

Archived: 25 January 2021 10:52:51

From: [REDACTED]

Sent: Fri, 22 Jan 2021 14:05:15 +0000ARC

To:

Cc: [REDACTED]

Subject: Scottish Borders Proposed LDP

Sensitivity: Normal

Attachments:
[REDACTED]

CAUTION: External Email

Dear Local Development Plan Team,

On behalf of our client WH Sharp & Son, please find attached representations to the proposed Local Development Plan 2 and Local Biodiversity Technical Note.

I can confirm that we have also submitted the attached document using the Citizen Space Tool. Our response ID is [REDACTED].

I trust that the above and attached are in order.

Kind regards

[REDACTED]



Corinne MacDougall

Associate Planning

Broxden House, Lamberkine Drive, Perth, Scotland. PH1 1RA

DD: [REDACTED]

Business continuity during Covid-19 outbreak. Click [here](#) to find out more.

**A CLEAR VIEW
A WELL INFORMED APPROACH**

Bidwells LLP, a limited liability partnership trading as Bidwells, is registered in England & Wales (registered number OC344553). The registered head office is Bidwell House, Trumpington Road, Cambridge, CB2 9LD, where a list of members is available for inspection.

To read our full disclaimer please click [here](#) To read our Privacy Notice please click [here](#)

REPRESENTATIONS TO SCOTTISH BORDER COUNCIL'S PROPOSED LOCAL DEVELOPMENT PLAN 2

On behalf of our client WH Sharp & Son we would like to take the opportunity to make a formal representation to the Proposed Local Development Plan 2 consultation process, placing particular emphasis on Policy EP 3: Local Biodiversity and Geodiversity and the proposed 2 no. Local Biodiversity Site (LBS) designations included in the proposed Biodiversity Technical Note (BTN):

- Site Ref: 53 - Whalplaw Burn (lower); and,
- Site Ref: 132 - Whalplaw Burn (Upper)

We recognise that:

- LBS are required to replace Local Wildlife Sites system in line with the 2006 national guidance Establishing and Managing Local Nature Conservation Sites (Local Nature Conservation Working Group) on the basis that one aim of the guidance is to reduce the number of different local designations and simply have one for local sites possessing biodiversity throughout Scotland.
- The proposed LBS meet the requirements set out within Scottish Planning Policy (SPP) paragraph 195 '*Planning authorities, and all public bodies, have a duty under the Nature Conservation (Scotland) Act 2004 to further the conservation of biodiversity*'.

We do however raise the following objections for SBC's consideration in the finalisation of the proposed LDP2 and BTN:

- Policy EP3 seeks to encourage developers to consider biodiversity at the outset for a proposal. With this policy in place the LBS Technical Note would appear to provide limited additional value as the identification of a total of 188 sites across large swathes of the Scottish Borders is not focused or measured. Furthermore, it could be interpreted that with the identification of so many sites, any land that is not covered with a LBS designation may be regarded as having a lower biodiversity value/designation which is clearly not the intended case.
- The Proposed Plan Proposals Map does not show any of the LBS designations and as such they could easily be missed when researching land use designations/proposals for specific areas of land. This would appear to be contrary to Section 8 of the Town & Country Planning (Development Planning) (Scotland) Regulations.
- Bio-diversity is dynamic. We object to the need for a fixed BTN, particularly when the information collated for the proposed 188 LBS is inconsistent i.e. in most cases no site-specific surveys were commissioned for all sites. Further, not all landowners have been traced or contacted to highlight the significance of the proposed designations on their land. If that is the case then this provides further

justification for the non-inclusion of sites as this is a fundamental flaw in the notification procedures for the Proposed Plan – as all owners and neighbours of land with a specific proposals are required to be notified under Section 14 of the Regulations which states;

“(1) Where the proposed local development plan includes a proposal for development relating to a specific site which, if implemented, would be likely to have a significant effect on the use or amenity of that site or of neighbouring land, the planning authority are to give notice to the owner, lessee or occupier of any premises situated on that site, or on such neighbouring land, as the case may be, in accordance with paragraph (2).

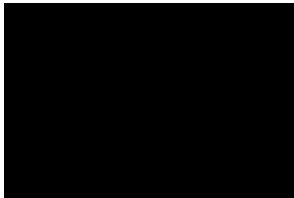
(2) Notice given under paragraph (1) is to be–

(a) in the form set out in Schedule 2 (and completed in accordance with the instructions therein);

(b) accompanied by a map showing the location of the site in question; and

(c) sent to the premises situated on the site or neighbouring land, as the case may be, addressed to “the Owner, Lessee or Occupier”.

Taking all of the above into account, on behalf of our client, it is requested that the proposed LBS designation for sites no.53 and No. 132 be removed from the proposed Biodiversity Technical Note.



22 January 2021