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From: [REDACTED]

Sent: Fri, 22 Jan 2021 14:10:22

To:

Subject: LDP2Consultation/AGALA029/Netherbarns

Sensitivity: Normal

Attachments:

[REDACTED] 

CAUTION: External Email

Dear Sir/Madam,

With regard to the proposal above, we attach our letter of objection.

In view of the increasing national, and international, appreciation of Sir Walter Scott and the growth in all-year-round activities and visitor numbers at Abbotsford and its Designed landscape, as verified by Abbotsford in its recent, public Objection, we wish to voice our concern about the Netherbarns housing proposal.

How remarkable it is that his home, designed by Scott himself, housing Scott's collections, and surrounded by Scott's own landscape should remain so remarkably intact. It is truly a world-class heritage site, and was at one time on Unesco's short-list for recognition. All this would be placed in severe jeopardy were this or any future housing scheme to go ahead on such a scale.

Yours faithfully

Alan & Kathryn Morton

[REDACTED]

Sent from [Mail](#) for Windows 10

Proposed Local Development Plan
Objection Response from Save Scott's Countryside,
January 2021

AGALA029/Netherbarns

We remain resolutely **Opposed** to the **Proposal to allocate** this site for a **substantial housing** estate. We seek it's **Removal** from the List of Allocated Sites **unless** it's **Indicative Capacity** is hugely reduced.

Galashiels Settlement Boundary

1. We **Object** most strongly to the proposed **Incorporation** of the **Netherbarns site** within the Galashiels Settlement Boundary and **seek** it's **Removal**.
We **Object** most strongly to its Removal from the **Protection** of the **Countryside Around Towns Policy**. We **seek** its **Return** to that **Protection**
 2. We seek the **Removal from the Settlement Boundary** of that **Area to the South-west**, comprising Netherbarns Farmhouse, its steading and grounds.
We **seek** for it to come under the **Protection of CAT policy**.
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Background History of the Netherbarns Site

Proposals for housing estate development on this site have **previously been rejected** at Public Inquiries—four times in twelve years.

The **last Local Plan Public Inquiry** (see **Supporting Documents no.1**) in 2015 **concluded**:

“I have noted the arguments of the council in favour of the development of Netherbarns which include a reference to the withdrawal of objections by Historic Scotland. I also recognise the reduced density of 45 houses now included in the proposed plan “

“All-in-all, despite the lack of a formal objection by Historic Scotland, I concur with the conclusions reached at the previous local plan inquiry. It appears to me that cultural and landscape considerations combine to provide an asset which should remain free of the impact of the suggested allocation and any subsequent development of Netherbarns. I do not accept that the woodland screening would adequately mitigate the adverse impacts of the allocation on the setting of the house or the designed landscape. Additionally, the re-opening of the railway link to Galashiels is likely to increase the volume of visitors to Abbotsford, therefore further strengthening the need to protect the heritage of the vicinity.”

Present Proposed Local Development Plan

We were understandingly exasperated to find that the 2018 **Main Issues Report** had returned to a proposal to allocate Netherbarns for substantial housing. in our **Response** to the Consultation (see **Supporting Document no.2**) we reminded the Forward Planning Officers of the conclusion of the last Public Inquiry ; of our previous idea for a modest, semi-rural solution: and, as a Further Submission (see **Supporting Document no.3**), announced our plans for a **Nationwide Competition for a Masterplan** for Netherbarns— but only in the event that a modest, semi-rural solution was adopted.

In the Officer's **Report to Council** Sept2020 (see **Supporting Document no.4**) it was stated:

“the Council held a number of **PreMIR consultation** events. During the event at the Galashiels Transport Interchange, on 27 September 2017, there was discussion on the possibility of the Netherbarns site being released for housing. It was **generally agreed** that it is a suitable and desirable location for housing in Galashiels, this is confirmed in the meeting minutes.”

It is not clear how many were present to “generally agree“. From our previous experience of such events, it was **likely not many**.

What **is clear**, and what Scottish Borders Councillors were not told (see **Supporting Document no.4**), is that there were in the eventual **Consultation** on the Proposed Local Development Plan at least **twenty five** or more written **Objections** to its inclusion—total numbers are not readily available as there is some pooling of responses in the ‘Summary of MIR Responses ‘.

Not one member of the public supported the Developer's and Officer's arguments and proposals.

Galashiels Settlement Boundary; and Countryside Around Towns Policy

The Proposed Plan goes significantly further than (just) introducing a new suburban housing site. It **amends** the **Galashiels Settlement Boundary** to take in the whole of the site, thereby removing it from the **Countryside Around Towns (CAT) Policy** area.

Section 7.2 of that Policy says:

There are many important listed buildings both within and out with the settlements, including Abbotsford House and Chiefswood. The surrounding grounds to these two houses are also recorded in the Inventory of Gardens & Designed Landscapes. This highly sensitive landscape is an integral factor in the need to ensure that any settlement expansion does not eclipse the historical importance and recreational qualities of the area.

In the face of S7.2, to **argue** (see **Supporting Document no.4**) in addressing the **Countryside Around Towns Policy**, that prevention of **settlement coalescence** is essentially what Policy EP6 is about, to the **marginalisation of landscape** considerations, is a specious interpretation of the Countryside Around Towns (CAT) Policy.

Nothing on the ground or in the landscape has **changed to justify** the Council's Proposed Amendment to the **CAT Area and Development Boundary**.

The **Officer's Assessment** for Council at their Sept2020 Full Meeting (see **Supporting Document no.4**) did not **mention or explain** these proposed changes. It merely stated that the site was within the CAT area. **Again**, the published **Proposed LDP2** on p.342 says in the **Settlement Profile** for Galashiels that "The Plan takes forward **one additional new housing site** at Netherbarns, with an indicative capacity of forty five dwellinghouses", but makes **no reference to changes to** the Settlement Boundary or to protection from CAT Policy.

It is **therefore** left to the public to **spot the change** in the Settlement Boundary on the map and **understand the loss** of protection from CAT Policy.

In **promoting** this site for suburban development, SBC will be seen as **violating its own** carefully-formed policy **only in order to remove** a major obstacle in their, and the Developer's, path. This will **look to many** like SBC using a '**dirty trick**' to **deliver the site** to the Developer.

Clearly, if Officers were **serious in their claims** that the proposed development is restrained to those parts of the site which can less easily be seen from Abbotsford, they would **not have included the remainder** of the site within an extended Galashiels **Settlement Boundary**, nor **removed from it the protection** afforded by the Countryside around Towns Policy.

This move can only be seen as an attempt to **eventually deliver** housing numbers more in line with Ballantyne's **original 2004 Application** for 83 houses. If the **presently proposed build on part** of the site is delivered, it would be **very difficult to resist** the rest of the site, now no longer having these protections, being **developed at a later stage**.

We therefore **argue for Removal** of this **Extension to the Settlement Boundary** at the Netherbarns site.

For consistency, we **seek** also the **Removal from the Settlement Boundary** of that **Area to the south-west**, comprising Netherbarns Farmhouse, its steading and grounds; and **seek** for it to come under the protection of **CAT policy**.

We do this on the grounds that **it is rural** in nature and that **its incorporation** into Galashiels' settlement would **represent an unwarranted and unnatural extension** of Galashiels up the Tweed, which is **not** the natural water valley of the town.

The Netherbarns Site Itself

The site is **highly visible** in the wider landscape, not just in views from Abbotsford and from the Designed Landscape, but also in **views towards** them.

It is visible to walkers on the **Southern Upland Way**; and to visitors, including those heading for the Eildon and Leaderfoot **National Scenic Area**, arriving along the A7.

The **2007 LPI** "**agreed** that it would be **very undesirable** for the Galashiels urban area to extend any further to the south along the Tweed Valley", which of course is not the **natural water valley** of the town.

The **2015 LPI concluded** that "the re-opening of the railway link to Galashiels is likely to increase the volume of visitors to Abbotsford, therefore further strengthening the need to protect the heritage of the vicinity".

Screening

In their current proposals, the Developers are making much of their claims about sight-lines and screening. Much of the **potential, summer screening** already comes from the line of trees along the riverbank—but this is deteriorating and **back in 2007 the LPI agreed** with objectors that “the major tree belt along the river cannot be relied upon to provide an effective screen, either at present (in winter conditions and from higher elevations) or in the future (at all times and from lower as well as higher elevations)”.

The **2015 LPI concluded** that they “did not accept that the woodland screening would adequately mitigate the **adverse impacts** of the allocation on the **setting of the house or the designed landscape**.”

Seasonality

Planning policy concerning cultural heritage goes way **beyond simple economics**, but focusses on the intrinsic value of the special place to be protected. The protection afforded by policy cannot be **cast aside on seasonal grounds**.

In any case, the suggestion that visitors aren't around Abbotsford in **the winter months** is simply not true. The work of the Melrose Paths Group has led to **all-year round walking** in the Designed Landscape; and the welcome, and increasing, number of initiatives being undertaken at Abbotsford, both inside and outside the House, mean there is already **more winter use** of the **House and Grounds** by community and family groups.

The **2015 LPI was not thinking seasonally in concluding that** “the re-opening of the railway link to Galashiels is likely to increase the volume of visitors to Abbotsford, therefore further **strengthening the need to protect the heritage of the vicinity**”.

Our Opinion

We agree that protecting the **Setting** of Abbotsford House and its Designed Landscape is about more than **trying to hide a housing estate** behind curtains of tree-planting; and the issue cannot, and must not, be reduced to being **just about the views, seasonal or otherwise**, from Abbotsford House.

On-site **landscaping and tree-planting**, as proposed by the Developers, is **not going to mitigate** the impact of a 45 unit housing estate in **the vicinity of the House and its Managed Landscape**.

There is increasing **public** awareness, and **visitor** education, about the importance Scott attached to the development of his immediate landscape and the views it afforded. His **legacy**, Abbotsford's **setting** and Scotland's **Heritage** would be unacceptably, and irrevocably, **damaged** by such a **short-sighted** allocation and use of this land.

Historic Scotland's Guidance and Opinion

Much has been made of Historic Scotland previously stating that they “are **content with the principle** of development” on the Netherbarns site.

However, they have confirmed that they would assess any proposal very carefully in terms of its impact on both the setting of the **Category A-listed house and its Inventory garden and Designed Landscape**.

Indeed, their **formal Guidance** makes it clear that the **setting** of cultural assets should be protected; and their specific **Opinions** over the years about Abbotsford and Netherbarns are **cogent reminders** of the **principles and facts**.

Some of these principles, such as about the ‘**setting**’ of Abbotsford and its Designed Landscape, seem to us to have become lost in our Planning Officers' perception, which has become **increasingly blinkered** in their **repeated search** for a way to deliver substantial housing at this unsuitable site, in part because “the submission has been made by a **well-known and reputable** local building firm and **strong weight** should be given to the fact that this is an **effective site**”—Officer's Report to Council Sept2020 (see **Supporting Document no.4**)

Indeed our frustration at this apparent stance of near-obligation to the Developer, has led us recently to make a **Freedom of Information Request** (see **Supporting Document nos.5 and 6**) in order to understand

how such a culture of mind may have arisen. This Request is, so far, only **partially met** (see **Supporting Documents nos.7 and 8**).

Some of the facts, such as the principal **inward and outward views**, have been dismissed eg. “Taking all matters into consideration, it is considered that views from the House to the new proposed houses **will be negligible**”—Officer’s Report to Council Sept2020 (see **Supporting Document no.4**); in the case of **summer screening, winter views and visitor numbers they** have been misrepresented or played down; and the precedent of **existing building** has been used in justification—indeed, in one rather desperate instance (Officer’s Report to Council Sept2020, see **Supporting Document no.4**) Planning Officers pointed out to Councillors that a **Visitor Centre** has been built within the Designed Landscape. This single building is sympathetically designed and is **not comparable** to a housing estate development. Indeed, it is **singled out** in *Managing Change In The Historic Environment—Gardens and Designed Landscapes* (HES 2016) as an **exemplar** “designed to sit comfortably in it’s Designed Landscape setting and has not required substantial screening”.

Historic Scotland’s **Memorandum of Guidance on Listed Buildings and Conservation Areas** stated that **Development outwith the curtilage** of a Listed Building should also be regarded as affecting the setting where this will be seen in **any principal view** either of or from the Listed Building, or affect in any way the **main approaches** to it.

Furthermore, **Historic Scotland’s July 2009 appraisal** of the Netherbarns Site in their letter to the Developers (see **Supporting Document no.9**) stated that “It should be noted that **it is not sufficient that the Listed Building and the new development will not be intervisible.**”

Historic Environment Scotland’s **Managing Change In The Historic Environment—Gardens and Designed Landscapes** (HES 2016):

Confirms that “When a site is included on the **Inventory** it becomes a **material consideration** in the planning process. This means that those making decisions on planning applications have to take it into account.”

Discusses **Impacts On Setting** as follows:“**Inventory sites** often have a **planned relationship** with landscape features beyond their boundaries, and these surroundings may contribute to the way they are experienced, understood and appreciated.”

“**Land outwith** the boundary may provide a backdrop to a mansion house or terminate a vista. This **‘borrowed’ land** is used as a feature to be enjoyed from the Inventory site.

Development outside an Inventory site boundary may therefore impact on the site’s setting – for example, if it would **affect a deliberately planned outward view.**

Proposals should be carefully designed and located to **minimise** any such impacts.”

In their **July 2009 letter to the Developers** (see **Supporting Document no.9**) , **Historic Scotland** had:

Confirmed that “It was also Historic Scotland’s view that development in the area allocated in the Local Plan for housing, was **bound to have** a detrimental effect on the **setting** of the Category A listed Abbotsford House.

Described how “The main public rooms of this **highly landscape orientated set piece** are all designed to take full advantage of the view out to the stepped grass banks, grazed meadow and haugh directly across the River Tweed to where the Netherbarns site is located.

The present modern developments are **very obvious** in the winter months.”

Also that “It should also be taken into consideration that the **principal view looking into** the Designed Landscape specifically focussed on Abbotsford House from Gala Hill and the Southern Upland Way would be severely **compromised by any** development.”

Stressed the “need to ensure that the **setting of both** Abbotsford House and it’s Garden and Designed Landscape are **safeguarded.**”

Acknowledged “that there has been **previous modern development** to the E and N of this site; however this should **not be viewed as setting a precedent** for further development”.

The Way Forward

Historic Scotland also **Stated** that “It is our view that it may be possible to **accommodate appropriate development** on the site”.

We have also come to such a conclusion, if only to put in place a **final and sympathetic resolution** to this unhappy saga of recurrent attempts to put a large-scale housing development in such a **sensitive site**.

We say that such a housing estate here would be **inappropriate in character and scale**, but that a **small, landscaped build** of just a handful of smallish houses with significant areas of tree-planting and associated features, such as orchards, woodland or stables, would provide a **softening of the town’s present hard edge** at Kingsknowes-- and an appropriately semi-rural, and irrevocable, transition between town and countryside.

The **history of this site** calls out for such a solution. We have previously announced our plans to **launch** a Nationwide **Competition For a Masterplan for Netherbarns** (see **Supporting Document no.3**), but only in the event that the site is allocated for such **modest development**.

Supporting Documents:

1. Netherbarns, 2015 LPPI, Reporter's Conclusion.pages
2. LDP2, 2019 MIR Consultation SSC Response as Letter.pages
3. LDP2, 2019 MIR Netherbarns Competition.pages
4. LDP2, Netherbarns 2020Sept Proposed LDP Officers Argument.pages
5. Netherbarns, 2020Nov Press Release.pages
6. Netherbarns, 2020Nov FOI Request EIR 14692 Correspondence.pdf
7. Netherbarns, 2020Dec FOI Response 14692 (2004-2006 only).pdf
8. Netherbarns, FOI 2021Jan Letter to CEO's,SBC .docx
9. Netherbarns, 2009July, Historic Scotland Letter(incl.Intervisibility)to Ballantyne.pages