

Archived: 25 November 2020 12:10:37

From: [REDACTED]

Sent: Wed, 25 Nov 2020 09:28:29

To:

Subject: RE: Local Development Plan - Oxton

Sensitivity: Normal

Attachments:

Oxton Residential Zoning - Nov 2020 - V3.2 PD.docx

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CAUTION: External Email

Hi [REDACTED]

Thanks for getting back to me so quickly with regards to my submission.

I have amended the heading and the author to reflect the fact that it comes from myself and no-one else (see attached) although I have shared my comments with other residents and the community council and obviously they must each decide whether they wish to comment on the site and, if so, whether they want to include any of my wording.

I saw you were on the cc list for the meeting at the site on Friday so hopefully you will be able to attend along with [REDACTED] and, hopefully, someone from "roads". I have no idea if you've ever seen the site but something I will be pointing out to yourself and others is the fact that when "roads" saw the site, they may have thought access to it would be via a strip of land next to the old farmhouse (although that would have been demolished for any development). However, as you will see, that strip of land was sold and a house is now under construction. This effectively narrows the road down to just over 3M with no possibility of widening it.

Also, one of the issues in my submission (erosion from the burn), is easy to see as there are two sheep fences along the opposite side of the road – a new one and an old one. As you will see, some parts of the old fence are now at 45 degrees clearly showing what is happening with the undercutting from burn.

Anyway, I look forward to meeting up at the site on Friday to discuss these issues along with several other issues.

Kind regards, [REDACTED]

Paul Docherty

[REDACTED]

---

From: [REDACTED]

Sent: 24 November 2020 16:25

To: [REDACTED]

Subject: FW: Local Development Plan - Oxton

Good afternoon Mr Docherty

I email in response to your email below and to the attached document.

To formally register your submission can you confirm who you are submitting this response on behalf of?

I note that your email below refers to "my submission" and is signed with only your name, however the attached document differs in that it refers to "Affected Residents Comments" and also includes the name - [REDACTED]

Once the above has been confirmed, the representation can be formally registered.

Many thanks.

Regards

[REDACTED]

Forward Planning

Scottish Borders Council

Phone Number: [REDACTED]

Email address: [REDACTED] | Twitter | Facebook | Flickr | YouTube

How are you playing #yourpart to help us keep the Borders thriving?

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From: [REDACTED] >

Sent: 24 November 2020 13:52  
To: localplan <[localplan@scotborders.gov.uk](mailto:localplan@scotborders.gov.uk)>  
Subject: Local Development Plan - Oxton

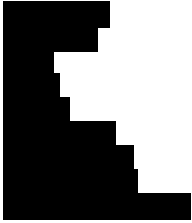
CAUTION: External Email

Dear Sir,

Please find attached my submission.

Regards

Paul Docherty



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# Comments with reference to the 2021 LDP Oxton - Possible Residential Zoning AOXT0010 (Netherhowden)

November 2020

## Background

During the data gathering for the 2021 LDP, in 2019 OCCC organised a village meeting to discuss all the sites around Oxton that could potentially be rezoned for housing and also identify a site for a new school to replace the existing 160-year-old school. A draft proposal in 2010 indicated the school should be capable of having 5 classrooms which is an increase on the existing size of Channelkirk. This would accommodate more children from an increased population in the village, generated from new housing.

Residents were asked for their preference and AOXT0009 (Luckencroft) was their preferred choice. It is contiguous with the village, opposite the playing field, able to take both new housing and also a new school. As existing access would be via "The Loan", research was done with SGN as to whether a new road could link from Main Street opposite the transport yard to Luckencroft and it is perfectly possible. A cushioned road over the high-pressure pipe (as is in place further down the road) and new builds 17M or more form the track of the pipe. Correspondence can be provided.

It should be noted that this paper is NOT promoting AOXT0009 (Luckencroft), or any other site, it is about the issues and consequences of residential zoning of AOXT0010 (Netherhowden).

This outcome of the meeting and research were provided as input to the LDP in 2019.

## Summary

It feels that one site had to be identified by forward planners in Oxton and that was AOXT0010 (Netherhowden). Following that, the report appears to downplay the obstacles for this site whilst accentuating them for the other sites.

Examples, as highlighted in detail under "Issues identified with report", include;

Making no mention of the road into Oxton and over the bridge for Netherhowden but most of the other sites include the "pinch point" statement.



Other sites made mention of widening “The Loan” AOXT0009 but say how difficult it would be. However, for Netherhowden (picture below left) it simply states that the minor road should be widened and also incorporate a footway. Yet the distance between the driveways of properties on either side of the road is as small as 3.17M so how can you widen the road?



A downside noted for AOXT0009 is that it would lose a hedge, yet no mention is made of the countless mature trees that will need to be removed for Netherhowden.



Sewerage for most sites says “**limited**” yet it is “Yes” for Netherhowden, SEPA “**capacity issues**” for sites except Netherhowden..... and there are many more.

So, you can see why we believe the report was loaded in favour of Netherhowden and against other sites.

In addition, no mention is made of where a new school in Oxton would be located. In 2010 in informal discussions with planners, it was agreed that AOXT0009 or close by (opposite the playing field) , would be the preferred site for additional housing together with a new school – whether or not it was built alongside any new houses or later when capacity was exceeded at Channelkirk. Netherhowden offers no option for a new school.

Lastly, these are the words from settlement profiles for Oxton .... “**Development to the north and east of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road**”. Netherhowden is clearly east of the settlement of Oxton.

In the 1990’s, 40 dwellings were built in Justice Park and 15 years ago, a further development was allowed St Cuthberts. Residents now want a say as to where new development and new school goes rather than having piecemeal planning forced upon it.

## Detailed comments on the Published Provisional LDP

Ten sites were considered within Oxton plus one amalgamation of three sites. The PP status of all but one of the sites was “excluded” – including the villages favoured site – but one site was included, AOXT0010 (Netherhowden).

### *Issues Identified with Reports*

#### Access

Access to the site would be via a minor road which measures between 3.17M – 3.33M in width past some properties. This width is from driveway to driveway so there is no room to widen the road or put in a footway. Yet one of the “safeguard proposals” states that **1) Widening of the minor road will be required 2) Footway and street lighting will be required from the site along the minor road to link with Station Road**. How is this to be achieved?

With 30+ dwellings on the 2.1 Ha site, you are likely to have up to 50 or 60 cars which will translate to many, many movements each day.

#### Contradicts Settlement Profile

The settlement profile of Oxton states that; **“Development to the north and east of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road**. This site is directly east of the village.

#### Pedestrian/Cycling Linkage with Justice Park

There is **NO direct access** from the Netherhowden field into Justice Park. Therefore, to allow this to happen, the council or builder would have to issue a CPO to purchase part of a residents’ garden.

#### Sewerage

Except for Netherhowden and one other site, all other site state **“Limited”** for Sewerage but Netherhowden states “Yes”. How can this be correct?

#### New School

Having discussed the need to replace the 160-year-old school (Channelkirk) as long ago as 2010 and the potential for a new 5 classroom school, there is simply no space on Netherhowden to locate it there. However, other sites in the village would provide ample space for housing and a new school in the years ahead.

#### Seemingly Biased Comments

There are several comments that seem to downplay the issues with Netherhowden whilst accentuating issues with other sites. Examples;

- Most sites in Oxton have the following comments from “Road Planning” ..... **“The main road into Oxton, over the Leader Water and via Station Road has its limitations which means that Oxton does not lend itself to any significant extent of development. It is difficult for two vehicles to pass at the pinch point at the property known as Leader Bank and there is no roadside footway between the A68 and the village and no real scope for proving one ..... All things considered, the road infrastructure serving Oxton does not lend itself to serving any significant extent of development”**. Yet there is NO such wording for Netherhowden. Why? If the infrastructure is not sufficient for other sites, then why is it sufficient for Netherhowden especially as it is only just over 3M in some places?
- Under general comments, **“Upgrading the road to Luckencroft could result in the loss of this hedge”**. Yet the loss of many mature trees at Netherhowden is not even mentioned.
- AOXT0009 – **“Oxton already benefits from an existing housing allocation on a brownfield site within the settlement”** – Netherhowden – no comments

- Conclusions – AOXT0009; **“The settlement of Oxton has limited access to services. It is considered that development at this location would not integrate well with the rest of the settlement”** Netherhowden; **“Overall it is considered that there are no insurmountable constraints .... capacity for 30 dwellings”**. Netherhowden is well away from the centre of the village – unless ground is purchased from one of three houses, there will not be any connection to Justice Park and no connection to the rest of the settlement. Netherhowden would likely become a “dormitory” development with residents having no need to enter the village.
- SEPA for other sites; **“With this and the other proposed sites in Oxton there is likely to be capacity issues at the STW”**. Netherhowden – no comment.
- Site south of Netherhowden – Development Manager; **“This site would extend the village into open countryside so should be avoided if sufficient land can be allocated elsewhere”**. Netherhowden; “appears to be constraint free”

#### Water/Sewerage

*A paper may subsequently be supplied regarding surface water run-of and foul water effluent*

#### Ecology

*A paper may subsequently be supplied regarding the international nature conservation value of the Leader Water*

*Loss of mature trees and habitats, bats, etc*  
*Otter habitat (one found directly below site)*  
*Flora and fauna loss*  
*Run off into burn*  
*Erosion on Leader Water banks*  
*Salmon and Sea Trout spawning*

Paul Docherty  
 November 2020

## Response ID ANON-VDDE-RPFS-X

Submitted to **Proposed Scottish Borders Local Development Plan**

Submitted on 2020-11-24 13:49:29

### About you

Are you responding as an: individual, group / organisation, agent?

Individual

#### Individual

What is your name?

Individual name:

Paul G Docherty

What is your email address?

Individual Email:

[REDACTED]

What is your address?

Address line 1:

[REDACTED]

Address line 2 :

[REDACTED]

Address line 3:

Town / city:

[REDACTED]

Postcode:

[REDACTED]

What is your contact telephone number?

Contact number:

[REDACTED]

### Proposed Local Development Plan Menu

Where would you like to go?

Submit your response to the consultation (Exit)

### Comment on Sites in Settlements I to O

Which Site are you commenting on?

Settlements I to O :

Oxton: AOXT0010: Deanfoot Road North: Housing

What are your comments regarding this Site?:

Affected residents Comments with reference to the 2021 LDP Oxton - Possible Residential Zoning AOXT0010 (Netherhowden)

November 2020

Background

During the data gathering for the 2021 LDP, in 2019 OCCC organised a village meeting to discuss all the sites around Oxton that could potentially be rezoned for housing and also identify a site for a new school to replace the existing 160-year-old school. A draft proposal in 2010 indicated the school should be capable of having 5 classrooms which is an increase on the existing size of Channelkirk. This would accommodate more children from an increased population in the village, generated from new housing.

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able to take both new housing and also a new school. As existing access would be via "The Loan", research was done with SGN as to whether a new road could link from Main Street opposite the transport yard to Luckencroft and it is perfectly possible. A cushioned road over the high-pressure pipe (as is in place further down the road) and new builds 17M or more form the track of the pipe. Correspondence can be provided.

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It feels that one site had to be identified by forward planners in Oxton and that was AOXT010 (Netherhowden). Following that, the report appears to downplay the obstacles for this site whilst accentuating them for the other sites.

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Other sites made mention of widening "The Loan" AOXT009 but say how difficult it would be. However, for Netherhowden (picture below left) it simply states that the minor road should be widened and also incorporate a footway. Yet the distance between the driveways of properties on either side of the road is as small as 3.17M so how can you widen the road?

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So, you can see why we believe the report was loaded in favour of Netherhowden and against other sites.

In addition, no mention is made of where a new school in Oxton would be located. In 2010 in informal discussions with planners, it was agreed that AOXT009 or close by (opposite the playing field), would be the preferred site for additional housing together with a new school – whether or not it was built alongside any new houses or later when capacity was exceeded at Channelkirk. Netherhowden offers no option for a new school.

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In the 1990's, 40 dwellings were built in Justice Park and 15 years ago, a further development was allowed St Cuthberts. Residents now want a say as to where new development and new school goes rather than having piecemeal planning forced upon it.

#### Detailed comments on the Published Provisional LDP

Ten sites were considered within Oxton plus one amalgamation of three sites. The PP status of all but one of the sites was "excluded" – including the villages favoured site – but one site was included, AOXT010 (Netherhowden).

#### Issues Identified with Reports

##### Access

Access to the site would be via a minor road which measures between 3.17M – 3.33M in width past some properties. This width is from driveway to driveway so there is no room to widen the road or put in a footway. Yet one of the "safeguard proposals" states that 1) Widening of the minor road will be required 2) Footway and street lighting will be required from the site along the minor road to link with Station Road. How is this to be achieved?

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There is NO direct access from the Netherhowden field into Justice Park. Therefore, to allow this to happen, the council or builder would have to issue a CPO to purchase part of a residents' garden.

##### Sewerage

Except for Netherhowden and one other site, all other sites state "Limited" for Sewerage but Netherhowden states "Yes". How can this be correct?

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Having discussed the need to replace the 160-year-old school (Channelkirk) as long ago as 2010 and the potential for a new 5 classroom school, there is simply no space on Netherhowden to locate it there. However, other sites in the village would provide ample space for housing and a new school in the years ahead.

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considered, the road infrastructure serving Oxtun does not lend itself to serving any significant extent of development". Yet there is NO such wording for Netherhowden. Why? If the infrastructure is not sufficient for other sites, then why is it sufficient for Netherhowden especially as it is only just over 3M in some places?

- Under general comments, "Upgrading the road to Luckencroft could result in the loss of this hedge". Yet the loss of many mature trees at Netherhowden is not even mentioned.

- AOXT009 – "Oxtun already benefits from an existing housing allocation on a brownfield site within the settlement" – Netherhowden – no comments

- Conclusions – AOXT009; "The settlement of Oxtun has limited access to services. It is considered that development at this location would not integrate well with the rest of the settlement" Netherhowden; "Overall it is considered that there are no insurmountable constraints .... capacity for 30 dwellings". Netherhowden is well away from the centre of the village – unless ground is purchased from one of three houses, there will not be any connection to Justice Park and no connection to the rest of the settlement. Netherhowden would likely become a "dormitory" development with residents having no need to enter the village.

- SEPA for other sites; "With this and the other proposed sites in Oxtun there is likely to be capacity issues at the STW". Netherhowden – no comment.

- Site south of Netherhowden – Development Manager; "This site would extend the village into open countryside so should be avoided if sufficient land can be allocated elsewhere". Netherhowden; "appears to be constraint free"

Water/Sewerage

A paper may subsequently be supplied regarding surface water run-off and foul water effluent

Ecology

A paper may subsequently be supplied regarding the international nature conservation value of the Leader Water

Loss of mature trees and habitats, bats, etc

Otter habitat (one found directly below site)

Flora and fauna loss

Run off into burn

Erosion on Leader Water banks

Salmon and Sea Trout spawning

Paul Docherty

### **What would you like to do now?**

Proposed Local Development Plan Menu (includes Exit option)

[Redacted]

---

**From:** [Redacted]  
**Sent:** 14 January 2021 11:26  
**To:** [Redacted]  
**Subject:** LDP - Submission on Oxtan Site AOXO010  
**Attachments:** Objection to Proposed LDP v8.2.docx

**CAUTION:** External Email

Dear [Redacted]

I have submitted an update response regarding AOXO010 via the website however, as it cannot accept a file or even accept pictures or maps, I would therefore appreciate it if you could log this as my full response.

Thanks you very much.

Kind regards

Paul Docherty

[Redacted]

## Objection to Proposed LDP: Site Reference AOXT0010: Deanfoot Road North (known as Netherhowden)

13th Jan 2021

I would like to state my/our **strongest objection** to the proposed allocation of the site above for housing on the following grounds:

1. The Netherhowden site has been chosen for its availability and not its suitability. Planners have ignored the concerns of residents and councillors regarding the suitability of Netherhowden for housing (see Further Notes A).
2. The 'Full Site Assessment' document was worded in a way that enhanced the suitability of the above site over other sites whilst downplaying and/or ignoring its fundamental issues (see Further Notes B).
3. Furthermore, an alternate site (AOXT0009) that is closer the centre of the village, aligns with the current and proposed Settlement Profile and is supported by the majority of residents but has been rejected for reasons that also apply to Netherhowden (see Further Notes B).
4. In addition, site AOXT0009 was rejected partly based on the existence of a high-pressure gas pipe in the vicinity. We have documentation and evidence from SGN that proves that this is not a viable reason for rejection (see Further Notes E).
5. Netherhowden is currently outwith the village boundary and remote from the centre of the village. Residents and councillors agree that future housing development should be to the west of the village and closer to the centre. Smaller in-fill developments would be preferred (see Further Notes A).
6. Any development of Netherhowden has the potential to be in direct conflict with the LDP Settlement Profile i.e., "*Development to the north and east of the settlement will be resisted where it would have a significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road.*" Netherhowden is directly east from Justice Park, the current village boundary. The proximity to the Leader Water (River Tweed SAC) of Netherhowden and the access road must raise concerns about the biodiversity impact. There is already erosion from the Leader Water close to the road. There has been no assessment work carried out on the impact on the River Tweed SAC of a potential 30 house development.
7. In addition, we take issue with the removal of the word "east" from the Settlement Profile from the draft proposed plan. It was clear in previous adopted LDPs that development east of the village would not be entertained in the future and yet without any obvious process, the word "east" has been removed. We believe this to be duplicitous and was removed intentionally to support the Netherhowden site (Netherhowden being east of Oxton, viewable from the A68 and close to the Leader Water). We have been informed by [REDACTED] [REDACTED] that the word "east" will be re-instated but have not seen this on the proposed plan (see Further Notes C).

8. [REDACTED] [REDACTED] have informed us that the proposed plan will also include a recommendation that future development of Oxton (including the possibility of a new school) should look preferably at sites closer to the crossroads at the centre/west of the village to maintain the density and geographic integrity of the settlement. Netherhowden is none of these (see Further Notes A).

9. There is no prospect of pedestrian or vehicular access from Netherhowden to Justice Park and hence the rest of the village. Any development would be isolated from the settlement (See Further Notes F).

10. Hence, the only access to Oxton is via a road that is so narrow in places (3 - 3.3m) that there is no possibility of a continuous pavement or safe passage of cars. Children and families would be required to walk on the road even if verges were requisitioned in places (see Further Notes G).

11. The positioning, remoteness, and access issues with the Netherhowden site, does nothing to promote sustaining and strengthening the community. Development nearer the centre would promote usage of key services within the village.

12. We categorically dispute the finding in the proposed LDP that building on the Netherhowden site will only have a moderate impact on biodiversity and the River Tweed SAC (see Further Notes D).

#### Further Notes:

*Any documentation or evidence to support the objections above that has not been included here can be provided on request.*

A.

#### Input from Residents Ignored:

During the data gathering for the 2021 LDP, in 2019 Oxton and Channelkirk Community Council (OCCC) organized a village meeting to discuss all the sites around Oxton that could potentially be rezoned for residential.

Residents were asked for their preference and AOXT009 emerged their preferred choice. It is contiguous with the village, opposite the playing field, able to take both new housing and a new school. Research was carried out with Scottish Gas Network (SGN) to establish whether a road and houses / school could be built close to a high-pressure gas pipe. It was concluded that by simply cushioning any new road (as is in place close by on the road south and is standard practice) and by leaving an exclusion zone boundary between the track of the pipe and any new builds, there is no substantive reason why this site could not be used. This is in direct contradiction to the wording on the Site Assessment. (See Further Notes E)

The outcome of the meeting and research were provided as input to the LDP in 2019. Despite AOXT009 being identified by residents as their preferred choice, SBC Forward Planners rejected that site plus all other sites in the village except AOXT0010 (Netherhowden).

Email from [REDACTED] to OCCC and residents (7 Dec 2020):

*As a general comment I'm personally wary of large, blockish developments tacked on to the side of small villages and towns. I'd prefer to see more organic, individually designed development so that communities can evolve gradually, retaining their sense of identity. So I share concerns about this site, and would want to look carefully at the layout and design of any proposed development there"*  
(Netherhowden)

B.

Full Site Assessment P638 – 669 (10 sites in Oxton were considered AOXTO009 – AOXTO018):

i. 8 out of the 10 sites include the following statements in the "Road Planning" section:

*"The main road into Oxton, over the Leader Water and via Station Road has its limitations which means that Oxton does not lend itself to any significant extent of development. It is difficult for two vehicles to pass at the pinch point at the property known as Leader Bank and there is no roadside footway between the A68 and the village and no real scope for providing..."*

*"All matters considered, the road infrastructure serving Oxton does not lend itself to serving any significant extent of development."*

Netherhowden – these statements were omitted.

ii. General Comments in Planning and Infrastructure for site AOXTO009:

*"Oxton already benefits from an existing housing allocation on a brownfield site"*

Netherhowden – statement omitted

iii. Local impact and integration summary for site AOXTO009:

*"Upgrading the road could result in a loss of this hedge"*

Netherhowden – no mention of loss of numerous mature trees

iv. Overall assessment of site AOXTO009:

*"The settlement of Oxton has limited access to services. It is considered that development at this location would not integrate well with the rest of the settlement"*

There is no basis for this statement. No reasons are given as to why it would not integrate. It was the preferred site for the majority of residents and aligns with the settlement profile and is near the centre of the village.

Netherhowden – *"Overall, it is considered that there are no insurmountable constraints, to prevent the development of this site, subject to appropriate mitigation measures being put in place."*

v. 8 out of the 10 sites include the following statement in the "Initial assessment" section:

*"With this and the other proposed sites in Oxton there is likely to be capacity issues at the STW (Sewage Treatment Works)"*

Netherhowden – statement omitted

vi. Planning and Infrastructure for AOXT0011:

*“This site would extend the village into open countryside so should be avoided if sufficient land can be allocated elsewhere.”*

Netherhowden – *“appears constraint free”*

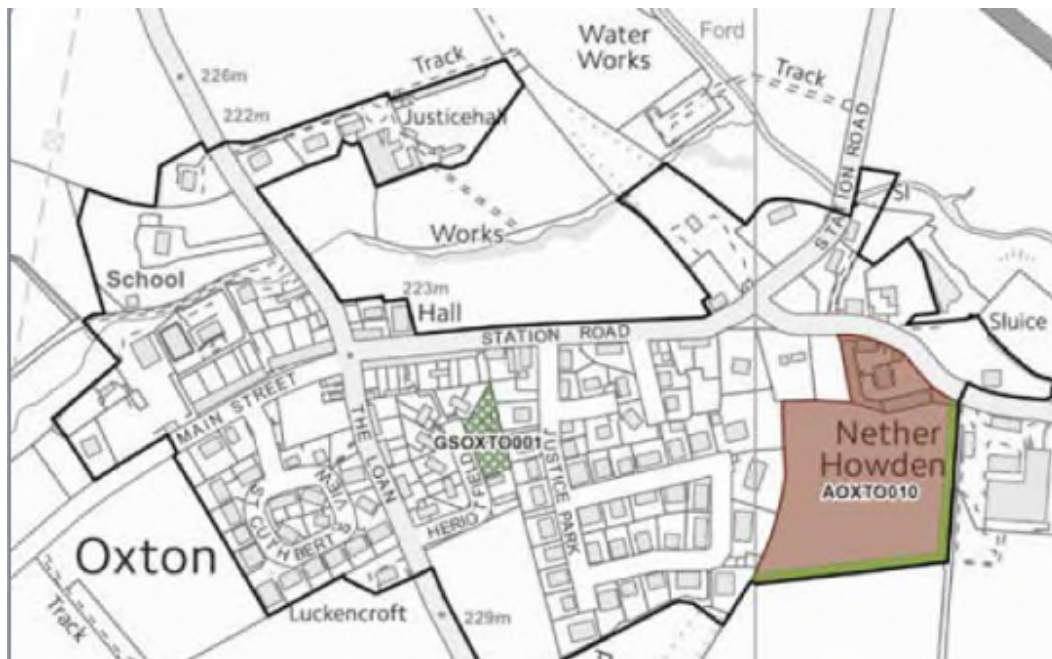
vii. Accessibility and sustainability assessment for Netherhowden:

*“The site is located to the east of Oxton, just outwith the settlement boundary.”*

Email from [REDACTED] [REDACTED] in relation to the removal of the word “east” from the Settlement Profile –

*“...they argue that while the site is in the eastern part of the village, (albeit outside the existing settlement boundary) it is not ‘to the east’ of the village”*

Direct contradiction by the Planners (see map below)



C.

LDP 2009:

*“Development to the north **and east** of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road.”*

LDP 2016:

*“Development to the north **and east** of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road.”*

Proposed LDP:

*“Development to the north of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road.”*

Email from [REDACTED] to OCCC and residents (7 Dec 2020):

*“On the removal of the word ‘east’, officers are happy to reinsert it...”*

Email from [REDACTED] to OCCC and residents (9 Dec 2020):

*“The changed wording will be in this LDP (i.e. the one currently being consulted on).”*

Email from [REDACTED] [REDACTED] to OCCC and residents (7 Dec 2020):

*“Also, David (Parker) and I have asked that the text (in LDP) be changed to indicate that for future development of Oxton (including the possibility of a new school) we should look preferably at sites closer to the crossroads at the centre / west of the village so as to maintain the density and geographic integrity of the settlement.”*

D.

We have obtained free advice from ecology companies and [REDACTED] who lives near Oxton and owns Bird Garden Scotland.

The Netherhowden site contains various derelict farm buildings and a farmhouse and a cluster of mature trees that provide ideal habitats for bats and breeding grounds for birds. A PRA and PEA have not been carried out on the site due to the time of year, but they will be commissioned.

The River Tweed SAC which lies immediately below the site and slopes down to the Leader Water:

- i. Bird Garden Scotland, who is located 200m from the Leader Water, rescued an otter cub last spring from directly below the Netherhowden site. Otters are highly protected and cannot cope with water quality changes as it affects their food source.
- ii. Newts and toads reside in some of the pools and side-wetlands directly below the site.
- iii. Dippers and Kingfishers live on the burn; it is an established heron feeding ground and it also supports mergansers. All these species are protected.
- iv. The burn is a salmon and sea trout run leading to spawning grounds.

All these species are currently established on the Leader Water and when the PEA is commissioned, there will undoubtedly be many, many other species found. The entire Netherhowden site slopes down towards the Leader Water. The likelihood of an adverse impact on the River Tweed SAC should the field be built is extremely high.

The course of Leader Water has moved tens of metres west in the past few decades and it is now directly adjacent to the access road that goes past Netherhowden. There are clear signs of erosion and

an old sheep fence along the side of the road is now laying at 45 degrees in some parts demonstrating the erosion that has taken place and a newer fence has had to be erected.

E.

#### High Pressure Gas Pipe

See Further Notes A. for background.

*Documents from SGN can be provided on request.*

In summary, any new road would be required to be cushioned (which is common practice) and any development in the vicinity of a high-pressure gas pipe is required to leave an exclusion zone (15-27m). Again, this is common practice. In relation to site AOXT0009, this would reduce the site size by approximately 20% but the site would still be bigger than Netherhowden. So once again, an issue that is relatively easily mitigated and is a common occurrence is used for a reason to reject in preference of another site.

F.

#### Lack of Access to Justice Park and Rest of Village

Site Requirements for Netherhowden in proposed LDP:

*“Explore the potential for a secondary access from the extreme south westerly corner of the site which links Justice Park and the possibility of a further pedestrian/cycle linkage, in the interests of connectivity and integration of the existing street network”*

There is categorically no way of connecting the site to Justice Park because the entire western border between Justice Park and Netherhowden are residents' gardens.

G.

#### Fundamental access issues and safety concerns ignored (see photographic evidence)

Site Requirements for Netherhowden from proposed LDP:

*“Widening of the minor road carriageway will be required” -*

Access to the site would be via a very narrow (single lane) minor road which measures between 3.17m – 3.33m in width past some properties. This width is from driveway to driveway so it is **not possible** to widen the road.

*“Footway and street lighting will be required from the site along the minor road to link with Station Road”*

As can be seen from the photographs, there is **no prospect** of widening the road **and** having a pavement. This is clearly a safety issue, especially when you consider a development of 30 houses would generate a high number of movements (both vehicular and on foot) and this would be the only possible access to the site (in car or by foot).





*“Explore the potential for a secondary access from the extreme south westerly corner of the site which links Justice Park and the possibility of a further pedestrian/cycle linkage, in the interests of connectivity and integration of the existing street network”*

See Further Notes F., this is simply **not possible**

When these safety issues were highlighted with Planners in informal discussions in late 2020, they were dismissed with a standard “they can be mitigated” e.g., the road does not need to be widened in its entirety, a footpath does not need to be present along the entire length of road etc. However, this simply is ignoring the fact that the road is not suitable for access for a large development and there is no possible way to make it safe. With no continuous pavement possible and no space for 2 cars to pass safely along almost the entire stretch of road, families and children will be forced to walk on the road.

**This is an unacceptable risk.**

In addition, as already noted in most of the Site Assessments (except ironically Netherhowden) – *“the main road into Oxton, over the Leader Water and via Station Road has its limitations which means that Oxton does not lend itself to any significant extent of development”*. The access road to Netherhowden is closest of any of the sites to this main pinch point and when you consider the acute left turn (see below) that would be required it is another example of safety concern not being considered.



## Response ID ANON-VDDE-RPCX-Z

Submitted to **Proposed Scottish Borders Local Development Plan**

Submitted on **2021-01-14 10:57:04**

### About you

Are you responding as an: individual, group / organisation, agent?

Individual

#### Individual

What is your name?

Individual name:

Paul Docherty

What is your email address?

Individual Email:

[REDACTED]

What is your address?

Address line 1:

[REDACTED]

Address line 2 :

[REDACTED]

Address line 3:

[REDACTED]

Town / city:

[REDACTED]

Postcode:

[REDACTED]

What is your contact telephone number?

Contact number:

[REDACTED]

### Proposed Local Development Plan Menu

Where would you like to go?

Submit your response to the consultation (Exit)

### Comment on Sites in Settlements I to O

Which Site are you commenting on?

Settlements I to O :

Oxton: AOXTO010: Deanfoot Road North: Housing

What are your comments regarding this Site?:

Objection to Proposed LDP: Site Reference AOXTO010:

Deanfoot Road North (known as Netherhowden)

13th Jan 2021

I would like to state my/our strongest objection to the proposed allocation of the site above for housing on the following grounds:

1. The Netherhowden site has been chosen for its availability and not its suitability. Planners have ignored the concerns of residents and councillors regarding the suitability of Netherhowden for housing (see Further Notes A).

2. The 'Full Site Assessment' document was worded in a way that enhanced the suitability of the above site over other sites whilst downplaying and/or ignoring its fundamental issues (see Further Notes B).
3. Furthermore, an alternate site (AOXTO009) that is closer the centre of the village, aligns with the current and proposed Settlement Profile and is supported by the majority of residents but has been rejected for reasons that also apply to Netherhowden (see Further Notes B).
4. In addition, site AOXTO009 was rejected partly based on the existence of a high-pressure gas pipe in the vicinity. We have documentation and evidence from SGN that proves that this is not a viable reason for rejection (see Further Notes E).
5. Netherhowden is currently outwith the village boundary and remote from the centre of the village. Residents and councillors agree that future housing development should be to the west of the village and closer to the centre. Smaller in-fill developments would be preferred (see Further Notes A).
6. Any development of Netherhowden has the potential to be in direct conflict with the LDP Settlement Profile i.e., "Development to the north and east of the settlement will be resisted where it would have a significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road." Netherhowden is directly east from Justice Park, the current village boundary. The proximity to the Leader Water (River Tweed SAC) of Netherhowden and the access road must raise concerns about the biodiversity impact. There is already erosion from the Leader Water close to the road. There has been no assessment work carried out on the impact on the River Tweed SAC of a potential 30 house development.
7. In addition, we take issue with the removal of the word "east" from the Settlement Profile from the draft proposed plan. It was clear in previous adopted LDPs that development east of the village would not be entertained in the future and yet without any obvious process, the word "east" has been removed. We believe this to be duplicitous and was removed intentionally to support the Netherhowden site (Netherhowden being east of Oxton, viewable from the A68 and close to the Leader Water). We have been informed by Councillor Tom Miers that the word "east" will be re-instated but have not seen this on the proposed plan (see Further Notes C).
8. Councillors Tom Miers and David Parker have informed us that the proposed plan will also include a recommendation that future development of Oxton (including the possibility of a new school) should look preferably at sites closer to the crossroads at the centre/west of the village to maintain the density and geographic integrity of the settlement. Netherhowden is none of these (see Further Notes A).
9. There is no prospect of pedestrian or vehicular access from Netherhowden to Justice Park and hence the rest of the village. Any development would be isolated from the settlement (See Further Notes F).
10. Hence, the only access to Oxton is via a road that is so narrow in places (3 - 3.3m) that there is no possibility of a continuous pavement or safe passage of cars. Children and families would be required to walk on the road even if verges were requisitioned in places (see Further Notes G).
11. The positioning, remoteness, and access issues with the Netherhowden site, does nothing to promote sustaining and strengthening the community. Development nearer the centre would promote usage of key services within the village.
12. We categorically dispute the finding in the proposed LDP that building on the Netherhowden site will only have a moderate impact on biodiversity and the River Tweed SAC (see Further Notes D).

#### Further Notes:

Any documentation or evidence to support the objections above that has not been included here can be provided on request.

#### A.

Input from Residents Ignored:

During the data gathering for the 2021 LDP, in 2019 Oxton and Channelkirk Community Council (OCCC) organized a village meeting to discuss all the sites around Oxton that could potentially be rezoned for residential.

Residents were asked for their preference and AOXTO009 emerged their preferred choice. It is contiguous with the village, opposite the playing field, able to take both new housing and a new school. Research was carried out with Scottish Gas Network (SGN) to establish whether a road and houses / school could be built close to a high-pressure gas pipe. It was concluded that by simply cushioning any new road (as is in place close by on the road south and is standard practice) and by leaving an exclusion zone boundary between the track of the pipe and any new builds, there is no substantive reason why this site could not be used. This is in direct contradiction to the wording on the Site Assessment. (See Further Notes E)

The outcome of the meeting and research were provided as input to the LDP in 2019. Despite AOXTO009 being identified by residents as their preferred choice, SBC Forward Planners rejected that site plus all other sites in the village except AOXTO010 (Netherhowden).

Email from [REDACTED] to OCCC and residents (7 Dec 2020):

As a general comment I'm personally wary of large, blockish developments tacked on to the side of small villages and towns. I'd prefer to see more organic, individually designed development so that communities can evolve gradually, retaining their sense of identity. So I share concerns about this site, and would want to look carefully at the layout and design of any proposed development there" (Netherhowden)

#### B.

Full Site Assessment P638 – 669 (10 sites in Oxton were considered AOXTO009 – AOXTO018):

i. 8 out of the 10 sites include the following statements in the "Road Planning" section:

"The main road into Oxton, over the Leader Water and via Station Road has its limitations which means that Oxton does not lend itself to any significant extent of development. It is difficult for two vehicles to pass at the pinch point at the property known as Leader Bank and there is no roadside footway between the A68 and the village and no real scope for providing..."

"All matters considered, the road infrastructure serving Oxton does not lend itself to serving any significant extent of development."

Netherhowden – these statements were omitted.

ii. General Comments in Planning and Infrastructure for site AOXTO009:

"Oxton already benefits from an existing housing allocation on a brownfield site"

Netherhowden – statement omitted

iii. Local impact and integration summary for site AOXTO009:

"Upgrading the road could result in a loss of this hedge"

Netherhowden – no mention of loss of numerous mature trees

iv. Overall assessment of site AOXTO009:

"The settlement of Oxton has limited access to services. It is considered that development at this location would not integrate well with the rest of the settlement"

There is no basis for this statement. No reasons are given as to why it would not integrate. It was the preferred site for the majority of residents and aligns with the settlement profile and is near the centre of the village.

Netherhowden – "Overall, it is considered that there are no insurmountable constraints, to prevent the development of this site, subject to appropriate mitigation measures being put in place."

v. 8 out of the 10 sites include the following statement in the "Initial assessment" section:

"With this and the other proposed sites in Oxton there is likely to be capacity issues at the STW (Sewage Treatment Works)"

Netherhowden – statement omitted

vi. Planning and Infrastructure for AOXTO011:

"This site would extend the village into open countryside so should be avoided if sufficient land can be allocated elsewhere."

Netherhowden – "appears constraint free"

vii. Accessibility and sustainability assessment for Netherhowden:

"The site is located to the east of Oxton, just outwith the settlement boundary."

Email from ██████████ in relation to the removal of the word "east" from the Settlement Profile –

"...they argue that while the site is in the eastern part of the village, (albeit outside the existing settlement boundary) it is not 'to the east' of the village"

Direct contradiction by the Planners (see map below)

C.

LDP 2009:

"Development to the north and east of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road."

LDP 2016:

"Development to the north and east of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road."

Proposed LDP:

"Development to the north of the settlement will be resisted where it would have significant effect on the international nature conservation value of the Leader Water or impact on the countryside setting of the settlement as viewed from the A68 trunk road."

Email from ██████████ to OCCC and residents (7 Dec 2020):

"On the removal of the word 'east', officers are happy to reinsert it..."

Email from ██████████ to OCCC and residents (9 Dec 2020):

"The changed wording will be in this LDP (i.e. the one currently being consulted on)."

Email from [REDACTED] to OCCC and residents (7 Dec 2020):

"Also, [REDACTED] have asked that the text (in LDP) be changed to indicate that for future development of Oxton (including the possibility of a new school) we should look preferably at sites closer to the crossroads at the centre / west of the village so as to maintain the density and geographic integrity of the settlement."

D.

We have obtained free advice from ecology companies and Owen Joiner who lives near Oxton and owns Bird Garden Scotland.

The Netherhowden site contains various derelict farm buildings and a farmhouse and a cluster of mature trees that provide ideal habitats for bats and breeding grounds for birds. A PRA and PEA have not been carried out on the site due to the time of year, but they will be commissioned.

The River Tweed SAC which lies immediately below the site and slopes down to the Leader Water:

- i. Bird Garden Scotland, who is located 200m from the Leader Water, rescued an otter cub last spring from directly below the Netherhowden site. Otters are highly protected and cannot cope with water quality changes as it affects their food source.
- ii. Newts and toads reside in some of the pools and side-wetlands directly below the site.
- iii. Dippers and Kingfishers live on the burn; it is an established heron feeding ground and it also supports mergansers. All these species are protected.
- iv. The burn is a salmon and sea trout run leading to spawning grounds.

All these species are currently established on the Leader Water and when the PEA is commissioned, there will undoubtedly be many, many other species found. The entire Netherhowden site slopes down towards the Leader Water. The likelihood of an adverse impact on the River Tweed SAC should the field be built is extremely high.

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**What would you like to do now?**

Proposed Local Development Plan Menu (includes Exit option)