per se</i> , as distinct from the containing boundary ridges.	The Statement of Importance makes clear that the hills and ridges within the Teviot Valleys SLA... are central to this cSLA. It is not possible to regard the valleys as separate from the ridges which visually contain them, and the SLA has been defined on this basis	No further action.
	SKM for Infnis	- Clarification should be offered to assist in understanding the degree to which views from the specific hill summits and other landmarks identified in the Statement of	The purpose of SLA designation is to protect defined areas of landscape, rather than the complete extent of views from individual locations.	No further action.

	SKM for Infinis	Importance would be protected. - <i>Policy A Boundaries</i> - low resolution of the figures to which this refers, make it difficult to identify individual features and relate these to the 1:50,000 OS source.	It is hoped with the introduction of the new website that this problem will be rectified. Any requests for high quality PDFs or paper print-outs were met.	Place good quality maps on the website
	SKM for Infinis	- <i>Policy B Development Management</i> - request clarification on the omission of reference to the sub header of Management Recommendations when listing the elements of the Statement of Interest which will be used to evidence decisions.	Policy B Development Management should reference “management recommendations”.	Ensure Policy B references “management recommendations”

Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
Tweed, Ettrick & Yarrow Confluences and Tweed Valley cSLAs 17.) Support for SLA status	Broadmeadows Action Group;	- ...welcome the fact that the proposals are underpinned by a considerable body of expert assessment provided by a body independent of the Council. This	Support noted	Support noted

		<p>assessment, in helping to inform the Council's proposals, endorses both the credibility and the objectivity of the proposals themselves</p> <ul style="list-style-type: none"> - In terms of the proposed Tweed, Etrick and Yarrow Confluences SLA, we greatly welcome the fact that this takes in an important area above Yarrowford to the west of the existing AGLV 		
	Jeremy Snodgrass	<ul style="list-style-type: none"> - I welcome the proposals with regard to the Candidate Special Landscape Areas, particularly the...Tweed, Etrick and Yarrow Confluences. Specifically, the existing AGLV designation of the area around the Three Brethren summit has always been vulnerable without protection of the ridge running westwards from it. It is very much the "gateway" to the high ground between the Yarrow and Tweed valleys, and then on to the Tweedsmuir hills themselves, and cannot be taken in isolation. 	Support noted.	Support noted.
	Clovenfords and District Community Council	<ul style="list-style-type: none"> - We welcome the consultation as it has become clear from recent planning applications, including some affecting our community, that the previous designations had become 	Support noted.	Support noted.

	Keith James	<p>outdated and inappropriate</p> <ul style="list-style-type: none"> - We commend the thorough approach by SBC and your planning consultants as reflected in the detailed and multi-faceted evaluation of the significance of the components of our landscape. We think this is an appropriate methodology. - We note the high scores/ranking of a number of component parts of this area and agree with the assessment that the sections of the Tweed leading down to its confluence with the Etrick have a peculiar and varied aspect to their landscape and to the use of the land - we agree with the slight extension northwards of the current AGLV above Caddonfoot so that the new boundary of special designation comes up to the southern and eastern settlement boundary of Clovenfords - ...I would like to urge SBC to proceed with the proposal to create a SLA – The Tweed, Etrick and Yarrow Confluences – which includes not only the Three Brethren area but spreads westward along the ridge to Minchmoor 	Support Noted	Support Noted
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<p>18.) Minchmoor Summit and land to the south</p>	<p>Broadmeadows Action Group; John Muir Trust; Brian McCrow</p>	<ul style="list-style-type: none"> - The one concern we have relates to the Minchmoor. The boundaries for the proposed Tweed Valley SLA & Tweed, Ettrick and Yarrow Confluences SLA appear not to take in the Minchmoor summit itself. However, this now features in the SBC inventory of key viewpoints along the Southern Upland Way by virtue of the 360 degree view it commands. We would urge the Council to consider the importance of providing protection for this site. 	<p>There is significant additional information within the representations regarding the Minchmoor summit and flanks to justify amendment of the boundary. It is agreed a logical boundary choice for the additional area would be the A708 road.</p>	<p>Accept addition of the Minchmoor Summit and land to south to A708, to the proposed Tweedsmuir Upland SLA.</p>
	<p>Walkerburn and District Community Council</p>	<ul style="list-style-type: none"> - Boundary could be moved southward to A708 (Selkirk to Moffat Road) - We note that the area UP10 scored highly in the Consultant's report and believe that there would be merit in looking again at the southern boundary of the Tweed Valley SLA. Local opinion settled on the 30 northing on the 1:50,000 OS map as a suitable boundary since it cuts across the ridges to the south of the Minch Moor summit...Should it be felt that this extends the Tweed Valley SLA too far to the south then we propose that at the very least the boundary encompasses the Minch Moor summit and the tracks 	<p>Please see the response to Issue 18.)</p>	<p>Accept addition of the Minchmoor Summit and land to south to A708, to the proposed Tweedsmuir Upland SLA.</p>

	<p>Walking Support; Clovenfords and District Community Council</p>	<p>immediately to the south.</p> <ul style="list-style-type: none"> - ...we feel that there is justification for extending the area of the Tweed Valley section to the south thereby giving protection to all land on the south side of the Southern Upland Way. Indeed by so extending this area it would appear to be only doing what the Council itself has suggested when it said there is “no clear rationale” for keeping the southwest flank of the Minchmoor flank outside “SLA” status. This would also help to protect the views that walkers have on the section of the Southern Upland Way as it descends SE towards Traquair 	<p>Please see the response to Issue 18.)</p>	<p>Accept addition of the Minchmoor Summit and land to south to A708, to the proposed Tweedsmuir Upland SLA.</p>
	<p>Jeremy Snodgrass</p>	<ul style="list-style-type: none"> - ...less convinced at the exclusion of the land to the south of the Minchmoor Hill summit. This area of land, when viewed from the ridge between the Three Brethren and Minchmoor, or from the Southern Upland Way between Traquair and Dryhope, is integral to the landscape qualities of the area. The central part of this area, around Hannel Bog, is a pocket of true wilderness and merits a degree of protection for this quality alone 	<p>Please see the response to Issue 18.)</p>	<p>Accept addition of the Minchmoor Summit and land to south to A708, to the proposed Tweedsmuir Upland SLA.</p>

<p>19.) Objection to the designation of the SLA</p>	<p>Greenpower</p>	<ul style="list-style-type: none"> - Firstly we are perplexed as to how the Council has gone from a position of identifying the area around Broadmeadows Wind Farm as being in a preferred area of search for wind farm development, as shown in Diagram 18 of the 2001-2018 Structure Plan, to the position now where this area is now being proposed as part of a Special Landscape Area. We consider that this previous guidance and how it relates to the current Local Landscape Designations has not been dealt with in the draft SPG. - Secondly, whilst we understand that the landscape around Broadmeadows is an attractive landscape (in no small part to the good land management carried out by the landowner), we do not consider it to be particularly unique or of extra special quality in a Borders landscape context. It is essentially an open moorland site which is a common feature in the Borders. - If there is a justification by the Council that the proposed boundaries of Tweed, Ettrick and Yarrow Confluences SLA has been defined to prevent Broadmeadows Wind Farm (or any other wind farm 	<p>The independent findings of the LLDR disagree with this assertion both LCUs (UP10 and RV60) scored highly enough to be included in the area of search and the proposed Tweed, Ettrick and Yarrow Confluences SLA.</p> <p>The Consultants have completed an independent review of local landscape designations, including proposing SLAs. In doing this it has been important they use a robust methodology; the Council and SNH are satisfied that this has been done without prejudice. All of the findings can be found in the LLDR and the updated report.</p> <p>In addition the Wind Energy SPG updates the Council position, from that in the Structure Plan, regarding wind energy developments</p>	<p>No further action</p>
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		proposal in this area) being visible from Scott's View, we consider that the potential impact of a wind farm from this distance has been overestimated by the Council and its advisors.		
20.) Assessment and implications for Bowhill Estate	Mark Steele (for Graham & Sibbald for Buccleuch and Northumberland Estates) Mark Steele (for Graham & Sibbald for Buccleuch and Northumberland Estates)	<ul style="list-style-type: none"> - 'Rarity' where (given the particular contribution of the Bowhill estate) a rank of 'high' may be more appropriate than medium - The LLDR is not explicit as to the nature of changes to forestry and estate management practices so the implications for the management of the Bowhill estate are not clear. Greater clarity is required. - ...it would be prudent to include windfarm development...the final reference to windfarms should be more explicit and expanded to include all wind energy developments including single turbines 	<p>The Bowhill estate is an attractive designed landscape. However, the Borders contains a number of such designed landscapes, and the LCU RV60 (containing Bowhill) is not considered to include a <i>"large number of landscape features which are rare or unique within the Scottish Borders"</i> (Table 3.2, LLDR)</p> <p>The addition of examples will help make the Forces for Change clearer</p> <p>The Management recommendations could be reworded to make explicit reference to differing forms of wind energy developments</p>	<p>No further action.</p> <p>Accept insertion of examples to improve the clarity of the Forces for Change and accept change in wording to incorporate differing forms of wind energy development.</p>

21.) Tweed Valley cSLA	Innerleithen and District Community Council	<ul style="list-style-type: none"> - The boundaries of the SLA for the Tweed Valley be revisited to include...all of the biking areas at Innerleithen and Glentress. We believe that this is important in terms of the plans of the AimUp biking development project and future Innerleithen 	It would be inappropriate to change the boundaries for non-landscape reasons.	No further action.
22.) Comments on RV 60 Lower Ettrick/Yarrow, LCU RV48 Upper Ettrick and UP11 Black Knowe	Ettrick and Yarrow Community Council	<ul style="list-style-type: none"> - Upper Ettrick should have scored within the top third, a number of omissions are discussed: 	<p>The two relevant LCUs (UP11 Black Knowe and RV48 Upper Ettrick) originally scored below the threshold to be considered as a part of the area of search However the scoring has been re-examined and as a result for Black Knowe the score was raised to 45 (with an increased ranking score for 'Views' and 'Tourist Economy') and for the Upper Ettrick the score was raised to 45 (with an increase for 'Representativeness'). However the increase in the ranking score for the LCUs was not sufficient to be included in the area of search for SLA designation.</p> <p>It is considered that the scoring of the relevant LCUs is robust, in response to the additional points</p>	Accept positive scoring changes for 'Views', 'Tourist Economy' and 'Representativeness'

	Etrick and Yarrow Community Council	<ul style="list-style-type: none"> - Rarity: The Etrick Marshes; The River's sand cliffs, gravelly bed and the gorges: Kirkhope Linns, Prison Linns and the dramatic Gait Crook above Kirkhope Linns; Peel towers etc 	<p>raised:</p> <p>It should be noted that the LLDR did recognise rarity as stated: "contains some unique features which do not occur elsewhere, including exposed rock strata around Etrick, Etrick Marshes, and the sandy cliffs at river bends. Peel Towers are not considered unique to this LCU (RV58)</p>	No further action.
	Etrick and Yarrow Community Council	<ul style="list-style-type: none"> - Settlement Setting: Etrick Kirk, Kirkyard and Manse and steadings lie in the spectacular setting of the hills and the river, a little way up from Etrick Hall 	<p>The LLDR identifies that for LCU RV48 there is a "close relationship between the topographic pattern and the settlements of Etrick and Etrickbridge"</p>	No further action.
	Etrick and Yarrow Community Council	<ul style="list-style-type: none"> - Condition: central part of Upper Etrick is only rated medium and criticised for its eroded nature. 'Eroded' should not be used as a term of disparagement, because erosion is the cause of most landforms of interest of which there are many in the 'eroded' parts of the Etrick valley- due to both glacial and fluvial erosion 	<p>In this case "erosion" refers to human-led changes to landscape structure (i.e. land-use pattern) rather than to natural erosion affecting underlying landforms (for LCU RV48)</p>	No further action.
	Etrick and	<ul style="list-style-type: none"> - Enjoyment: Footpaths, trackways 	<p>The LLDR recognised</p>	No further action.

	Yarrow Community Council	and roads between Ettrick water and Yarrow water and a range of activities. People come for the peace and beauty of this remote place	enjoyment of the landscape through the high ranking (for LCU RV48)	
	Ettrick and Yarrow Community Council	- Cultural Qualities: well known historical figures are associated with the landscape (James Hogg, Sir Walter Scott and Rev. Thomas Boston). Archaeological sites are barely given a place in the cultural qualities (Roman Fort near Aikwood, Bronze and Iron Age settlements)	This LLDR recognised the important cultural qualities through the high ranking (for LCU RV48)	No further action
	Ettrick and Yarrow Community Council	- Settings & Views: Views of Bowhill, important bridges over the river, Upper and Lower Swyre and other paths and roads. Connections between the twin Valleys are part of the 'Settings and Views' and also important is the contrast between low river views and the broad and great views over hill and valley to the Eildon Hills and beyond.	The visual relationships with enclosing high ground are noted in the LLDR. The historic bridges are not mentioned, but contribute to the 'high' ranking for cultural qualities. The views ranking for UP11 Black Knowe was increased in the re-examination of the scoring.	Accept positive scoring changes for 'Views' criteria.
	Ettrick and Yarrow Community Council	- The Upper Ettrick Water and the Upper Yarrow Water and their surrounding hills, form part of a topographical, cultural and historical whole. We request that together they should be designated as a SLA.	LCU RV49 Upper Yarrow originally scored 54 and was included in the area of search for a SLA. After re-examination of the scoring RV49 increased to 57 (due to an increased score for Views). It was felt that some	Accept addition of RV49, to boundary at A708, to the Tweedsmuir Uplands SLA.

	<p>Robert Maguire OBE FRSA</p>	<ul style="list-style-type: none"> - Place-names, inscribed stones and ruins relate back to very early Christian missionaries and later pilgrims moving over high north-south routes – still traceable as tracks – across the grain of the east-west valleys and uplands. Constant battling through centuries between peoples to the north and others to the south bred a hardy, canny Borders people – farming warriors, reivers and poets, for whom this landscape was one land. - In the early nineteenth century this landscape was a home of the Scottish Enlightenment. The Borders circle of Sir Walter Scott and James Hogg reached out across Britain to encompass such figures as Wordsworth, Coleridge, Southey and the scientist Humphrey Davey. 	<p>of the RV49 area warranted inclusion in the Tweedsmuir Uplands proposed SLA this was due to delineation of an appropriate boundary of the proposed SLA, the setting of the river valley in relation to the surrounding uplands and the views of the landscape from the A708 tourist route.</p> <p>The LLDR does recognise the cultural importance of the landscape in the relevant LCUs. This is reflected in the very high or high rankings for Cultural Qualities for LCUs RV60 and RV48; however UP11 does not score well in this category. After a re-examination of the scoring it was considered that the scoring, for this category, was robust and no further changes were made.</p>	<p>No further action.</p>
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		Scott's writings reveal the extent to which the valleys were linked in a common culture. Hogg would ride from the Ettrick Water 'over the top' to the Gordon Arms in the Yarrow Water to spend an evening of philosophical discussion with Scott and their associates.		
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Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
<p>Lammermuir Hills cSLA</p> <p>23.) General opinion on SLA status</p>	<p>Ian Kelly, Graham and Sibbald on behalf of Buccleuch Estates, Northumberland Estates and Hermitage Action Group</p>	<p>- Overall the assessment methodology for the draft SPG – Local Landscape Designations is rigorous (although requires some clarification of terminology...the assessment of the Lammermuir Plateau LCU (and the consequential Lammermuir Hills cSLA) is flawed as it lacks clarity and consistency and betrays a lack of understanding of the LCU landscape. Therefore, the Lammermuir Hills cSLA is not representative of the true extent of landscape worthy of designation. The LLDR assessment should be the subject of peer review prior to a comprehensive reassessment of the boundary of the LCU, the attributes of the landscape and the extent of the cSLA</p>	<p>Note that the respondent states the assessment methodology was rigorous. The concerns regarding the extent of the Lammermuirs are dealt with in more detail under Issues 24, 25 and 26 below.</p> <p>In summary the LLDR considered that the wider Lammermuir Hills were not a homogenous area, and the variation in character is recognised in the Borders LCA. The area typically seen as the Lammermuir Hills includes all or part of 5 LCUs (UP2, UP4, UF24, UF31 and UF37). It would be inappropriate to merge these diverse areas into a single LCU for evaluation purposes. However it is the case that amendments to the proposed Lammermuir Hills SLA have been made due to additional information contained in the rest of this representation as well as</p>	<p>Accept revision of scoring and the alterations to the boundaries of the proposed Lammermuir Hills cSLA, namely:</p> <ul style="list-style-type: none"> - along the south eastern boundary to include Dirrington Laws - to the eastern boundary to the path running past Little Dod to near Abbey St Bathans - to the north eastern boundary to the authority boundary with East Lothian, stretching west to Little Dod and including the land in between - on the western boundary to the A68, continuing south along the A697 - to the south and south west, to run along the Southern Upland Way, incorporating Edgarhope Wood in the south western corner.

	Dr D Long; Gordon & Westruther Community Council	- In the Lammermuir Hills the AGLV has been severely pruned, to my mind too drastically. I would wish to see reinstated the area of Dirrington Hills, Greenlaw Moor, Dogden Moss and the Bedshiel Kaimes, all of these reflecting the well-preserved post-glacial landscape of the southern Lammermuir fringe.	others. Please see the response to Issue 23.)	Please see recommendation for Issue 23.)
24.) Land to south west of Lammermuir Hills cSLA	Greenlaw and Hume Community Council	- ...express our deep concern about the proposal to drop... Greenlaw Common... We believe strongly that what amounts to the downgrading of their status in the overall landscape of the Scottish Borders is unjustified and most inadvisable - ...Greenlaw Common, (which) has high biodiversity, and very specific historical remains: Roman traces as well as Heriot's Dyke, which still survives on the moor and is a boundary marker which is recognised as a unique early form of political boundary and may date from anywhere between the late prehistoric to the medieval period. Like other walkers, we truly appreciate the isolation and sense of wildness on Greenlaw Common, which is	As a result of additional information contained in representations, the rankings for LCU UF37 Greenlaw Common were re-examined and increased by 5 to 51. The increase meant that the LCU became part of the area of search. It was decided that there was therefore justification for the Lammermuir Hills proposed SLA to be extended to cover Dirrington Laws as well views of Greenlaw Common. This change better reflects the rarity of Dirrington Laws and their impact on nearby settlements.	Accept south eastern boundary revision to include Dirrington Laws.

	Mark Steele (Appendix to Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)	<p>unavailable anywhere else in the vicinity. On these grounds alone, we believe that Greenlaw Common should also retain its former landscape status.</p> <ul style="list-style-type: none"> - The Greenlaw Common LCU quantitative landscape evaluation acknowledges the prominence and importance of the Darrington Hills. However as the wider LCU 'scored' below the threshold there is no qualitative analysis of the Lauder Common LCU. A re-evaluation of the Darrington Hills area (rather than the whole LCU) would produce a 'score' justifying its inclusion within the Lammermuir Hills cSLA 	Please see the response to Issue 24.)	Accept south eastern boundary revision to include Darrington Laws.
25.) Land to the east, north-east and south-east of Lammermuir Hills cSLA	Gordon & Westruther Community Council	<ul style="list-style-type: none"> - GWCC have grave concerns with the removal of the eastern Lammermuirs from special designation. We would ask that consideration be given to moving the boundary further east than the B6355 	Additional information from consultation representations relating to iconic views from the southern upland way, cross-boundary issues (particularly settlement settings in East Lothian) and scenic qualities meant that it was felt extension of the proposed SLA eastward was justified (i.e. beyond the B6355). To achieve a coherent SLA it was necessary to include the majority of RV57 which did	Accept the revision to the boundary on the eastern edge of the proposed Lammermuir Hills SLA to the path running past Little Dod to near Abbey St Bathans

	<p>Mark Steele (Appendix to Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)</p> <p>Mark Steele (Appendix to Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)</p>	<ul style="list-style-type: none"> - Furthermore, the eastern edge of the Lammermuir Hills is equally important in views from the A1 'gateway' corridor - Typicality/Rarity- Whilst the evaluation acknowledges the scale and extent of the moorland there is no mention of the unique topography of the Monymut Edge and the associated cleughs (deeply incised side valleys) in the eastern Lammermuir Hills - ...<i>'The moorland blends gently into the neighbouring river valleys without strong physical relationships between the two'</i>. This is not representative of the whole plateau, as the cleughs associated with the Monymut Edge create a strong physical relationship between the moorland and Monymut Water valley. - There is also an issue raised by Part 2 of the qualitative landscape analysis. This conclusion is misguided as the moorland and 	<p>It is considered that the Lammermuir Plateau was less important to the A1. However as the boundary has been extended eastward so the importance in views from the A1 'gateway' corridor increases</p> <p>Re-examination of the scoring has resulted in extension of the cSLA in the north east to better reflect the cross-boundary relationship with East Lothian. As a result the Monymut Edge and cleughs are included where they are found in the Borders.</p> <p>It is agreed that the moorland at the 'Lothian Edge' is contiguous when viewed from the north. The north eastern Lammermuirs are now included in the proposed Lammermuir Hills SLA as described in the response on p46/47 above.. It is not considered that the LLDR is contradictory towards the presence of wind farms, this is because different wind farms</p>	<p>Accept the revision to the boundary on the eastern edge of the proposed Lammermuir Hills SLA</p> <p>Accept the revision to the boundary on the north-eastern edge of the proposed Lammermuir Hills SLA to the authority boundary with East Lothian, stretching west to Little Dod and including the land in between.</p>
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	<p>Gordon and Westruther Community Council</p>	<p>associated 'Lothian Edge' are contiguous when viewed from the north and is not 'isolated' as suggested. The LLDR is also contradictory with respect to the presence of wind farms as it argues that their presence does affect landscape character yet does not impinge upon the integrity of the LCU. Therefore the statement that <i>'There is therefore some rationale for detaching the portion of the LCU which lies north-east of the Whiteadder'</i> is neither substantiated nor sufficiently categorical to warrant the exclusion of the eastern Lammermuir Hills</p> <ul style="list-style-type: none"> - Add to the end of the Designation Statement "Visually the edges of the plateau are also important to the Berwickshire Merse" - 5.1 (of the LLDR) States that <i>Upland SLAs, where the emphasis of policy should be on retaining their largely undeveloped and remote character. This means ensuring that any developments are located and designed to limit their wider visibility and, as far as possible, protecting open skylines and rugged summits.</i> GWCC would therefore request that 	<p>have different affects on their surroundings.</p> <p>While the wider Lammermuirs are considered a key part of the setting of the Merse, the central plateau as currently defined by the cSLA is of less importance in this regard.</p> <p>It is considered that fence lines are not the best boundaries for designation. A more appropriate boundary has been proposed along the Southern Upland Way.</p>	<p>Accept revision of the south-eastern boundary of the proposed Lammermuir Hills cSLA.</p>
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		the southern boundary be moved further south to the fenceline at 608518, to enable the southern skyline to gain the highest protection		
26.) Land to the west and south west of Lammermuirs cSLA	Mark Steele (Appendix to Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)	<ul style="list-style-type: none"> - The description fails to mention the importance of the western edge of the Lammermuir Hills (which lies outwith the Lammermuir Plateau LCU)... - It is claimed that <i>'The area forms a limited part of the settlement setting for Lauder, but generally the area is uninhabited and the majority has no role in the setting of Borders settlements'</i>. Clearly this statement is incorrect. The Lammermuir Hills form a prominent and key part of the visual setting of Lauder, Duns and an number of other settlements in the Scottish Borders - Views- It is stated that <i>'The western edge is important in views from the A68 gateway corridor'</i>. This is correct and contradicts the omission of the western extent of the existing AGLV from the LCU and cSLA. - The western edge of the Lammermuir Hills lies within the Lauder Common LCU (reference UP04). Whilst there is reference to the Dun Law Windfarm in the 'Intactness' section of the quantitative landscape 	The proposed cSLA was designed to protect the Lammermuir Plateau and not the surrounding areas. In light of consultation representations a re-examination of the western boundary of the cSLA took place and it was considered that the additional value of the wider setting of the Lammermuirs and the 'gateway' into the Borders from the A68 justified an extension of the Boundary to the A68, then running south east along the A697	Accept the proposal to extend the cSLA Lammermuir Hills westward to the A68, then running south east along the A697

	Gordon & Westruther Community Council	<p>evaluation there is no acknowledgement in the 'Key Landscape Relationships' of the direct relationship between the hills to the east of the A68 and the Lammermuir Plateau LCU. Indeed these hills are an integral part of the Lammermuir Hills topography and should have been included in that LCU as well as the consequential cSLA.</p> <ul style="list-style-type: none"> - GWCC would welcome the addition of Edgarhope Wood 	Edgarhope Wood was not included in the draft proposed Lammermuir Hills SLA. However after the re-examination of the scoring and update following consultation representations, the wood has been included in the proposed SLA, in the south western corner	Accept revision of the SLA boundary to the south and south west, to run along the Southern Upland Way, incorporating Edgarhope Wood in the south western corner
27.) Wind energy development & Lammermuir Hills cSLA	EDF ER	<ul style="list-style-type: none"> - On a detailed point, EDF ER notes the designation statement in relation to Special Landscape Area 6 - Lammermuir Hills will include the consented Fallago Rig wind farm...in the light of this it would be worthwhile the designation statement acknowledging this significant scale of development, as an indication that such development can be 	Fallago Rig is mentioned in the assessment sheet for LCU UP2, Lammermuir Plateau.	No further action

	<p>Ian Kelly, Graham and Sibbald on behalf of Buccleuch Estates, Northumberland Estates and Hermitage Action Group</p>	<p>accommodated without harm to the intrinsic landscape character of the upland plateau</p> <ul style="list-style-type: none"> - It is questionable whether it is a valid policy response to give up on the wider Lammermuirs because of adverse decisions such as the consenting of the Fallago wind farm. Without an up to date landscape protection policy in this area there is a danger that existing consents will simply become the main justification for additional consents for wind farms. 	<p>It is agreed that an up to date landscape protection policy is necessary and this forms the main reason for undertaking the independent Local Landscape Designations Review. The methodology employed led to the conclusion that a coherent SLA would cover the Lammermuir Plateau but not the surrounding areas. However in light of additional information in representations extensions to the cSLA are put forward. SLAs are not intended to be wind farm free, although they do form a material consideration in the determination of planning applications.</p>	<p>Accept revision of scoring and the alterations to the boundaries of the proposed Lammermuir Hills cSLA, namely:</p> <ul style="list-style-type: none"> - along the south eastern boundary to include Dirrington Laws - to the eastern boundary to the path running past Little Dod to near Abbey St Bathans - to the north eastern boundary to the authority boundary with East Lothian, stretching west to Little Dod and including the land in between - on the western boundary to the A68, continuing south along the A697 - to the south and south west, to run along the Southern Upland Way, incorporating Edgarpope Wood in the south western corner.
	<p>Mark Steele (Appendix to Graham and</p>	<ul style="list-style-type: none"> - Wildness - It is claimed that <i>'development is limited to coniferous forest, access tracks and pylon lines'</i>. 	<p>It is likely that further wind farm development will impact upon relative wildness of the plateau.</p>	<p>No further action.</p>

	<p>Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)</p> <p>Mark Steele (Appendix to Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)</p>	<p>However there is no mention of the effect of existing and proposed wind farms on wildness or wildness characteristics</p> <ul style="list-style-type: none"> - Scenic Qualities – Again, there is no mention of the effect of existing and proposed wind farms on scenic qualities - Whilst the LLDR is not explicit it is nevertheless implicit (given the exclusion of the eastern Lammermuir Hills from the cSLA due to the Crystal Rig windfarm) that windfarm development is the main force for change. However the LLDR assessment is contradictory, as the integrity of the cSLA designation is challenged by the approval of the Fallago Windfarm (within the northern part of the cSLA); the current Brunta Hill Windfarm application (on the south-eastern boundary of the cSLA) and the scoping opinions sought for proposed windfarms at Ditchers Law, Hillhouse and Windy Law. The latter three windfarms are all located on the western edge of the Lammermuir Hills and two are within an area that is currently part of the AGLV but has been excluded from the Lammermuir Hills cSLA apparently without any 	<p>Future landscape change is subject to uncertainty.</p> <p>It is not considered the LLDR is contradictory towards the presence of wind farms because different wind farms affect their settings in different ways. SLAs are not intended to be wind farm free and as such there is no challenge from consented or proposed wind farms. These cannot be fully taken into account due to the uncertainty surrounding their development. It is the case that the Brunta Hill application remains outwith the revised proposed Lammermuir Hills SLA but the scoping opinions are within the revised eastern boundary</p>	<p>No further action.</p>
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	Mark Steele (Appendix to Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)	<p>justification.</p> <ul style="list-style-type: none"> - The 'Statement of Importance' makes the following 'Management Recommendations' – <i>Seek to maintain the wild land character of the plateau</i> - The last recommendation is of particular relevance, as it is widely acknowledged (in particular by SNH) that windfarm development is the main threat to wild land and its characteristics. Therefore the most effective means of maintaining <i>'the wild land character of the plateau'</i> is to resist further wind farm development 	<p>The reference to wild land has been revised to relative wildness, as this is more accurate a description of planning policy and work by SNH. It is therefore the case that the statement in the submission may no longer be representative of the objective of the criteria.</p> <p>Nonetheless it is considered that wind energy development would be an appropriate force for change for the revised Statement of Importance for the proposed Lammermuir Hills SLA.</p>	Accept revision to 'Wildness' to better reflect planning policy and SNH work. Include wind energy development as an appropriate force for change.
28.) Hume Crag and Castle	Mr Martin Pearson & Sir John McEwen	<ul style="list-style-type: none"> - Non-inclusion of Hume Crag is of concern as they adjoin Hume Castle and together form one of the most visible landmarks on the northern edge of the Tweed Valley - the crags and castle group are visible both from the south (as far as the Border at Carter Bar) as well as from the Lammermuirs to the north. The flora and fauna on the crags form an important natural "island reserve" in the middle of farmland. 	<p>Hume Castle and Crag are considered to be important landscapes in their own right. The castle is a Scheduled Monument and Local Plan Policy BE2, Archaeological Sites and Ancient Monuments, provides protection to the castle and its setting from inappropriate development.</p> <p>The LCU LO43 Black Hills/Hume</p>	No further action.

	<p>Mrs Helen Pearson;</p> <p>John and Elizabeth Nicholls for Greenlaw and Hume Community Council</p>	<ul style="list-style-type: none"> - The castle and crags are a landmark for miles around and need protection, especially from encroachment by wind turbines, industrial turbines have already been approved within the Council's own recommended exclusion zone proving that more protection and not less is required. - the Local Landscape Designation Review... gave Hume Crags a high ranking in uniqueness as volcanic crag outcrops in the Borders landscape and a good medium score for wildness. I would add to this that Hume Castle, a Grade One building of historic importance and rated as an iconic viewpoint by the SBC Planning Department, sits on a volcanic crag that is geologically part of the Hume Crags complex and cannot be separated from it visually or geographically - The Crags are very apparent in the agricultural landscape around them because of their unusual shape and lead the eye to further outcrops on the western horizon beyond their immediate vicinity - ...Hume Castle is visited by many tourists during the year, who come to it for its views outwards over the whole area, for its history and for its 	<p>Crags scored highly before and after the re-examination of the scoring. However, in designating SLAs the SNH/HS guidance suggests practical considerations should be considered i.e. need, to what extent will designation provide for more effective safeguard, management or promotion of the special attributes of the area being considered for designation; and integrity, is the area to be designated both coherent enough and of sufficient size to make it practical to develop policies for its protection, management and promotion? It was considered that Hume Castle and crags, given its small area and existing policy protection did not require to be designated a SLA.</p>	
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		<p>setting, which is visible for miles around. Any future development proposal on the rest of the Craggs opposite it would affect the Castle site's integrity and severely damage a visitor's sense of historic place. Whilst we are aware that SLA status does not preclude development in an area, it 'provides a strong framework for identifying an area's sensitivities and the nature of the development that could be allowed within it'. In view of the recent rush of applications for wind turbine developments in the Borders, including Berwickshire, we think it is not the right time to lessen the protection that SLA status would give to Hume Craggs.</p> <ul style="list-style-type: none"> - ...we cannot accept lack of a 'landscape bridge' between other parts of the Borders and a reduction in size of an area should count for so much. Surely the dicta that 'small is beautiful' and 'size does not matter' should still apply to Hume Craggs - 		
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		Upper Tweeddale NSA. This forms a coherent designation that incorporates trans-boundary features, and links the, Tweedsmuir area to hill ranges to the west.		
	SNH	- We note the role that the existing AGLV designation plays in providing some degree of westward and northward setting, or buffer, to the NSA, including key sections of the Tweed Valley.	Please see the response for Issue 29.)	Accept revision of the western boundary of the proposed Tweedsmuir Uplands SLA.
	Manor, Lyne & Stobo & Upper Tweed CCs	- ...concerned about the residual impact on the Borders economy, in particular tourism, by the proposal to downgrade a) all of the uplands to the West of the Tweed from Broughton to Tweedmuir	Please see the response for Issue 29.)	Accept revision of the western boundary of the proposed Tweedsmuir Uplands SLA.
	Manor, Lyne & Stobo & Upper Tweed CCs	- To rid this area of its protection would leave it open to future developments such as windfarms. Rural populations are very reliant on the tourist industry and everything must be done to protect this.	Designation as a SLA will not preclude wind farm development but will be a material consideration in the determination of planning applications. The western extent of the Tweedsmuir Uplands to the authority boundary is now proposed as a SLA	Accept revision of the western boundary of the proposed Tweedsmuir Uplands SLA.
	Polly Lambert; Liz Pascaud	- Broughton Heights (UP05), Tweedsmuir (UP09) and the River	A re-examination of the area north of the NSA (Broughton	Accept revision of the northern boundary of the proposed

	<p>Manor, Lyne & Stobo & Upper Tweed Community Councils</p>	<p>Tweed (RV50) score highly in so far as they should remain protected, however, once the weighting has been applied their risk of losing the AGLV status increases significantly- mainly as a result of being sparsely populated areas. Disagree completely with this notion</p> <ul style="list-style-type: none"> - also question the reasons for removing a part of the area around the Source of the Tweed, which has SSSI status, from the protection of AGLV - A number of examples of the cultural and archaeological history of the Upper Tweed are provided in an addendum to the joint community council representation 	<p>Heights) was also undertaken due to additional value from consultation representations. The scoring for LCU UP05 Broughton Heights was revised upwards to 52, a change that meant inclusion in the area of search. The change was the Views ranking increasing to very high (weighted). Additional value was also given due to views from the A701. As a result it was considered appropriate to revise the north western boundary of the proposed SLA.</p> <p>SLA designation is not intended to protect sites designated for non-landscape reasons (i.e. SSSI). These designations have their own protection under Local Plan policy NE2 National Nature Conservation Sites.</p> <p>The re-evaluation of the scoring was influenced by additional information contained in representations and therefore they played a role in extension of the boundaries of the Tweedsmuir Uplands proposed</p>	<p>Tweedsmuir Uplands SLA.</p> <p>No further action.</p> <p>Accept revision of the boundaries of the proposed Tweedsmuir Uplands SLA</p>
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			SLA	
30.) Cross-boundary issues	Jacobs for SSE Renewables	<ul style="list-style-type: none"> - The proposed new Tweedsmuir Uplands SLA occupies a smaller area than the existing AGLV, with its westerly boundary extending as far as the A701, where the previous AGLV extended to the regional boundary. It is notable that this new boundary does not define a distinct change in landscape character, quality or value. Although the road provides an easily defined boundary, there is a more gradual change in character and sensitivity of the landscape moving eastwards within the SLA to the more remote areas of hills, which should be recognised within the Statement of Importance for this SLA 	<p>The Statement of Importance will be revised to reflect the changes to the extent of the proposed Tweedsmuir Uplands SLA, this information will be considered as a part of this.</p>	Accept revised Statement of Importance for Tweedsmuir Uplands SLA.
	Community Council of the Royal Burgh of Peebles and District	<ul style="list-style-type: none"> - We appreciate the methodical and systematic way in which the landscape character of the SBC area has been reviewed and scored. We also take note that the basis of the exercise is to ascribe "local" landscape designation. Nonetheless, we are of the view that the analysis fails to give adequate consideration to the overall setting of the SBC area within the larger region of Southern and Central Scotland. A 	<p>As a part of the re-examination of the Tweedsmuir Uplands proposed SLA (and other proposed SLAs) cross boundary issues were considered further. As a result the boundaries of some of the proposed SLAs, Tweedsmuir Uplands being one, are better contiguous with neighbouring Local Authorities. The Landscape Review was only concerned with designating</p>	Accept relevant boundary changes of SLAs as detailed within this report.

	SNH	<p>consequence of this is that there is little recognition of significant features and designations in the adjacent regions outside the 5km buffer zone, and attenuation of significance along the landward borders of the area.</p> <p>- Matters of cross-boundary continuity are also raised in relation to proposals for this area...we would suggest that the opinions of South Lanarkshire Council and others are considered in detail</p>	<p>the “best” of the Borders landscapes, there would not be merit in trying to compare with other Authorities.</p> <p>Please see the response to Community Council for the Royal Burgh of Peebles and District (above)</p>	<p>Accept revision of the western boundary of the proposed Tweedsmuir Uplands SLA.</p>
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Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
<p>Miscellaneous</p> <p>31.) Moorfoot Uplands</p>	<p>Dr D Long</p>	<p>- Puzzled by the omission of the Moorfoot Uplands</p>	<p>The scoring for the relevant LCU UP3 Moorfoot Plateau was re-examined however no additional information was provided that changed the ranking. As a result the area did not score highly enough to be included as part of a SLA.</p>	<p>No further action.</p>
<p>32.) Hermitage and Liddesdale Area</p>	<p>Newcastleton & District Community Council;</p>	<ul style="list-style-type: none"> - ...hard to see how any rigorous scientific criteria can be bent to apply to what is, clearly, a few people's subjective opinions especially on issues such as 'Scenic Qualities', 'Enjoyment' and 'Views'. In fact, the difference between some of the 'Landscape Quality Criteria' is unclear in a study that purports to follow a scientific methodology. - As Liddesdale represents a significant section of the actual English-Scottish border as it was drawn after centuries of warfare... these omissions and the neglect of Liddesdale in general seem inexplicable - Typicality/Rarity- Liddesdale not typical of the Borders landscape, particularly the hilly and more remote parts of North Liddesdale; very different to neighbouring Northumberland and Cumbria - Condition- large parts of the 	<p>The LLDR was not intended to be a scientific study; instead it attempts to evaluate the landscape in an objective way as possible, following an approach based on established SNH & HS guidance. The Consultants employed are considered to bring expertise to landscape assessment and have completed a number of similar exercises in Scotland and England.</p> <p>The scoring has been re-evaluated following the consultation period by the Consultants and as a result changes to the scoring have been made that were influenced by additional value contained in representations. The result of the re-examination was that the scoring of the LCU RV51 Liddel Water increased from 41 to 49, which placed the LCU just outside of the area of search.</p>	<p>Accept the improved scoring for 'Tourist Economy', 'Views', 'Wildness', 'Condition' and 'Rarity'</p>

		<p>Liddesdale landscape have remained largely untouched for hundreds of years. Newcastleton is famous for being a planned village;</p> <ul style="list-style-type: none"> - Intactness-...large buildings such as Hermitage Castle continue to dominate the landscape in all directions... very little (if any) irrevocable industrial developments have damaged the Liddesdale landscape. - Wildness- Liddesdale is one of the wildest, most remote areas of the Scottish Borders and, as such, should have scored very highly against this aspect of the Landscape Character Criteria. The uphill terrain is extremely rugged... - <i>Scenic Qualities</i>- ...Hermitage Castle, Hermitage Water, Saughtree, Kershope Forest, Newcastleton, Steele Road and Whitrope... several other photographic collections of the Scottish Borders and Liddesdale - <i>Enjoyment</i>- Liddesdale is enjoyed by: walkers, cyclists, trail runners, car rally enthusiasts, UK and overseas motorcycle clubs, classic car enthusiasts, writers, photographers, geologists, bird watchers etc - <i>Cultural Qualities</i>- The immensely rich history of Liddesdale is the equal of anywhere in the Scottish Borders. One 		
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	<p>Neil Bryce</p> <p>Lynn Craig</p>	<p>example is the Reiver Trail</p> <ul style="list-style-type: none"> - <i>Habitat Value</i>- Liddesdale is home to many valued species...raptors and rare butterflies - <i>Settlement Setting/Views</i>- Liddesdale has some truly spectacular 'long views': The 600m summit of Tudhope Hill affords a 360° vista as far as... the English Lake District. The famous Hermitage Hills have splendid views - <i>Tourist Economy</i>- the tourist economy depends upon the positive aspects of Liddesdale being sustained and developed. It will be harmed if Liddesdale is downgraded by a local authority decision to wrongfully exclude it from the protection of a SLA category... <ul style="list-style-type: none"> - The historic, wild and iconic lands of Liddesdale, which are the very embodiment of Borders history and heritage, tick every box on the criteria list. How can it possibly be excluded from SLA status. - ...anyone who can be bothered to leave the Hub and spend time here in Liddesdale would learn what we all know – how precious and timeless this landscape is; what wonderful stories of the Reivers we learn as we travel the 	<p>Please see the response to Issue 32.)</p> <p>Please see the response to Issue 32.)</p>	<p>Accept the improved scoring for 'Tourist Economy', 'Views', 'Wildness', 'Condition' and 'Rarity'</p> <p>Accept the improved scoring for 'Tourist Economy', 'Views', 'Wildness', 'Condition' and 'Rarity'</p>
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	<p>Malcolm and Sandra McGregor</p>	<p>Reiver Trail. Finally, the only really great medieval castle in Scotland standing in all its glory, Hermitage Castle within the setting of the Hermitage Hills.</p> <ul style="list-style-type: none"> - express our concern of the omission of the Hermitage Valley and surrounding landscape as an area designated as a special landscape. When one considers this scenic valley and its wild and rugged surrounding landscape, the Reivers' Way, the forbidding aspect of the hills of the Debateable Land, the incredible breath-taking views from Arnot Fell hill, Hermitage Hill, Twislehope, Greatmoor Hill (599m) and the Dinley, the backdrop of Hermitage Castle and the fact that the ridge which runs along Sundhope & Braidlie boundaries is the watershed for the North Sea and the Irish Sea, this is such a unique and special landscape combination. 	<p>Please see the response to Issue 32.)</p>	<p>Accept the improved scoring for 'Tourist Economy', 'Views', 'Wildness', 'Condition' and 'Rarity'</p>
	<p>Malcolm and Sandra McGregor</p>	<ul style="list-style-type: none"> - ...with respect to the Hermitage Valley your reference to UP15 and UP16 are incorrect. .. they do not include the Hermitage Valley and its immediate surrounding landscape. The nearest LCU applicable is RV51... you should note from the LCU name that the focus 	<p>All LCUs are to some extent aggregates of smaller areas. The evaluation has focussed on the highlights.</p>	<p>No further action.</p>

	<p>Malcolm and Sandra McGregor</p> <p>Malcolm and Sandra McGregor</p>	<p>is the 'Liddel Water' valley leading towards Newcastleton and not the Hermitage Valley. There is a comment...which would lead one to believe Hermitage valley was not entered; "Lacks the grand hills on each side which contribute to the scenery of central Borders valleys" We assure you that anyone who had actually set foot in the Hermitage Valley could not possibly write this.</p> <p>- You have confirmed to us by email on 18th August your belief that the Hermitage Valley was actually visited by a representative of LUC, However, we remain unconvinced as the evidence in Appendix 1 is unclear as to the extent and thoroughness of that visit/field survey of the valley itself and its immediate surrounding landscape referred to above. Indeed, it is our view there is no evidence in the documentation the valley was visited.</p> <p>- It is gratifying there is recognition, (probably from the desk based activity of the LUC consultants), of Hermitage Castle – and the 'Landscape Quality' criterion 'Cultural qualities'. We do believe LUC has appreciated and understood this is one of the great</p>	<p>It has been confirmed by the Consultants that the area was visited. A stop was made at the castle and then on through the B road to the A7.</p> <p>The 'Cultural Qualities' criteria scored 'very high' the best possible ranking. As a Grade A listed building Hermitage Castle and its setting are subject to stringent protection under Local Plan Policy BE1, Listed Buildings. It has been confirmed by</p>	<p>No further action</p> <p>No further action</p>
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	Malcolm and Sandra McGregor	<p>castles of the border as it has been ranked as 'very high'. However, we are unsure whether this was actually visited.</p> <ul style="list-style-type: none"> - However, also in connection with this criterion, we could mention the nearby pre-historic stone circle known as 'Nine-Stane Rigg', which is unfortunately completely ignored 	<p>the Consultants that the Castle was visited.</p> <p>It is considered that the Nine-stane Rigg is located outwith RV51, in UP15. For the evaluation sheet "small presence of archaeological remains" is mentioned and as a part of the re-examination of scoring the score for cultural qualities has been upgraded to medium and Nine-Stane Rigg referenced</p>	<p>Accept revised evaluation sheet for UP15 Wauchope Forest</p>
	Newcastleton Business Forum	<ul style="list-style-type: none"> - The village and community of Newcastleton and surrounds are located in an isolated and rural part of the Borders surrounded by scenic beauty... our economy is hugely dependent on tourism so any detraction from our natural scenic surroundings or tourism attractions will have an immediate and devastating impact on our local economy. 	<p>The Council will presume against development with an adverse effect on the landscape whether located in an SLA or not</p>	<p>No further action</p>
	Newcastleton Business Forum	<ul style="list-style-type: none"> - Scotland's greatest writer, Sir Walter Scott found Liddesdale to be an unparalleled source of Border Ballads. For seven years from 1792 onwards, he devoted substantial portions of his summer vacations to a series of what 	<p>The cultural qualities are recognised in the LLDR evaluation through the 'very high' ranking for 'Cultural Qualities' the best possible ranking.</p>	<p>No further action</p>

		he called 'border raids' in search of traditional ballad material and Liddesdale's remoteness drew him repeatedly back		
33.) The Merse	Hutton, Paxton & Fishwick Community Council & Foulden, Mordington & Lamberton Community Council	<ul style="list-style-type: none"> - The Merse area that includes the Lower Tweed, has its own unique character and though different to the landscapes farther to the west, it is nonetheless part of the special mix of landscape features that typify the Borders as a whole. We are therefore not entirely satisfied with the opinion and approach that this area is "not typical of the Borders" - Equally, we do not concur with the comment on p13 of the Draft document for the Lower Tweed Valley (LO39), that states, "Over the rest of the LCU, only the north bank of the Tweed is within the Borders, with the south bank in Northumberland, and any designation would lack coherence as a result". We would suggest that coherence in landscape in this instance, should not be measured alongside artificial boundaries. - Since coherence in approach is evident elsewhere in the report, we would suggest that the opposite north side of the Tweed, as shown in green as LO39 in the map (figure 8.1), be also 	<p>As a result of consultation representations The Merse area was re-examined. The scoring for the LCU LO38 North Merse did not change but for LO39 Lower Tweed Valley the score increased to 56; this was due to a change for the Representativeness score.</p> <p>The scoring of LO39 Lower Tweed Valley meant that it was included in the area of search for a SLA. However the area was not considered to present a coherent area for designation, as it consists of a number of small concentrations of high-quality landscape, spread out along the Tweed, while the wider landscape is not of such quality. The cross boundary issues were given greater consideration in the revised LLDR but the status of the Northumberland AHLV remains uncertain.</p>	Accept positive change for 'Representativeness' criteria

	<p>Hutton, Paxton & Fishwick Community Council & Foulden, Mordington & Lamberton Community Council</p>	<p>considered for a proposed SLA to allow consideration, at the very least, equal in status to the designation on the south side of the Tweed and of sufficient depth in distance from the river bank northwards, to take account of local increased visibility over distance in the low lying Merse</p> <ul style="list-style-type: none"> - Existing Landscape Designations (Fig 6.1) show the south bank of the Tweed from the coast westwards as the Berwick Upon Tweed Area of High Landscape Value. On investigating this, it was established that this designation continues to exist and is currently in practice (despite a pending review) - It was also noticed that the accompanying text at 6.8 states that these neighbouring designations “have not been examined in detail” indicating that the opportunity to link to existing designations in other areas has not been taken. This is both regretted and questioned. 	<p>As a part of the re-examination of scoring cross-boundary issues, particularly contiguity with adjacent designations, were taken into account. In this case the issue was not sufficient to warrant creation of a Special Landscape Area.</p> <p>The role of tourism in LCU LO39, Lower Tweed Valley is recognised through the ‘high’ ranking for the ‘Tourist Economy’ criteria. The River Tweed is designated as a Special Area of Conservation, an international</p>	<p>Accept positive change for ‘Representativeness’ criteria</p> <p>No further action.</p>
	<p>Hutton, Paxton & Fishwick Community Council & Foulden,</p>	<ul style="list-style-type: none"> - Tourism plays a vital and increasing role in the economy of this area and to that end, we feel that the Tweed and its associated neighbouring landscape that visitors currently enjoy, be afforded protective status from isolated and 		

	Mordington & Lamberton Community Council	<p>“incongruous” developments. The River Tweed and its landscape setting throughout its length, is world-renowned.</p> <p>-</p>	conservation designation, as such it is protected by stringent Local Plan policy (NE1 International Nature Conservation Sites)	
34.) Lamberton Moor	Foulden, Mordington & Lamberton Community Council;	<p>- You rightly mention the dramatic coastline from Cockburnspath to the Border and the A1/A1107 as being the western boundary. For the most part the road is some distance from the coast and is an appropriate edge: but from Burnmouth southward the A1 is very close to the sea and making this the boundary would be inappropriate since developments on the higher ground west of the A1 would detract from the views of the cliffs particularly as seen from the sea by tourists taking a coastal cruise from Eyemouth or Berwick. A more appropriate boundary would be the ridge (or better still some point west of the ridge) taking in part or all of Lamberton Moor</p>	After the re-evaluation of scoring following the consultation period it was decided not to modify the Berwickshire Coast proposed SLA in this area. The landscape inland of the A1 is not of as high quality and though it does form part of the setting of the coast, unlike the Coldingham Moor area it is not a valuable coastal landscape in itself. As such the A1/East Coast Main Line has been retained as the proposed SLA boundary.	No further action.
35.) Berwickshire Coast cSLA	Ray Porter	<p>- I welcome the Berwickshire Coast being included as a SLA, for it is one of the most stunning and important pieces of coastline in the UK. However, I am concerned about how thin the strip of coastline is – to afford this magnificent coastline the protection it requires and</p>	As a result of the consultation representations the Consultants re-examined the extent of the proposed Berwickshire Coast SLA. The scoring for the relevant LCUs was re-examined and the only change made was for CO47 Coldingham Moor,	Accept the additional land proposed and boundary change for the proposed Berwickshire Coast SLA, as detailed in the response.

		<p>to ensure that the tourism industry is protected, I would recommend that a much greater inland area be included within the SLA. Tourists don't just come to the seaside, they visit the local area and expect all of it to be a special place to holiday. Indeed, one of the four practical criteria set out in the SNH/HS guidance which was used to identify candidate SLAs is "suitable size". I would contend that as drawn the Berwickshire Coastline SLA does not have suitable size/scale to be effective and as such the boundary should be redrawn to be the A1/east coast railway line.</p>	<p>which increased to 55 ('Views' increased to very high). It is felt there is justification for more of the coastal headlands and coastal moorland to be protected, particularly as this was an area that scored highly.</p> <p>The boundary chosen to represent the changes was the A1107 running south, and then along the B76 road, past Cairncross and joining the A1 near Ayton.</p>	
36.) Etrick Horsehoe to Loch of the Lowes	John Muir Trust; Donald Macleod	<ul style="list-style-type: none"> - The area scored 'high' on 6 criteria...and for those who have walked these hills they would add a 'high' for the 'Views' enjoyed from them. It is not clear why the evaluators only gave these hills 'Moderate' on this criteria. - The evaluators also described the value of this area to the 'Tourist Economy' as only 'Moderate'...the wildness of these hills, which should have been scored 'Very High' not just 'High', is an added attraction encouraging walkers and others to visit them. If they are not considered to be 	<p>As a result of the representations received the scoring was re-examined. For UP11 the scoring increased reflecting a change to 'High' for 'Views' and 'Tourist Economy'. It was considered that the relative wildness was very high at the southern end, however the northern end was less so, as such it was considered 'High' was appropriate.</p> <p>The change in the overall ranking score was not sufficient for the area to be included in the revised area of search.</p>	Accept the revised positive scoring changes for 'Views' and 'Tourist Economy'

		making much impact on tourism at present they are assets with substantial potential, deserving of protection		
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		<p>Wind Energy SPG</p> <ul style="list-style-type: none"> - For example a significant area centred roughly on the Swinnie Forestry Commission plantation, located equidistant between Jedburgh and Bonchester Bridge, is shown as being: <ul style="list-style-type: none"> o In an “Area of Search with Minor Constraints” under the Wind Energy SPG, and o Being in the Teviot Valleys SLA under the consultation document - One interpretation of this is that the protection from inappropriate development being offered by SLAs is only a “minor constraint” - However the consultation document describes the proposed SLAs as having “met a rigorous evaluation process which means they are truly special (Item 6.4). - Full clarity must be provided in the final designation of SLAs to confirm that SLAs must be treated as being of equal merit to “Areas of Significant Protection” as provided for in the SPG on Wind Energy. If this is not done, the contradictions between the two policy documents will create significant difficulties for the future protection of the SLAs 		
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	<p>Lilliesleaf, Ashkirk & Midlem Community Council</p> <p>Ian Kelly, Graham and Sibbald for Buccleuch Estates, Northumberland Estates and the Hermitage Action Group)</p>	<ul style="list-style-type: none"> - It seems a contradiction that yellow areas (of minor constraint) are next to areas that are nominated as SLA. For example the large area to the south of Lilliesleaf. And the area near Whitmur Hall. - ...a need to integrate the SLA work with the SPG on wind energy and, although the SLA is a draft consultation it is considered that more could have been achieved in this regard at this stage. Without that level of integration the SLA document feels like a partial piece of work - ...(Policy D4) states “the results of that review (local landscape designations) will also be taken into account in assessing the suitability of locations for commercial windfarms”. Two problems arise. Firstly, the wind farm SPG has been completed and adopted in advance of the completion of the SLA work. That would tend to suggest that the wind farm SPG needs to be reviewed. Secondly, even with the current proposed SLAs, there is no associated policy statement that offers “significant protection” status to all designated SLAs (either as currently proposed or in final form). The wording “taken into 	<p>Please see the response for Issue 37.)</p> <p>Please see the response for Issue 37.)</p>	<p>Accept proposal to update Wind Energy SPG to be updated following approval of SLAs</p> <p>Accept proposal to update Wind Energy SPG to be updated following approval of SLAs</p>
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		<p>account” might also be considered as rather vague.</p> <p>-</p>		
38.) Impact of wind turbines on SLAs	Ray Porter and Dr Ian Woollen	<p>- On the subject of windfarms, the document is largely silent on their impact and fails to take into account the impact that a windfarm can have on a neighbouring SLA even if it is just outside (or in some cases, some distance outside). The height of wind turbines should be considered in setting SLAs, but this does not appear to have been the case. There seems little point in having any designation, whether it be SLA or AGLV, if industrial wind developers are going to be allowed to ruin such areas with turbines.</p> <p>- Indeed, I think it is useful to note that the document acknowledges that wind farms are a serious blot on the landscape, as evidenced by most of the Lammermuirs now not making the cut as Special Landscape Areas (despite being listed under the previous definition), as they are now blighted by wind turbines. Coldingham Moor is currently going the same way, probably shaping the ludicrous decision to draw the boundary of the coastal SLA around</p>	<p>Wind farms are considered as a part of the scoring for the ‘Intactness’ criteria, for example the Evaluation Sheet for LCU UP4 Lauder Common references Dun Law and Toddleburn wind farms, in the ‘Intactness’ box. It is the case that different wind farms affect their settings in different ways and each LCU has been evaluated on the respective features contained within, therefore turbine height will have been an indirect consideration.</p> <p>In the case of impact on a neighbouring SLA the Local Plan policy, EP2 Areas of Great Landscape Value states “Where development proposals impact on an Area of Great Landscape Value”. In addition the Council will presume against development with an adverse impact on the landscape. These factors would protect against development outwith SLA</p>	No further action.

	<p>Terence O'Rourke for Wind Energy</p>	<p>the other side of the windfarm.</p> <ul style="list-style-type: none"> - Generally existing and under construction/consented wind farms do not appear to have been taken into account in the assessment. This is particularly the case for the rankings of wildness, scenic quality and views. Although they are sometimes mentioned in the intactness section of the landscape evaluation sheets they are then not taken account of elsewhere. There are many high peaks where, for example in the Tweedsmuir Uplands proposed SLA, Clyde, Glenkerie and other wind farms will now be visible and these do not appear to have been considered. In certain instances the views appear to be scoring highly and do not take into account detracting manmade features such as wind farms, pylons and coniferous forest. Examples are UP8 and UP9 scoring high and UP7 very high but do not consider the landscape impact 	<p>boundaries.</p> <p>It should be noted that SLAs are not necessarily intended to be wind farm free, it is not considered that this is a practical position to take.</p> <p>It is considered that where wind farms, either planned or existing, exert a strong influence on character, this has been identified. It is acknowledged that new developments will be visible from summits, but there will be very many areas within the Tweedsmuir Uplands, for example, where no turbines will be seen. The 'Views' criteria is intended to be recognise "key views to and from important built and natural heritage assets or transport routes" (Table 3.2 LLDR p12)</p>	<p>No further action</p>
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	<p>Jacobs for SSE Renewables</p>	<p>of views of Clyde and Glenkerie wind farms, which are now present. These wind farms introduce a man made influence and they must be acknowledged in the baseline assessments of landscape character and landscape quality and the associated scoring process. To omit reference to these new influences on the landscape discredits the methodology, the study findings and the draft SPG, which is based on these findings.</p> <p>- It is notable that none of the proposed SLA designations overlap with any existing wind farms within the region, though some coincide with proposed developments such as Earlshaugh. It is unclear whether this is deliberate or coincidental – either the wind farms have been developed in areas already of lower quality and value or their introduction is considered to have reduced/removed the justification for designating areas as SLA. If the latter, this would infer that any wind farm would have an adverse effect on the quality and value of the landscape designation, which SSE Renewables does not consider to be accurate. It seems</p>	<p>The proposed SLAs are not necessarily intended to be wind farm free, as this is not considered a practical approach to take. There are consented wind energy schemes within SLAs (for example Fallago Rig in the Lammermuir Hills proposed SLA)</p>	<p>No further action.</p>
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	EDF ER	<p>likely that the designation could in future be seen as a 'wind farm free zone' which could unduly prejudice future developments within SLAs, irrespective of whether they could be successfully accommodated without significant adverse effect and we would ask Scottish Borders Council to consider clarifying this prior to finalisation of the SPG.</p> <p>- EDF ER considers that the identification of such local areas should not generally be viewed as a policy consideration that weighs significantly against the development of further onshore wind turbines within those defined areas, subject to appropriate siting and design. The identification of areas of defined landscape quality can of course assist the objective assessment of proposals for all types of development. On a detailed point EDF ER notes the designation statement in relation to Special Landscape Area 6 – Lammermuir Hills will include the consented Fallago Rig wind farm...We feel that in light of this it would be worthwhile the designation statement acknowledging this significant scale</p>	<p>Local Plan policy EP2 (which will be updated) which deals with local landscape designations is a material consideration in the determination of relevant planning applications (for wind energy or other development). The LLDR, as Supplementary Planning Guidance, provides additional information to help inform the decision taken by the Planning Officer.</p> <p>Fallago Rig is referenced in the Evaluation Sheet for the LCU UP2 Lammermuir Plateau.</p>	No further action.
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	Dr Ian Woollen	<p>of development as an indication that such development can be accommodated without harm to the intrinsic landscape character of the upland plateau</p> <ul style="list-style-type: none"> - We consider that it is also important to acknowledge that such areas have an important role to play in the medium term in meeting renewable energy needs and this is also a factor which must be balanced against other appropriate needs. - I am surprised that there are no penalties levied against those that are recognised in your document as having compromised designated landscapes and even undesignated landscapes of natural beauty, or adjacent to designated areas that are clearly part of the overall vistas. There is no such process? Shouldn't something be included in this document? Where are the 'teeth' to the goals of the document? Here, I draw a distinction between normal rural activities and, to be kind, the over-exuberant industrial forestry and excessive development of industrial-scale wind electricity generation facilities (wind farms). We are losing our natural visual resource bit by bit, 	It is considered that such penalties are outwith the scope of planning policy	No further action
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		<p>and as we lose them at a local scale, this appears to condemn wider areas for the future; this is quite wrong. Just because there may be one wind generator in an area shouldn't mean there can be a thousand! Unfortunately this may be an unforeseen result of your (collective) document.</p> <ul style="list-style-type: none"> - Under Scottish and UK planning policy, the development of wind energy is already a serious threat to all coastal and upland landscapes- and even now lowland landscapes are under threat. Actually nowhere is safe from industrial scale aero-generation. There will be nothing left. I find this quite reprehensible, and do not see how this document will make any significant difference for the long term protection of visual resources (for local people and tourism). It simply makes current government policies easier to implement instead of protecting local environments. So our Scottish heritage is sacrificed for some daft idea that we can mitigate global warming? 	<p>The Local Landscape Designation Review is an independent study using a robust methodology, in line with Historic Scotland and SNH national guidance. As a result the findings of the review are considered to have significant justification behind them. This should result in better protection for the proposed Special Landscape Areas.</p>	<p>No further action</p>
	<p>Berwickshire Civic Society</p>	<ul style="list-style-type: none"> - We also feel that any area not designated a Special Landscape Area will also be at risk from 	<p>Please see the response to Ray Porter and Dr Ian Woollen at Issue 38.)</p>	<p>No further action</p>

	Southern Upland Partnership	<p>windfarm development, and that the SLAs themselves will be overshadowed by wind turbines erected in close proximity to their boundaries. This will be especially damaging to the Berwickshire coast where the designated SLA strip is extremely narrow. The Civic Society's view is that the whole of Berwickshire is a very special landscape which has already suffered severe degradation from wind farm developments and that more imaginative, varied and cost-effective types</p> <p>- ...it might be seen as disappointing that an area recognised as of great landscape value has had wind turbines constructed on it, it should not be forgotten that wind turbines may well be temporary structures. In 20 years it may well be that they are removed, and the landscape will almost instantly recover. There is a danger that the removal of special status risks allowing other damaging development that would have long-term impacts and thus prevent subsequent restoration. The same point could also be made where afforestation has taken place as sensitive forest design can enhance</p>	<p>The LLDR can only fully take into account the current situation, due to the uncertainty over future development. However it is the case that the SPG will be reviewed every 5 years in line with the Local Development Plan production process.</p>	<p>No further action</p>
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		a landscape. Where poorly designed forestry has taken place in the past, restructuring can greatly improve landscape quality		
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	<p>Save Scott's Countryside</p>	<p>are listed</p> <ul style="list-style-type: none"> - We see that the proposed Supplementary Planning Policy B (Development Management) says that the Council will use the Statements of Importance attached to each of the proposed SLAs as a material consideration in the determination of planning applications and the SPG can therefore be used to support the Development Plan policies, as reflected by its position in the planning hierarchy. - But when one focuses down to a specific attempt at control, for example in relation to SLA 3: Tweed, Ettrick and Yarrow Confluences, the Management Recommendations read encouragingly enough, but in the end are only recommendations. 	<p>The Local Landscape Designations Review is Supplementary Planning Guidance and is therefore a material consideration in the determination of planning applications. By employing an independent evaluation, using a robust methodology, in line with national guidance, it is considered that the findings have significant justification behind them. It is hoped that when decisions are challenged at appeal this work will help bolster the Council's position.</p>	<p>Accept the proposed Supplementary Planning Policy B</p>
	<p>Mark Steele (on behalf of Graham & Sibbald for Buccleuch and Northumberland Estates and the Hermitage</p>	<ul style="list-style-type: none"> - ...in the case of management recommendations it is considered that, as a general point, the Council should set out how it intends to manage or influence the forces for change and/or management issues that do not fall within its statutory remit as Planning Authority - ...the descriptions should not be seen as limiting in that forces for change can 	<p>Only a certain level of detail can be provided in the descriptions of forces for change due to the uncertainty over future proposals. Each planning application is reviewed on its merits and effects will vary dependent on where development is proposed and the landscape involved. The SPG is subject to review in line with future Local Development Plan production.</p>	<p>Accept addition of words to the SPG to explain the level of detail that can be provided in forces for change.</p>

	Action Group)	have a wide ranging effect on a range of landscape types		
40.) Tweedsmuir Uplands	Terence O'Rourke for Wind Energy	<ul style="list-style-type: none"> - in the section titled 'Management recommendations' the third bullet point seeks to maintain the undisturbed wild land character of the great majority of the hills. However whilst these hills may be relatively remote and be perceived to have some wild land characteristics, they cannot be described as wild land or undisturbed wild land. This area is not within an SNH wild land search area and would not qualify for wild land or wildness status under SNH's policy statement on 'Wildness in Scotland's Countryside' and therefore it is misleading to refer to their 'wild land character' - We would request that the design statements for each SLA take into account the nuances of the area and that they recognise that within the SLA 	<p>The Steering Group decided it was appropriate to change the criteria name from 'Wild Land' to 'Wildness' to better reflect SNH's policy statement on 'Wildness in Scotland's Countryside'. SNH state that "A distinction is drawn between wildness- the quality enjoyed- and wild land, or places where wildness is best expressed. While wild land has normally been identified in the uninhabited and remoter areas in the north and west, the quality of wildness can be found more widely in the countryside, sometimes quite close to settlements" (SNH 2003: 1).</p> <p>It is also the case that SNH have recently published a "Wildness Map" of Scotland. This map shows that parts of the borders, including the Tweedsmuir Uplands show wildness characteristics which are put at the 'high' end of the spectrum.</p> <p>As a part of the re-examination of the proposed Tweedsmuir Upland SLA the boundary has been expanded westward and northward, the main result of this is</p>	<p>No further action</p> <p>Accept the revised Tweedsmuir Upland cSLA boundaries; west to the authority boundary and north</p>

		<p>there are different landscapes. Tweedsmuir Uplands...appears to take the best aspects of the landscape and does not provide an accurate picture of the overall unit. Views are inaccurately represented and man made influences are downplayed. The comments under the heading recent development within the old AGLV designations should be added as a heading to the landscape character unit assessment sheets as this would ensure recent development is included and therefore man made influences are correctly assessed. It must be remembered that forestry plantations are a man made influence and pylons must also be taken into account. The influences of existing and approved wind farms both on the direct area on which they are located and also the surrounding area should also be taken into account.</p>	<p>that the LCU UP09 Culter Fell is also included. (please see Issue 29.) on p56 for justification of this change).</p> <p>The evaluation of each LCU (UP09, UP07 and UP08) has been undertaken independently by the Consultants and this is considered to be defensible. A number of man made influences and their context within the landscape have been mentioned in the respective evaluation sheets.</p>	<p>to include Broughton Heights.</p>
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	<p>Walkerburn and District Community Council</p> <p>Terence O'Rourke for Wind Energy</p>	<p><i>necessary, to restore or enhance the character of the area and may use conditions of planning agreements to achieve these objectives"</i></p> <ul style="list-style-type: none"> - There was a general consensus amongst Community Council members that the draft model policy given in Section 10 of the consultant's report, and attributed to SNH, was more robustly expressed and might be incorporated into Section 7. - ...the justification text supporting Policy B appears, as worded, to elevate the Local Landscape Review above the SPG in importance in development management decisions. Given that the LLDR is a supporting document to the SPG we suggest that the wording be amended along the lines "The policy aims to ensure that the SPG and its supporting Local Landscape Review (Annex 1 to the SPG), are to be considered in the development management process" - 	<p>It is considered the final sentence of Policy B is clear on the position of the SPG in the planning process: <i>"The SPG can therefore be used to support the Development Plan policies, as reflected by its position in the planning hierarchy"</i></p>	<p>No further action</p>
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	Chris Litherland	<p>eastern Borders, so this needs to be properly addressed, perhaps specifically.</p> <p>- It would be helpful to clarify the extent to which designation as a SLA affords protection from development which may be described as inappropriate. The document itself implicitly acknowledges that the concept of AGLV, which the proposed SLA definition is intended to replace, was itself devalued by failure to prevent inappropriate development. This is particularly true of the Eastern Lammermuirs where, as the document acknowledges, the designated AGLVs as so seriously compromised by excessive windfarm development and inappropriate commercial forestry as to make it unsuitable for inclusion in the proposed new SLA definition. It would be helpful if the document were to indicate how the risk of destruction of such sensitive environments would be guarded against in the future and, particularly, how this policy document would seek to do that.</p>	<p>improved through better policy direction.</p> <p>Please see the responses above to Issue 43</p>	<p>State explicitly that there will be no change in the level of protection. Accept introduction of Statement of Importance for each respective SLA.</p>
	Neil Bryce	<p>- In 1962 there were 130,000 hectares in this region which it was intended,</p>	<p>The figures quoted in the representation do not tally with</p>	<p>State explicitly that there will be no change in the level of protection.</p>

	Neil Bryce	<p>should be protected from inappropriate development under AGLV and NSA status. This has subsequently been eroded to the current area of 115,000 ha. The proposed SLA's, while they have altered the balance of protected areas, have also seen this further reduced to 110,000 ha, representing a total loss of 20,000 ha (15%) since the 1960s</p> <ul style="list-style-type: none"> - At some point in the future, some of this hitherto protected land will in all likelihood become susceptible to inappropriate development of some form or another - This loss may be viewed by some as insignificant but with a relatively limited land area the size of the Borders with its' diversity of landscape types, any reduction of protected land should be resisted. here are much greater range of threats of inappropriate development to the scenic assets of the Borders now than there were half a century ago, which suggests that the areas deserving of protection should at least be maintained and most certainly not reduced. <p>- A proviso that repeatedly appears in</p>	<p>those in the LLDR or as held by the Council. It is unclear how the reduction asserted has been established. With regards to the potential for inappropriate development please see the responses under Issue 43.) above</p> <p>It is not possible to know</p>	<p>Accept introduction of Statement of Importance for each respective SLA.</p> <p>No further action.</p>
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	<p>Ian Kelly, Graham and Sibbald for Buccleuch and Northumberland Estates and Hermitage Action Group</p>	<p>the report is that protection may be overruled if there are deemed to be “social and economic benefits of national or local importance” This immediately brings to mind the contentious question of the Lammermuirs, a prime location for wind power, this was an area supposed to be protected by its’ AGLV status, but has become despoiled by wind turbines to the extent that it is now happily described by developers as a “well established wind farm landscape”. It is noted that the remainder of this area has been awarded provisional SLA status, but in the light of previous experience, what is this really worth?</p> <p>- ...the main forces for change considered within the SLA consultation document clearly represent forms of developments that can be located near, but not in an SLA, yet still have effects that impact on the SLA. This is a matter that is often debated at wind farm Public Inquiries and it is considered that it would be appropriate for the Council to specifically address this aspect both in the SLA assessments themselves and in the related planning policy</p>	<p>precisely what development will come forward in the future. The objective of the LLDR study was to undertake an independent study using a robust methodology, in line with national guidance, to produce findings with significant justification behind them. It is considered that this approach will provide the best policy response possible given future uncertainty.</p> <p>Please see the response to Neil Bryce above (under Issue 43.)</p>	<p>No further action.</p>
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	Ray Porter	<p>linkages. This would provide clarity both now and for future proceedings.</p> <p>- ...both this document and NPF2 are disappointingly light in terms of, for instance, what constitutes circumstances in which: “designation of the landscape will not be compromised or any significant adverse effect is outweighed by social or economic benefits of national importance”</p>	Please see the response to Neil Bryce, above Ian Kelly response (under Issue 43.)	No further action
44.) Land as Special v non-special	Chris Litherland	<p>- I am concerned that the methodology outlined in the document appears to display a lack of subtlety in defining a SLA. To take the document at face value, the methodology appears to suggest that some areas are “special” while, by logical extension, the remainder are “ordinary”. In addition to the boundary/line-of-sight issues alluded to above, this approach comes dangerously close to declaring “open season” on areas which are not deemed to have made the grade. It is clearly nonsense to assert that a matter of a few hundred yards makes a difference between special and ordinary when dealing with an area as beautiful as, say, Upper Tweedsdale yet unless a more flexible approach</p>	The object of the LLDR was to identify the “best” of the Borders landscapes and to provide statements of importance to ensure better protection and enhancement of these areas. It is not the case that if an area is not designated an SLA that it is “open season”. The Council will presume against developments with an adverse impact on the landscape whether in an SLA designation or not.	No further action

	Ray Porter	<p>can be found, that is precisely what this document appears to do. I am concerned that this lack of flexibility may be exploited by developers and planners in justifying development with a high level of environmental impact on the basis that "SBC do not regard this area as warranting special status".</p> <ul style="list-style-type: none"> - Particularly concerned that by giving certain areas the special status of SLA, by definition other areas are deemed not to be 'not special'... 	Please see the response to Issue 44.)	No further action
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		<p>Heritage for the methodology they have developed for the task. There is however crucial deviation from that very detailed guidance.</p> <p>- A) <i>Guidance</i> states that the involvement of stakeholders – to include community organisations and the wider public – <i>from the beginning</i> is ‘critical to success’. No community or public consultation has taken place until the present 12- week period <i>after the Final Report was submitted</i>. This was however laid down in SBC’s <i>Project Brief</i> which at the same time stipulated that <i>Guidance</i> was to be followed.</p>	<p>their representation that they “consider the study methodology and findings to be valid, and are generally content with how these have been put forward as proposed SLAs in the draft SPG”.</p> <p><i>The detailed comments are considered below:</i></p> <p>The project brief (9 October 2009) states that “Public consultation on the designation of SLAs will be carried out by the Council as part of the Development Plan/Supplementary Planning Guidance processes. This will provide the main consultation with stakeholders and will include a range of communication methods to seek views on valued landscapes from members of the public”.</p> <p>It was considered that by employing the Consultants to undertake an independent study using a defensible methodology the findings would be as robust as possible, to do this an arms-length approach had to be maintained. Having said this it was the case that a Steering group, made up of relevant Council and SNH staff helped advise the Consultants.</p>	<p>No further action</p>
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		<p>- B) <i>Guidance</i> quotes the European Landscape Convention in defining a landscape as an area 'as perceived by people'. For purposes of evaluation, however, the whole area</p>	<p>Having stated this, the Council has stuck to the consultation set out in the Project Brief. The LLDR formed part of a Draft Local Landscape Designations SPG and both documents were subject to a 12 week consultation period running from August to November 2011, a standard period for Supplementary Planning Guidance produced by the Council.</p> <p>As a part of this consultation over 200 potential respondents were contacted and the LLDR was also placed on-line and in Council Contact Centres. As a result over 120 individual responses were received from a variety of local authorities, campaign groups, developers and individuals. These representations have been analysed by the Consultants and where additional value has been raised revisions have been proposed. These revisions are recommended for approval at the Council's Planning and Building Standards Committee.</p> <p>It is correct to say that the basis for the study is based on the Scottish Borders Landscape Character Assessment (1998). The <i>Guidance</i> (SNH/HS), as noted, states that the process "should</p>	<p>No further action</p>
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		<p>of the Borders was cut into the units which had been delineated for a previous landscape report concerned with description of character of different types of terrain, units which - though valid for their original purpose – bore no relationship whatever to landscapes ‘as perceived by people’. This was despite explicit warning in <i>Guidance</i> that ‘characterisation’ and ‘designation’ are not to be confused.</p> <ul style="list-style-type: none"> - One example of this faulty methodology is that a valley floor is evaluated quite separately from its enclosing hills, separate ‘scores’ being given to each in a desk exercise. Although later there is an attempt in limited fieldwork to relate the one to the other if the scores merit it, the process is artificial and inadequate, and results in landscapes of popularly acknowledged value being omitted. - Another result is that ‘broad’ landscapes, such as that famously to be seen from Carter Bar, are totally excluded from consideration by the piecemeal nature of the methodology. The Project Brief draws attention to the inclusion of aspects of the Borders Landscapes concerned with culture, 	<p>begin with the landscape character and historic land use reports prepared for each local authority area”, but should go beyond this”. The LLDR is designed to do just this. The methodology allows key landscape relationships to be identified to ensure that the wider landscape is given consideration. Again it should be noted that SNH have stated their support (p94 above)</p> <p>It is acknowledged that any selected boundary is to some extent arbitrary, and will exclude some areas which are visible from a certain point. A landscape “as perceived by people” is not intended to be synonymous with a viewshed, i.e. the total area that can be seen from a single viewpoint. The SLA approach is also not designed to protect viewsheds, either from within valleys or from hilltops.</p> <p>Carter Bar is dealt with at Issue 1.)</p> <p>Cultural Qualities formed one of the criteria that were evaluated. One of the benefits the consultation period has brought has been the significant amount of additional information that has come from respondents regarding cultural</p>	<p>No further action</p>
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		<p>history and ‘spiritual associations’; these typically relate to broad tracts of land which are recognised by the people living in them as possessing such a cultural unity.</p> <p><u>Summary of Main Points</u></p> <ul style="list-style-type: none"> - <i>Guidance on Local Landscape Designations 2005 (HS/SNH)</i> is a very comprehensive document, but does not prescribe a fixed methodology, leaving it to Local Authorities to develop their own, appropriate to the particular requirements of their areas. The extent to which, and the manner by which, the consultants developed an appropriate methodology must be gauged by the departures and omissions from the guidance given... - Two points arise (<i>from phase 1 of the methodology</i>) <ol style="list-style-type: none"> 1. Phase 1 is entirely desk based. At the end, fieldwork is planned but no working visits to the Borders landscapes are said to form part of the process throughout this stage. 2. Paragraph 3.2 makes no mention of the stakeholder workshop, the 	<p>importance of respective Borders’ landscapes.</p> <p>It is agreed that the <i>Guidance</i> (SNH and HS) does not prescribe a fixed methodology and leaves it to Local Authorities to develop their own. However in this case, to ensure as robust findings as possible, independent Consultants were contracted to develop a methodology.</p> <p>Please see the response on consultation under Executive Summary at Issue 45.)</p>	<p>No further action</p> <p>No further action.</p>
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		<p>only item appearing in bold type in Figure 3.1</p> <p>Since the claim is made that the method and approach are based on <i>Guidance (HS/SNH)</i> – paragraph 4-4 in that document is of the utmost relevance, since it states: <i>“The involvement of stakeholders in each phase of the designation process is critical to its success...Particular care should be taken to identify the key stakeholders, including both local communities and the wider public. It may also be necessary to devise strategies which allow for each of the stakeholders to be meaningfully involved without jeopardising the rigour of the selection process...”</i></p> <ul style="list-style-type: none"> - During Phase 1, no consultations took place with community organisations (eg Community Councils) or the wider public, ‘critical to success’ of the designation process. - SBC’s <i>Project Brief</i> sets out (at para 7.2) only one public consultation period, of 12 weeks, at the point where the whole process is already a <i>fait accompli</i>. It is during this 12-week period – to which no prior notice was 	<p>It is incorrect to state that “the whole process is already a <i>fait accompli</i>”; instead the Consultation period was designed to present the Draft SPG of which the LLDR was a part. As stated, the Consultants have since analysed the consultation representations and, where additional value was found, have suggested revisions.</p> <p>The Council attempted to notify as many people as possible; correspondence was sent to over 200</p>	<p>No further action.</p>
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		<p>given that this present report is being prepared.</p> <ul style="list-style-type: none"> - No public workshop has ever taken place. A workshop has not formed part of the 12-week consultation - Both <i>Guidance (HS/SNH)</i> and <i>The Borders Landscape Assessment</i> use the term (character) in the specialised sense, following that used in SNH's National Programme of Landscape Character Assessment, and the limited meaning is made clear in the Preface to <i>The Borders Landscape Character Assessment</i> – which, it says, "...describes the physical features of the Borders landscape...provides in-depth description of the nature of variation in the landscape, within a hierarchical framework of Landscape Types and Landscape Character Areas..." 	<p>potential respondents and in setting a 12 week consultation period it is considered ample time was given for representations to be made, in fact the amount of responses, over 120, is very high for a SPG consultation</p> <p>Workshops with the key agencies were held to inform the work of the Consultants and the Draft SPG and LLDR have been subject to a 12 week consultation period. The department received a number of requests for information through the consultation period and these were met.</p> <p>Please see the response under Executive Summary at Issue 45.)</p>	<p>No further action.</p> <p>No further action.</p>
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		<ul style="list-style-type: none"> - <i>Diagrams are provided to illustrate the difference between a landscape as 'as perceived by people' and a landscape character area</i> - From this it will be evident that a landscape considered as an entity, 'as perceived by people', is far more than the sum of its parts. It does therefore seem illogical to start the search for 'special landscapes' by dividing up the Borders region into the 76 relatively small pieces referred to...(which) are in fact none other than the Landscape Character Areas taken from <i>The Borders Landscape Assessment</i>, but in several cases divided up further. - Thus for instance, a valley landscape, as people perceive it and know it, with its dynamic visual changes as traversed, its historical associations and cultural connections with the world beyond, is treated as composed quite separately (and in different places in the report) of a valley floor and then of hills – not as bounding hills but hill groupings, broad upland tracts. These separate pieces have their quite proper origin in <i>The Borders Landscape Assessment</i> arising from criteria such as geology, soil cover, vegetation 		
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		<p>types and land use, but each is subjected in the Review to a desk-top process to 'evaluate' – quantitatively – its rating in a range of <i>qualities</i>, a process for which it is disabled by the lack of its true context in a total landscape</p> <ul style="list-style-type: none"> - (the process the Council asked for in the Project Brief and the Task/Work Stage and Comment columns on) is contrary to the <i>Guidance (HS/SNH)</i> in that stakeholder consultation, not discussion with the Steering Group, is crucial to success in these early stages...(in doing this) crucial – information to be gained by consultation with 'the wider public' in carefully-organised meetings, where the consultants would have learned about landscapes which are seen as <i>special</i> by people, landscapes which accord with the third of the criteria laid out with great clarity at para 7.4 in SBC's <i>Project Brief</i>: "Landscapes which are valued by the public, instil community identity and provide a strong sense of place" - It is to be noted that the first fieldwork in the entire exercise comes at the start of this Phase and consists, not of preparation "to inform decisions on the character and qualities of their 		
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		<p>landscapes which local people agree to be particularly important”, but, apparently, in checking-out the desk work. Discussions with the Steering Group (which did not include community representatives) led to some revised (quantitative) evaluations of the LCAs. What followed was a well intentioned manipulation of the LCA mosaic, to put together groupings of the higher scores and weeding-out bits of LCAs which seemed less interesting – a procedure which, founded on a misunderstanding of the true nature of the total task from the beginning, could not have produced other than the astonishing, almost unbelievable result with which the Borders communities are faced</p> <p>- Also to be noted is that no public consultation forms part of Phase 2.</p> <p>-</p>	<p>Please see the response under Executive Summary at Issue 45.)</p>	<p>No further action.</p>
<p>46.) Study Methodology 2</p>	<p>Professor Gordon Hughes</p>	<p>- The fundamental fault in the methodology is the use of the quantitative ‘scores’ from this piece-by-piece examination to put together blocks of pieces which have attained more than an arbitrarily chosen score, in order to define ‘areas of</p>	<p>It is acknowledged that any selected boundary is to some extent arbitrary, and will exclude some areas which are visible from a certain point. A landscape “as perceived by people” is not intended to be synonymous with a viewshed, i.e. the total area that can be seen from a</p>	<p>No further action.</p>

		<p>search' for Special Landscape Areas...The results in the boundaries of Special Landscape Areas, 'robust' as they may be as requested in the Project Brief...are also often in the middle of valleys, dividing 'a landscape as perceived by people' into a protected zone and an unprotected one – a result which seems pointless by the very terms of the exercise.</p> <p>- Broad landscapes are denied consideration by the methodology. Yet the Borders Hills (which of course includes their valleys) are generally recognised as being a landscape 'entity' and of special character. <i>Guidance (HS/SNH)</i> quotes NPPG 14 Natural Heritage which refers to Border Hills and <i>Natural Heritage Futures: Border Hills (SNH)</i> also references them.</p>	<p>single viewpoint. The SLA approach is also not designed to protect viewsheds, either from within valleys or from hilltops.</p> <p>It should be noted that SNH were present on the Steering Group and their representation states they "consider the study methodology and findings to be valid, and are generally content with how these have been put forward as proposed SLAs in the draft SPG".</p> <p>In addition Land Use Consultants have wide experience in undertaking landscape designation reviews with projects completed in Fife, Edinburgh and Northumberland.</p> <p>The <i>Guidance (SNH/HS 2005)</i> states that the process "should begin with the landscape character and historic land use reports prepared for each local authority area", but should go beyond this". The LLDR is designed to do just this. The methodology allows key landscape relationships to be identified to ensure that the wider landscape is given consideration. NPPG 12 Natural Heritage was replaced by Scottish Planning Policy (2010). The LLDR</p>	<p>No further action</p>
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		<p><u>Summary of Main Points</u></p> <ul style="list-style-type: none"> - The analysis rests entirely upon identifying and scoring a number of landscape characteristics for the different landscape units covered by the study using what is technically known as an ordinal approach. These scores are then weighted and an overall aggregate mark is constructed. This aggregate mark is then used to select a subset of landscapes for inclusion in the designated landscape zones... in technical terms purely ordinal information has been converted to a cardinal score that is supposed to represent the relative merits of each landscape unit. 	<p>approach is considered to be consistent with Scottish Planning Policy which states: "The natural and cultural components of the landscape should be considered together, and opportunities for enhancement or restoration of degraded landscapes, particularly those affecting communities, should be promoted through the development plan where relevant". Again it is worth mentioning that SNH were on the steering group and approved of the methodology</p> <p>The aggregation of 'ordinal' scores gives an indication as to how well a landscape performs against the defined criteria. The total 'score' is not intended to have any inherent 'meaning', but allows a comparison of relative merit of different landscapes against the criteria.</p>	<p>No further action.</p>
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		<ul style="list-style-type: none"> - Conversion from ordinal to cardinal scores is one of the most difficult areas in psychology and social science, though there are statistical techniques available which are designed to extract information from multiple ordinal measurements. It is apparent that the authors of the report are not familiar with either a) the appropriate statistical methods or b) the potential difficulties in moving from ordinal to cardinal systems of scoring. - The report fails to take account of the relationships between the landscape characteristics that are measured. As an illustration, two of these characteristics are “typicality” and “rareness”. Reasonably interpreted, these are merely opposite ends of a single scale: something which is typical of landscapes in the Borders cannot be rare and vice versa. Hence, the average of the two items – again, if consistently applied on a scale of 1 to 5 for each – must be close to 3. Either a) the averages are close to 3 in which case the items add nothing to separating different landscape, or b) this is not the case, which tells us, that the classification 	<p>It is not intended that “Typicality” and “Rarity” be interpreted as “opposites”. An example of a landscape which scores highly against both criteria is the Eildon Hills, which are both an unusual landscape feature, and also highly representative of the Scottish Borders. To avoid any confusion the “Typicality” criterion has been renamed “Representativeness”</p>	<p>Accept renaming of the “Typicality” criterion to “Representativeness”</p>
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		<p>of the characteristics cannot have been applied consistently.</p> <ul style="list-style-type: none"> - It is fundamental that any method of classification should be validated by testing a) whether the results match those generated by other methods, b) whether they are robust to variability in the data, c) whether the results can be replicated by other investigators, and d) whether any differences between the overall scores translate to something that has a clear basis in reality. There is no evidence that the authors of the report have followed even the most elementary steps required to validate the usefulness of their methodology. - It is, literally, absurd to analyse river valleys as though they have no relationship to the neighbouring uplands, but that is exactly what the study does. Indeed, the most notable change in the landscape designations which is proposed is the separation of uplands on either side of the Upper Tweed from the river valley itself. Uplands to the east are included in the proposed Tweedsmuir Uplands SLA but not those to the west. The maps are not sufficiently 	<p>LUC have wide experience in carrying out landscape designation reviews; their methodology has been developed to evaluate the subjective issue of landscape quality in, as far as possible, an objective way. It is considered that a similar study carried out by experienced landscape architects would generate similar results</p> <p>Please see the response to Issue 29.) regarding changes to the extent of the Proposed Tweedsmuir Uplands SLA</p>	<p>No further action</p> <p>Accept changes to the proposed Tweedsmuir Uplands SLA; extension of the boundary westward to the authority boundary and land to the north west at Broughton Heights.</p>
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		<p>detailed to identify which parts of the river valley are included. This runs counter to any reasonable interpretation of the importance or protecting the integrity of landscapes.</p> <ul style="list-style-type: none"> - In the western part of the area examined the study shows a marked bias against protection of river valleys. Yet, on the ground it is hard to see how the Upper Tweed, Lyne Water, Manor Water, Biggar Water, Eddleston Water can reasonably be distinguished from the Upper Ettrick or the Upper Yarrow when the nature of the links between the valleys and the neighbouring uplands are taken in account. The problem of this study is precisely that it fails to do this in an adequate and convincing manner. - There are references in the study to zones of visual influence but no serious attempt has been made to develop and apply an approach which takes account of this information. 	<p>Subdivision of landscape according to character is an appropriate approach endorsed by published SNH guidance. The LCUs were adopted from the Borders landscape character assessment with the approval of the steering group. The LLDR methodology recognises that LCUs are not entirely independent, and allows key landscape relationships to be identified to ensure that the wider landscape is given consideration.</p> <p>The SLA approach relies on defining discrete areas of landscape which can be mapped and offered protection by planning policies. The visual envelope of any landscape is likely to be extensive and irregular, and the SLA approach is not designed to give formal recognition to these. It is inevitable that</p>	<p>No further action.</p> <p>No further action.</p>
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		<ul style="list-style-type: none"> - ...lack of clarity about the goals of any landscape assessment or designation permeates the whole investigation. If the consultants had thought more carefully, they might have used standard statistical techniques to identify which landscape units score high on characteristics associated with separate dimensions of landscape value and come up with a quite different short list based on one or both criteria. - 	<p>development outside an SLA may have effects on views from within the SLA, however it is considered that Local Plan policy EP2 Areas of Great Landscape Value protects against any adverse impacts occurring.</p> <p>It is considered that the goals of the LLDR are clear and that the methodology is robust and gives justifiable findings. The fact that SNH were present on the Steering Group and have expressed their support for the methodology (p103/104 above) gives credence to this position.</p>	No further action.
47.) Critique of the methodology	Ray Porter	<ul style="list-style-type: none"> - Do not see any critique of the proposed methodology, nor justification for its use. It would be helpful if competing methodologies were described and their relative merits evaluated. What is international best practice and has it been applied here? Have other Local Authorities determined that more than 50% of their landscape character units should be designated as SLAs? Has the chosen methodology been used elsewhere, 	<p>The methodology is based on SNH <i>Guidance on Local Landscape Designations</i>, which is the starting point for any local landscape designations study. Similar approaches have been used elsewhere in Scotland. We are unaware of international approaches. It is incorrect to assume that 50% of LCUs have been designated as SLAs. The 50% cut-off has not been applied in order to determine SLAs, only to field work</p>	No further action.

		<p>and is it the most popular methodology used today? If not, why not?</p> <p>- note the statement under 'methodology and approach' that: <i>"Local Plan developments were used to identify key areas of future change in order that these proposals can be taken into account in the assessment process."</i> I am confused by this statement and concerned. Surely, a landscape is "special" regardless of any future change or development? This would suggest otherwise and that the SLAs have been influenced by proposed future change.</p> <p>-</p>	<p>Issues 43.) and 44.) (p94-109) are two respective critiques of the methodology as submitted by two respondents with experienced backgrounds in landscape assessment.</p> <p>The statement refers to the exclusion of settlements and the allocations located within them.</p>	<p>No further action.</p>
48.) Subjectivity of criteria	Ray Porter	<p>- Many of the landscape quality and character criteria used are subjective in nature – for example, the habitat value, scenic qualities, views, condition, and rarity. In my personal opinion, I do not agree with a number of the assessments in the document and I suggest that this would be true of many people. This is to be expected, as they are individual's assessments against subjective</p>	<p>Landscape is a subjective matter. The LLDR seeks to look at landscape in an objective way as possible, following an approach based on established SNH guidance and using expert independent opinion in the form of the Consultants. While there may be disagreement about individual evaluation findings, overall it is considered that the LLDR is a robust basis for defining cSLAs. The SNH Guidance provides a much more</p>	<p>No further action.</p>

		<p>criteria. I do not believe that this subjectivity has subsequently been recognised in the way that the criteria have been used in assessing the relative merits of the landscape character units.</p> <p>-</p>	<p>objective means of identifying SLA than was the case for AGLVs where no justification exists.</p>	
49.) Approach of East Lothian Council	Chris Litherland	<p>- I understand that East Lothian Council has proposed adopting an approach which considers, inter alia, the height of structure appropriate within the context of the landscape. This appears to represent a more flexible policy design which goes some way to addressing the problem of a potentially crude “sheep and goats approach” which may result from the proposal which is presented for discussion here.</p>	<p>It is assumed that the document referred to is the <i>‘East Lothian Supplementary Landscape Capacity Study for Smaller Wind Turbines’</i>. This document has entirely different aims to that of the Draft Local Landscape Designations SPG. The purpose of designating SLAs is to protect the most special areas of landscape in the Borders and not to state where certain developments can and cannot take place. The Council does have a Wind Energy SPG (which was produced in May 2011) and is in the process of producing a Technical Advice Note in relation to smaller turbines in Berwickshire.</p>	No further action.
50.) Selection of area of search	Infinis/SKM	<p>- Despite this, Infinis has concerns about the application of this approach in regard to the identification of the Area of Search.</p> <p>- Infinis is of the belief that... ‘third’ test offers a generous selection criteria.</p>	<p>Other lower-scoring areas were included... This is not a departure from the methodology, which states <i>“Where there is a lack of obvious boundaries, it has occasionally been necessary to move outwards and to include areas of</i></p>	No further action.

	Ray Porter	<p>The wording above clearly infers that this will produce a list which can then be reduced through examination, distilling the list down to those that are deemed worthy of designation. Given the generosity of this starting point, it would appear unnecessary to then subsequently add to this list</p> <ul style="list-style-type: none"> - Given the wealth of landscape beauty and variety in the Borders, I would argue that far greater than 50% of it is special. 	<p><i>lower merit, rather than to move inwards and reduce the area of higher merit landscape included within the cSLA, particularly where this has an impact on the integrity of the area in question"</i></p> <p>The term 'Special Landscape Area' is recommended by SNH, and does not imply that other areas are 'not special'. Other areas are covered by criteria based policies which include consideration of landscape character</p>	No further action.
	John Muir Trust	<ul style="list-style-type: none"> - It appears that the thresholds at each step of the scoring system were too sensitive and over selective, with only 50% of LCUs subject to detailed field work, and only the highest scoring 1/3 of those being examined in greater detail. The latter threshold was in the accompanying consultant's report as "an arbitrary cut-off", therefore it cannot be assumed that the 1/3 selected for further consideration was necessarily the right proportion or balance of sites - Furthermore, the weighted score of 50 points set as the threshold for inclusion as a potential SLA has 	<p>50% of higher-scoring LCUs were selected for detailed survey in the field. The remaining 50% were visited in order to check the desk based assessment, and where the desk-based assessment was found to be inaccurate, a detailed field survey was carried out. In this way, somewhat more than 50% of LCUs were surveyed in detail. The aim of the study was to identify a representative sample of the 'best' landscapes of the Borders, and it is considered reasonable therefore to focus on the higher-scoring areas. It was never the intention to designate 50% of the Borders, and 50% therefore</p>	No further action.

	<p>Terence O'Rourke for Wind Energy</p>	<p>clearly resulted in the exclusion of a number of important areas, particularly those currently covered by local designation as AGLV.</p> <p>- Paragraph 3.6 - field survey states, that "The highest scoring 50% of Landscape Character Units were carried forward in the process as an initial area of search for proposed Special Landscape Areas". Should this read as the highest scoring third were evaluated (being those that scored 50 points or more) as per Local Landscape Review Annex 1 page 53 paragraphs 7.24 & 7.25. Paragraph 3.7 again should this read highest scoring third not 50%.</p>	<p>presents a safety margin, including all areas likely to be considered for a designation.</p> <p>This is a mistake, it should read as suggested.</p>	<p>Accept correction to refer to refer to the highest scoring third</p>
	<p>Ian Kelly, Graham & Sibbald (for Buccleuch and Northumberland Estates and Heritage Action Group)</p>	<p>- From a planning policy perspective...the broader areas of search appear to be more reflective of the extent of the landscape that should be protected- although the absence of any proposed designated areas in the south west of the Council area is surprising. Looking at the text on pages 10-13 of the consultation, some of the reasons for rejecting areas seem very weak.</p>	<p>It would not have been appropriate to simply use the area of search because it is based on pre-defined LCUs from the Borders Landscape Character Assessment and not on landscape quality. As the Consultants note in para 3.25 (p14 of the LLDR) 'significant variations in landscape quality can occur across LCUs'.</p> <p>This issue was tackled through application of qualitative analysis- identifying which parts of the area of search performed well against the</p>	<p>Accept updated Appendix to the LLDR</p>

	<p>Mark Steele (on behalf of Graham & Sibbald for Buccleuch and Northumberland Estates and Heritage Action Group)</p>	<p>- ...it is apparent from the qualitative analysis from each LCU...that they are in fact comparative assessments which simply determine the relative merits of different parts of each LCU. Therefore the terminology used to describe the assessment should be amended in the adopted SPG</p>	<p>criteria and which parts contributed to important composite landscapes. In addition to fit with SNH/HS national guidance, practical criteria were applied, this examined:</p> <ul style="list-style-type: none"> - identity and coherence - suitable size - other policy/strategy considerations; and - boundary features <p>This work ensured the proposed SLAs were based on recognisable landscape units with a logical theme or focus and that they were an appropriate size to allow practical policy to be applied to them.</p> <p>The revision of the proposed SLAs will require the appendix to the LLDR to update pages 10-13.</p> <p>This stage of the evaluation was designed to identify sub-divisions within LCUs, and relationships between LCUs. It is considered that the wording in the SPG is appropriate to describe this stage (p9 Draft SPG).</p>	<p>No further action</p>
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	Ray Porter	<ul style="list-style-type: none"> - The document states that <i>“the initial set of cSLAs was revised based on feedback from the steering group including...the inclusion of certain areas.”</i> Beyond the areas excluded as they are already within a NSA, what other areas were excluded or included? What was the basis of such inclusion or exclusion, and how did these criteria fit with those used for the primary study to select cSLAs? Such tinkering is of concern, as is the lack of detail explaining how and why it was done 	The feedback included discussion on the overall area to be designated. The exclusion of NSAs was agreed, along with amendments to remaining areas in order that they would remain ‘coherent’. The exclusion of settlements was also discussed at this stage. Several boundaries were critiqued by the steering group. All steering group comments were reviewed in light of the stated methodology, and applied accordingly.	No further action
51.) Division of valley floor and upland hills	Ettrick & Yarrow Community Council;	<ul style="list-style-type: none"> - Question the methodology used by the Consultants: by dividing the valley floor from the upland hills, the two have become separate in the evaluation of quality - No upland river valley floor can be separated from the hills to each side. No upland valley floor can ever be seen without the hill tops which bound it and from which the river flows. The guidance notes from SNH/HS...state that the landscape means an area ‘perceived by people’, we would suggest that must mean from ridge to ridge. - Believe that the methodology chosen has produced a microscoping analysis 	Please see the response to Mr Robert Maguire OBE FRSA (Issue 45) and Professor Gordon Hughes (Issue 46)	No further action.

	Lilliesleaf, Ashkirk and Midlem CC	<p>of our valleys and one which cannot possibly convey the actual landscape character.</p> <ul style="list-style-type: none"> - Ask that upland river valleys be seen as one complete landscape, united by topography and also by their culture and history. - The views from the higher ground have often been ignored...this is particularly true of the views from places which are not main roads. It is the landscape seen from minor roads and footpaths especially on the high places which are the most spectacular. These are largely ignored by the review which makes it seem to be a desktop computer based study which ignores the human factors which makes so many of us glad to live here 	<p>Please see the response to Mr Robert Maguire OBE FRSA (Issue 45) and Professor Gordon Hughes (Issue 46). In addition, Views from high ground are not ignored (see SBC schedule of 'iconic viewpoints'), but the focus is on identifying recognised key views which can be assessed in a more objective way. The object of the LLDR is to identify landscapes requiring protection, not views as such.</p>	No further action.
52.) Application of Buffer	Southern Upland Partnership; Community Council of the	<ul style="list-style-type: none"> - Maps show a buffer zone around the Borders but give no indication of what landscape designations are found in this buffer. It would seem important to ensure that the Borders proposals fitted with the designations accepted by our neighbours. - ...the analysis fails to give adequate consideration to the overall setting of 	<p>As a result of the consultation representations, particularly concerning detail in those from SNH and neighbouring local authorities, cross boundary issues have influenced the appendix to the LLDR. Para 6.8 and Figure 6.1 of the LLDR show the wider context surrounding the Borders area</p>	Include updated Para 6.8 and Figure 6.1

	Royal Burgh of Peebles and District	the SBC area within the larger region of Southern and Central Scotland. A consequence of this is that there is little recognition of significant features and designations in the adjacent regions outside the 5km buffer zone, and attenuation of significance along the landward borders of the area.		
53.) Consultation	Southern Upland Partnership; Scottish Renewables	<ul style="list-style-type: none"> - One would have expected local communities to have been engaged in determining the boundaries of landscape units and what makes them work. However, as far as we are aware, it is only at this stage that local opinion appears to have been sought. We would suggest that some effort is put into actively engaging key communities in discussion. This would help ensure that the selected “special” areas have both public support and understanding. - While there does appear to be some commitment to consultation it seems that this is not backed up with the right level of transparency. The Local Landscape Designation guidance states that during very early consultation it is recommended that the Local Authority should seek wider public views through meetings, surveys and other contacts. However 	<p>The project brief (9 October 2009) states that “Public consultation on the designation of SLAs will be carried out by the Council as part of the Development Plan/Supplementary Planning Guidance processes. This will provide the main consultation with stakeholders and will include a range of communication methods to seek views on valued landscapes from members of the public”.</p> <p>It was considered that by employing the Consultants to undertake an independent study using a defensible methodology the findings would be as robust as possible, to do this an arms-length approach had to be maintained. Having said this it was the case that a Steering group, made up of relevant Council and SNH staff helped advise the Consultants.</p>	No further action.

	Ogilvie Jackson	<p>the commencement of the 12 week consultation period, the due consultative processes have fallen far short of the guidance recommendations. These were deemed to be “critical to the success of the appraisal”</p> <ul style="list-style-type: none"> - ...we were never consulted and strongly object to it (the Draft SPG)... It would appear that the largest landowners in the valleys have been consulted and one of them seems to have been almost excluded from the document...very strange. This document seems to have been sneaked in “under the radar” - I am somewhat concerned...in the way that the review has been handled by both SBC and the local Community Council as I, as a Land Owner I have not be notified or advised of this proposed review. - Personally, this review will inflict more restrictions to my farming practices, to which there are already too numerous to mention. 	<p>As stated at Issue 53, the Council attempted to contact as many potential respondents as possible. However we also hope for word of mouth to reach those whom we do not reach. For example, in the case of farmers/landowners we would hope that the NFU would pass details to their members.</p>	No further action
	William Renwick	<ul style="list-style-type: none"> - In response to Scottish Borders Council consultation on its proposed local landscape designation I wish to lodge my formal objection to the 	<p>Please see the response to Ogilvie Jackson at Issue 53.)</p>	No further action

	Daphne Jackson	<p>designation proposed for our land at Craigdouglas, Yarrow.</p> <ul style="list-style-type: none"> - I am somewhat concerned to say the least in the way that the review has been handled by both Scottish Borders Council and the Local Community Council as I, as a Land Owner have not been notified or advised of this proposed review. - ...I wish to object to proposed changes to the Landscape Designation for the Ettrick & Yarrow Valleys on the grounds that correct & required public consultation has not taken place - Apart from the local community council & I understand a large estate, no effort has been made by SBC to inform residents, businesses & farmers/landowners of the consultation taking place. This shows a complete lack of respect for the population of the two valleys. I personally feel very disappointed with the approach that SBC have take especially the refusal to extend the deadline & to hold public meetings requested by Ettrick & Yarrow Community Council. How can residents make informed decisions without the information required? I 	<p>Please see the response at the start of Issue 53.)</p> <p>In addition it should be noted that a consultation representation was received from Ettrick and Yarrow Community Council on October 10 2011. In addition to this a meeting with the Community Council was arranged for 4 October 2011, however EYCC sent their apologies. Requests for additional maps were also met.</p> <p>It is therefore considered that the Council's dealings with the EYCC on this matter were open and transparent.</p>	<p>No further action.</p> <p>No further action.</p>
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		<p>accept that the proposal was available on the council website but without publicity how does the public know to access it? Due to very poor broadband speeds in parts of our valleys it is not an easy task to access anything on line, besides the fact that some residents do not use computers. Surely information could have been placed in the local press, letters sent to residents & public meetings held with information available.</p> <ul style="list-style-type: none"> - The lack of consultation seems to be very short-sighted, how does SBC expect to progress this without following recommended procedures? I fear it has jeopardised any chance of agreement with the people who may be most affected - 		
54.) Lack of graduation in identifying SLAs	Ray Porter	<ul style="list-style-type: none"> - The lack of graduation or subtlety in defining an SLA is of great concern. It discredits the methodology. How can a line be drawn separating SLAs from non-SLAs? How can a metre make the difference between an area being special or not special? Clearly, this is nonsense. More subtlety of definition is required...there should be a greater range of different landscape designations (say 10?). 	<p>These approaches are not supported by national policy or by SNH/HS guidance, which sets out a two-tier system of National Scenic Areas and (local) Special Landscape Areas”</p> <p>The risk of employing graduated Special Landscape Areas or designating the whole of the Borders a Special Landscape Area is that the level of protection would likely become</p>	Accept approach taken in the revised Local Landscape Designations Review.

	Neil Bryce	<ul style="list-style-type: none"> - Why not start with the whole of the Scottish Borders being classed as special? - Alternatively...the methodology should seek to assign numeric scores to all landscape character units across the Scottish Borders, based upon well-defined evaluation criteria. Using an agreed distribution, landscape character units could be assigned to particular bands of SLA... - There appear to be certain areas that are at odds with this directive i.e. which do not take sufficient account of the wider scenery in paras 3-3 and 3-4, "Aspects of landscape character and selecting locally important designations" the criteria taking account of Typicality, Rarity, Uniqueness, Enjoyment, Naturalness and Scenic aspects have been noticeably narrowed down in many cases. This has resulted in somewhat arbitrary demarcation lines such as watercourses, roads and contours...which do not take sufficient account of the wider scenery. - 	<p>diluted. Instead it is considered better protection is offered by employing a defensible methodology to define a robust set of Special Landscape Areas.</p> <p>The criteria are drawn from the HS and SNH Guidance (2005), as set out in the LLDR report. It is not considered that they have been applied in a narrow way. It is acknowledged that any selected boundary is to some extent arbitrary. However the cSLA boundaries are drawn based on recommendations set out in the Guidance, and on the findings of the LLDR study.</p>	No further action
55.) Socio-economics	Scottish Renewables; EDF ER	<ul style="list-style-type: none"> - We are concerned that the criteria applied gives no consideration to the long term benefits of renewables 	The economic benefits of renewable energy are not a landscape matter and were therefore not considered.	No further action.

	Greenpower	<p>developments and the positive effect they can have on the local economy, along with contributing to reducing the impact of climate change</p> <p>- How much consideration has been given to the current land use in these proposed LLDs, such that they may affect the potential for landowners to diversify their businesses? Along with a landscape review to propose these landscape designations, there should be a corresponding economic review to assess the potential economic/business impact the proposals may have.</p> <p>-</p>	The economic benefits of renewable energy are not a landscape matter and were therefore not considered.	No further action.
56.) Scoring and weighting	John Muir Trust	- ...Scores can help to inform the decision-making process, but they should not be relied upon in isolation and offer no substitute for well-informed judgement. We feel that in these proposals too much emphasis has been put on the scores to the detriment of areas that the well informed would have included.	<p>The scoring system is an attempt to form an objective view on the Borders landscapes. Whilst some application of judgement is necessary, it must be backed by clear methodology, in order to avoid subjective decisions and to enable a transparent process.</p> <p>In addition, where consultation representations provided additional information the Consultants have examined these and made appropriate changes</p>	No further action
	John Muir Trust	- ...the Wildness criterion should have	The weighting of criteria was introduced	No further action

	<p>Friends of the Pentlands</p>	<p>chosen as being especially significant. However, this leaves the majority of the criteria un-weighted. The arbitrary decision on how to weight these (or whether to weight them) raises some questions as to how the weighting is linked back to local or national policy. A good example of this is <i>Tourism</i>, which is a component of the 'Wealthier and Fairer' objective as one of the Scottish Government's 'Key sectors of the Scottish Economy'. However the consultants chose not to apply a multiplier to <i>Tourism</i> but instead applied one to <i>Settlement Setting</i>... the methodology for linking weighting to national policy is absent- and therefore flawed, because the Tourism Key Sector report has not been taken into account yet a multiplier was applied to a non-strategic criterion such as <i>Settlement Setting</i>.</p> <ul style="list-style-type: none"> - There is a similar argument for Enjoyment - Doubtless 'scoring' is an approved methodology, although it can hardly be precise or objective. Furthermore, the addition of weighting inevitably makes the methodology more subjective. We would urge Scottish Borders Councillors to regard the 	<p>of landscapes meriting protection. The weighting was carefully tested and agreed with the Steering Group</p> <p>As a part of the revised LLDR, the Consultants re-examined scoring in the light of consultation representations, this is detailed in the updated SPG and in the respective sections of this document.</p> <p>The Consultants undertook an independent exercise to rank each of the LCUs and this is considered to be a robust and objective approach to take in deciding upon defensible SLAs. In applying practical criteria to the results of the scoring, a degree of logic was</p>	<p>No further action</p>
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	<p>Malcolm & Sandra McGregor</p>	<p>'scoring' methodology as helpful guidance but to apply a generous dose of common sense when considering recommendations based on that methodology</p> <ul style="list-style-type: none"> - converting qualitative data into quantitative data is fraught with danger and once done, aggregating the numeric values obtained can lead to misleading and confusing results...if a ranking of a habitat is given a 'score' of 4, compared to another landscape area being given a ranking 'score' of 2, one cannot conclude that the former habitat is 'twice as good' as the later. You can only conclude that one of the habitats, from the observer's viewpoint, is better than the other. - Trying to aggregate is problematic also: if one considers UF36 for example, the phase 1 score is 3, (= High) and the Designation score is 0,(= not sure/ no habitat?) yet a 'combined' score of 2 is concluded and this is converted back to a 'habitat value rank' of 'Medium'. It is very difficult to draw a meaningful conclusion here. 	<p>applied, for example through selection of coherent areas and appropriate boundaries.</p> <p>The aggregation of 'ordinal' scores gives an indication as to how well a landscape performs against the defined criteria. The total 'score' is not intended to have any inherent 'meaning', but allows a comparison of relative merit of different landscapes against the criteria</p>	<p>No further action.</p>
	<p>Graham & Sibbald</p>	<ul style="list-style-type: none"> - ...it would be helpful to know, within the SPG rather than in technical 	<p>It is considered that the relevant information is contained within the</p>	<p>Please reference the Appendix to the SPG, the</p>

		<p>appendices, how these criteria were weighted. It would also be helpful to know, within the SPG, how the criteria integrate in the assessment- for example, typicality and rareness are opposites but intactness and wildness are completely separate attributes. Also it is clear from the assessment of forces for change elsewhere in Scotland, that wildness and wild land characteristics are becoming even scarcer and thus more precious in a planning policy sense. It should be made clear, in the SPG, how wild land characteristics feature in the SLAs.</p> <p>- ...the cultural landscape, especially the historic cultural landscape, often does not secure the degree of designation/planning policy protection that it should have...therefore, it falls to documents such as this SLA consultation to address this key aspect of landscape. The outcome, in the form of the suggested SLAs, would tend to suggest that either insufficient weight has been given to this aspect or that the search for large contiguous areas for designation has not then resulted in the identification of key “settings” as potential SLAs. The outcome is that importance and</p>	<p>Appendix to the SPG, the Local Landscape Designations Review.</p> <p>Typicality and Rarity are not intended to be interpreted as ‘opposites’. An example of a landscape which scores highly against both criteria is the Eildon Hills, which are both an unusual landscape feature, and also highly representative of the Scottish Borders. However to avoid confusion the “Typicality” criterion has been renamed “Representativeness”</p> <p>Many important cultural heritage assets are included in SLAs (e.g Floors Castle, Traquair House etc). In addition Policy BE1 Listed Buildings and Policy BE2 Archaeological Sites and Ancient Monuments protect the setting and status of designated buildings and sites in the Borders.</p> <p>Hermitage Castle is dealt with at Issue 32</p>	<p>Local Landscape Designations Review</p> <p>Accept the criteria chosen as a part of the methodology of the Local Landscape Designations Review. Accept the renaming of “Typicality” to “Representativeness”</p> <p>No further action</p>
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	<p>Manor, Lyne & Stobo Upper Tweed Community Councils</p>	<p>identifiable cultural heritage landscapes, such as that around Hermitage Castle, are not designated as proposed SLAs. They are, as a result, not provided with the designation basis for planning policy protection. It is submitted that this aspect of the SLA assessment needs to be repeated with a view to identifying key cultural heritage landscapes for designation and protection through the land use planning system.</p> <ul style="list-style-type: none"> - There is no evidence in the Review document that ‘the profound links between this cultural heritage and the natural heritage’ have been considered. The broader landscape is excluded by the myopic nature of the methodology - ...weighting by “Settlement Setting” and “Views” is inappropriate i.e. it is only worth saving if it can be seen 	<p>The criteria for weighting were selected to emphasise those qualities which were considered by SBC to be most indicative of landscapes meriting protection, this was carefully tested with the Steering Group. The Council does not consider it is a case of “saving” landscapes; rather it is giving additional</p>	<p>No further action</p>
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	<p>Mark Steele (on behalf of Graham & Sibbald for Buccleuch and Northumberland Estates and Hermitage Action Group)</p> <p>Archie Hunter</p>	<p>- LLDR paragraph 7.20 explains that the weighting system was introduced <i>'In order to reflect the importance of those criteria which are most influential in the perception of 'special landscapes'...</i>' However the application of a triple weighting to the 'settlement setting' criterion distorts the scoring at the expense of the Scottish Borders more remote and in many cases <i>'special landscapes'</i>. Therefore either this criterion should not be weighted or the 'wildness' criterion should be given a triple-weighting to produce a balanced assessment.</p> <p>- ...such a scoring system can only be subjective. These subjective scores for some of the criteria were then given a further weighting...a very dubious approach in statistical methodology. How were these figures arrived at? Why was tourism, a very important part of our economy, given no weighting at all?</p>	<p>protection to the "best" examples of Borders landscapes.</p> <p>The criteria for weighting were selected to emphasise those qualities which were considered by SBC to be most indicative of landscapes meriting protection, this was carefully tested with the Steering Group. The Project Brief (p4 2009) noted that there was a perception that upland areas dominated the existing AGLVs and that any work should review the coverage of AGLVs. Triple weighting of the wildness criterion was considered however it was felt the results skewed the findings in favour of upland areas. This was not considered to be representative of the coverage of 'special' Borders landscapes.</p> <p>The scoring system is an attempt to form an objective view on the Borders landscapes. Whilst some application of judgement is necessary, it must be backed by clear methodology, in order to avoid subjective decisions and to enable a transparent process.</p> <p>In addition, where consultation representations provided additional information the Consultants have examined these and made appropriate</p>	<p>No further action</p> <p>No further action</p>
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			<p>changes</p> <p>The weighting of criteria was introduced to emphasise those qualities which were considered by SBC to be most indicative of landscapes meriting protection. The weighting was carefully tested and agreed with SBC and SNH. Following the Consultation period and in agreement with SNH the wildness rankings were re-examined using SNH's relative wildness data, this resulted in scoring changes in some areas, as detailed in the updated SPG.</p>	
57.) Rater Bias	Malcolm and Sandra McGregor	<ul style="list-style-type: none"> - ...it is basically an 'Observational' study and as such is highly susceptible to 'observer' or 'rater' bias. It is clear in the field study survey of the Scottish Borders more than one LUC surveyor was operating. The potential bias in observer ratings can to some extent be controlled providing LUC have carried out an 'Inter-rater reliability Study' to ensure there is a high correlation coefficient between the ratings team. Was this done? - 	No "inter-rater reliability study" has been carried out. However, the Consultants team which carried out the desk study and field work comprised landscape architects with experience of landscape character and assessment work on a large scale. Results were reviewed across the team to ensure consistency	No further action
58.) Use of Borders	Jacobs for SSE Renewables,	<ul style="list-style-type: none"> - It is notable that the Draft Guidance has used the 1998 Borders 	The desk-based evaluation work was checked in the field and it is therefore	No further action

Landscape Assessment		Landscape Assessment as a basis and has not sought to modify boundaries to reflect changes in the landscape over time, thus there is a risk that such changes may not have been fully taken into account.	considered to be up to date.	
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Issue	Respondent	Summary of Representations to Issue	Response	Recommendation
<p>Impact on SLA of development outwith boundaries</p> <p>59.) Lack of Contiguity and adjacent development</p>	<p>Ray Porter & John Muir Trust; Manor, Lyne & Stobo CC & Upper Tweed CC Philip Mason</p>	<ul style="list-style-type: none"> - ...the system of weighting landscape units in isolation is subjective and does not take due account of the impact on adjacent areas. - I feel that the terms of reference for the Consultation Document have failed to take account of the potential for adverse large scale development impacts. Landscapes and views that meet the criteria for SLA protection in the Review are liable to be seriously damaged if inadequate consideration is given to the potential for development in sensitive adjacent areas. - 	<p>Policy EP2 Areas of Great Landscape Value states “Where development proposals impact on an Area of Great Landscape Value”. It is envisaged that this wording would remain in an updated Policy EP2. Each planning application is dealt with on its own merits and whether there was an adverse impact on the SLA or not would be a decision to be taken in determination of the application.</p>	<p>No further action.</p>

	<p>Peebles</p> <p>Graham & Sibbald; Mr Robert Maguire OBE FRSA</p>	<p>a reasonable argument for revisiting the basis of designation, these earlier exercises were not undertaken in a vacuum and without evidence, and it would be quite wrong to dismiss such designation on this basis. Indeed quite the opposite – rather, there is a need to question whether sufficient argumentation has been presented to exclude previously included areas, and to ask the question “is something being missed?”</p> <p>- ...it is clear that, in using the words “adding additional areas” the Local Plan envisaged that the review would deliver a much more extensive set of protected areas. Fundamentally that is not the outcome of the SLA review process as it currently stands.</p> <p>-</p>	<p>Following the re-evaluation of the scoring and subsequent refinements it is the case that the proposed SLAs now exceed the land area of the existing AGLVs by some 23,600 ha. It should also be remembered that the figure for the AGLVs includes the two Borders National Scenic Areas, which are not included in the SLA figure. It is therefore the case that the figure for land area protected by designation (SLAs & NSAs) in the Borders has increased to 167,013 ha (a 38.8% increase on the previous proposal).</p>	<p>Accept the findings of the revised SPG and Appendix Local Landscape Designations Review</p>
61.) Conflict of interest	<p>Ray Porter; Dr Duncan Davidson; Manor Lyne &</p>	<p>- ...concerned by the choice of Land Use Consultants to undertake the study. It counts many wind energy developers among its clients</p>	<p>The Consultants agreed not to take on any work in the Borders whilst completing this exercise.</p>	<p>No further action</p>

	Stobo CC; Upper Tweed CC	-		
62.) Hearing or Inquiry	Graham & Sibbald	- ...further consideration of the proposed designations should be informed by a...hearing or Inquiry at which evidence can be taken. It is submitted that such an approach could usefully be combined with a Hearing/Inquiry in connection with the Council's Wind Energy SPG	A Hearing/Inquiry is not considered necessary for Supplementary Planning Guidance. It is the case that landscape and wind energy are matters that may arise at a prospective Local Development Plan inquiry.	No further action.
63.) St Abb's Head	Ray Porter	- Why is St Abbs Head not a National Scenic Area? This place is truly unique and special -	Designation of National Scenic Areas is a matter for the Government/SNH	No further action
64.) Walking and SLAs	John Henderson for Walking Support	- The areas where I feel walkers are particularly interested in seeing an SLA designation established are as follows:- ➤ Tweedsmuir Uplands- impacting the Southern Upland Way/Sir Walter Scott Way ➤ Tweed Valley (with extension to South)- impacting the Southern Upland Way/Sir Walter Scott Way ➤ Tweed, Ettrick and Yarrow – Impacting the Southern Upland Way/Sir Walter Scott Way &	The Tweedsmuir Uplands cSLA impacts on both these paths A possible extension to the Tweed Valley cSLA is covered at Issue 18.) (Minchmoor Summit) The Tweed, Ettrick and Yarrow Confluences SLA impacts upon the respective paths	It is not considered that any further action is necessary for the points made. Accept westward extension of the Proposed Tweedsmuir SLA to incorporate the Minchmoor summit and land to the south to A708.

		<p>Borders Abbeys Way</p> <ul style="list-style-type: none"> ➤ Eildon and Leaderfoot – Impacting the Southern Upland Way/ Sir Walter Scott Way and Herring Way ➤ Tweed Lowlands – Impacting the St Cuthbert’s Way and Borders Abbeys Way ➤ Teviot Valleys – Impacting the St Cuthbert’s Way and Borders Abbey Way ➤ Lammermuir Hills – Impacting the Southern Upland Way/Sir Walter Scott Way and Herring Way ➤ Berwickshire Coast – Impacting the Southern Upland Way/ Sir Walter Scott Way and new Berwickshire Coastal Path (Nortrail) ➤ Cheviot Foothills – Impacting the St Cuthbert’s Way, Pennine Way and Dere Street/Roman Heritage Way 	<p>This is an NSA and is no longer part of a local landscape designation</p> <p>The Tweed Lowlands cSLA impacts upon both of these paths.</p> <p>The St Cuthbert’s Way cuts through the north east corner of the Teviot Valleys SLA, whereas the Borders Abbey Way crosses the entire breadth of the Teviot Valleys cSLA</p> <p>The Southern Upland Way/Sir Walter Scott Way form the southern boundary of the Lammermuir Hills cSLA</p> <p>The two paths skirt the north western edge of the Berwickshire Coast</p> <p>St Cuthbert’s Way and Dere Street are impacted by the Cheviot Foothills cSLA. This is also the case for views from the Pennine Way</p>	
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PLANNING APPEALS & REVIEWS

Briefing Note by Head of Planning & Regulatory Services

PLANNING AND BUILDING STANDARDS COMMITTEE

9th July 2012

1 PURPOSE

- 1.1 The purpose of this briefing note is to give details of **Appeals** and **Local Reviews** which have been received and determined during the last month.

2 APPEALS RECEIVED

2.1 Planning Applications

- 2.1.1 Reference: 12/00192/FUL
Proposal: Erection of temporary 60m high meteorological mast
Site: Land South West of Prendergust Farm, Ayton
Appellant: Energie Konto UK Ltd

Reasons for Refusal: 1. The proposed mast, by particular reason of its scale and height, would have an intrusive and unacceptable landscape and visual impact upon the surrounding open landscape character, and would therefore be contrary to Policies N6 and N9 of the Scottish Borders Structure Plan and G1 of the Scottish Borders Local Plan. 2. The proposed development would result in the development of prime agricultural land, which would be inconsistent with Policies E1 of the Scottish Borders Structure Plan and R1 of the Scottish Borders Local Plan.

Grounds of Appeal: The proposal will enable an assessment of the viability of a wind farm proposal on the Site and will inform the evidence base for any such proposal. The appeal site is not within an area designated for landscape value at a national or local level. The appeal site is located in lowland open countryside primarily used for farming. In the Appellant's submission, the proposal accords with Policy N9 of the SB Structure Plan. The Planning Officer concluded that the visual impact of the proposal is temporary and tolerable and acceptable overall. The proposal did not require an Environmental Assessment or an Appropriate Assessment and it is considered that the environmental impact of the proposal has been appropriately considered. There is therefore no breach of Policy N6 of the SB Structure Plan. The design of the anemometer mast is slender and lightweight to minimise the potential landscape impacts, this ensures that it has the ability to fit and integrate into the rural landscape. The design and appearance of the proposal and the wider ability for the landscape to accommodate this lightweight development masts design ensures that it accords with SB Local Plan Policy G1 which requires high

quality design and integration in the Scottish Borders. The amount of prime agricultural land that would be used for this development is minimal and is not significant. The development would also be of a temporary nature and there will be no permanent loss or irreversible development of prime quality agricultural land. Therefore it is considered that the proposal is in line with Policy E1 of the SB Structure Plan and Policy R1 of the SB Local Plan.

Method of Appeal: Written Representations

2.2 Enforcements

Nil

3 APPEAL DECISIONS RECEIVED

3.1 Planning Applications

Nil

3.2 Enforcements

Nil

4 APPEALS OUTSTANDING

4.1 There remained no appeals previously reported on which decisions were still awaited when this report was prepared on 21st June 2012. This relates to sites at:

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5 REVIEW REQUESTS RECEIVED

5.1 Reference: 12/00061/FUL
Proposal: External re-decoration (retrospective)
Site: Pewter Plate, 12 Murray Street, Duns
Appellant: Saowanee Sim

Condition Imposed: The current colour of 'Heather', as described in the application forms and other documents is hereby not approved. The front and end walls of the building (i.e. the two walls visible from Murray Street) shall be repainted within 3 months of the date of this Consent, in a colour that has been first submitted to and agreed in writing by the planning authority and thereafter no other colour shall be used without the written approval of the planning authority. Reason: The current colour is not sympathetic to either the listed building or the wider conservation area setting, and therefore causes detriment to the heritage realm.

5.2 Reference: 12/00231/FUL
Proposal: Enlargement of existing dormer
Site: 3 Viewpark, Main Street, Reston
Appellant: Mrs Denise Crerar

Reason for Refusal: The development proposed is contrary to Policy N20 of the Scottish Borders Structure Plan 2001-2018, and Policies G1 and H2 of the Consolidated Scottish Borders Local Plan 2011, in that the proposed design, orientation, materials and location on the building are such that the new dormer would become an incongruous and prominent feature within the street scene, compounding the adverse impact already caused by the similar dormer on 2 Viewpark, the adjoining terraced house.

- 5.3 Reference: 12/00269/FUL
Proposal: Extensions to dwellinghouse, erection of 2 No garages and shed and alterations to access
Site: Cairnsmore, Bowden
Appellant: Mr & Mrs M Richardson

Reason for Refusal: The proposed kitchen room extension would have an unacceptable impact on the amenity of the adjoining property, Rowan Cottage, in terms of its impact on outlook, light and sunlight available to the living room located to the rear of the property, leading to an overbearing relationship which would fail to comply with Policy H2 of the Consolidated Local Plan 2011

6 REVIEWS DETERMINED

- 6.1 Reference: 11/01392/FUL
Proposal: Erection of wind turbine 54 metres high to tip & associated infrastructure
Site: Land South West of Old Farmhouse Townhead, Cockburnspath
Appellant: Windberry Energy Operations Ltd

Reason for Refusal: 1. The development would conflict with Policies N20, I19 and I20 of the Scottish Borders Structure Plan 2001-2018, and Policies G1, EP2, EP4 and D4 of the Consolidated 2011 Scottish Borders Local Plan, in that: - the proposed development would harm the local landscape setting by virtue of its design, location, scale, prominence in the landscape and cumulation with other consented development, in particular at Drone Hill (Coldingham Moor) - the proposed development would adversely affect the setting of the Coastal Area of Great Landscape Value. 2. The development would conflict with Policies I19 and I20 of the Scottish Borders Structure Plan 2001-2018, and Policies G1, H2 and D4 of the Consolidated 2011 Scottish Borders Local Plan, in that: - having regard to the siting and scale of the turbine, the proposed development would conflict with the private amenity of nearby occupiers of property outwith the control of the developer or landowner of the application site, due to potential for shadow flicker to occur and due to the relatively short distance between the proposed turbine and the curtilage of the dwelling (known as Old Townhead Farmhouse).

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld (Terms of Refusal Varied).

- 6.2 Reference: 11/01518/PPP
Proposal: Re-location of existing stable block and erection of dwellinghouse
Site: Stables at Old Quarry, Stonefield Place, Hawick

Appellant: Mr A Cook

Reason for Refusal: 1. The proposal is contrary to Policy H8 of the Scottish Borders Consolidated Structure Plan 2001 - 2018, Policy G8 and Policy D2 of the Scottish Borders Consolidated Local Plan 2011 and the Supplementary Planning Guidance New Housing in the Countryside (2008) in that the site is outwith the settlement boundary and unrelated to any building group and the economic need for a house on this site has not been adequately substantiated. 2. The proposal is contrary to Supplementary Planning Guidance New Housing in the Countryside (2008) in respect of roads and access in that the existing access is inadequate to serve a dwellinghouse on this site and is incapable of being upgraded to the required standards.

Method of Review: Review of Papers

Review Decision: Decision of Appointed Officer Upheld.

7 REVIEWS OUTSTANDING

7.1 There remained 3 reviews previously reported on which a decision is still awaited when this report was prepared on 21st June 2012. This relates to the site at:

- Leadervale House, Earlston
- Friarshaugh, Gattonside
- Camptown, Jedburgh
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Approved by

Brian Frater
Head of Planning & Regulatory Services

Signature

Author(s)

Name	Designation and Contact Number
Laura Marshall	Administrative Assistant 01835 824000 Ext 5409

Background Papers: None.

Previous Minute Reference: None.

Note – You can get this document on tape, in Braille, large print and various computer formats by contacting the address below. Jacqueline Whitelaw can also give information on other language translations as well as providing additional copies.

Contact us at Environment & Infrastructure, Scottish Borders Council, Council Headquarters, Newtown St Boswells, Melrose, TD6 0SA. Tel. No. 01835 825431 Fax No. 01835 825071 Email: eittranslationrequest@scotborders.gov.uk