

[REDACTED]

From: [REDACTED]
Sent: 22 January 2021 11:05
To: localplan
Subject: Objection to AGALA029 Netherbarns
Attachments: Objection to Netherbarns development.docx

CAUTION: External Email

Dear Sir or Madam,

I have written an objection to the proposed development at Netherbarns. It is in the attachment.

Yours faithfully
(Prof.) Donald MacLaren

An Objection to the Proposed Local Development Plan AGALA029 Netherbarns

I should be grateful if you would consider my objection to the proposed development at Netherbarns and reject the development which is inconsistent with the Council's own policy statements. The basis of my objection is as follows.

In the document *Proposed Local Development Plan 2020* there is a map (Volume 1, p. 184) in which it is shown that Netherbarns appears to lie within two special areas. The first is Special Landscape Area (EP5) and the second Gardens and Designed Landscapes (EP10). It follows, therefore, that any development within these areas should be consistent with policies EP5 and EP10. Despite this requirement, there is no evidence presented in Volume 2 of that document that these policy requirements are recognised as constraints on the proposed development, nor indeed is there any statement to demonstrate that they are consistent with EP5 and EP10. The closest that the text comes to such recognition is the statement 'Reinforcement required to the existing planting along the south eastern boundary of the site to further protect the setting of Abbotsford House' (p. 345). Yet EP5 requires, appropriately, the application of a rigorous test of costs and benefits to assess whether or not a development should or should not be approved.

Policy EP5: Special Landscape Area

A landscape can be viewed from any number of spatial perspectives within that landscape. In the case of the landscape in which Netherbarns sits, suppose that the site is viewed from Abbotsford. Can it be reasonably concluded that the planting of a few trees, which may well take at least three decades to reach maturity in height and width (depending on the species chosen), will be sufficient to satisfy the statement in Volume 1 (p. 114) that '[p]roposals that have a significant adverse impact will only be permitted where the landscape impact is clearly outweighed by social or economic benefits of national or local importance.'? I cannot find any material on your web site which provides proof that the necessary cost-benefit analysis was undertaken and that the resulting calculation showed that the cost in landscape degradation was less than the social and economic benefits of allowing the proposal to succeed. This is your test for approving developments under EP5 but it appears not to have been applied. In addition, the proposal is not consistent with the policy statement: 'the Council will seek to safeguard landscape quality and will have particular regard to the landscape impact of the proposed development, including the visual impact.' (p. 114) I conclude that the test contained in EP5 and the requirement on the Council to safeguard landscape have been ignored when, of course, they should not have been.

Policy EP10: Gardens and Designed Landscapes

The stated intention of policy EP10 is to ‘support development that safeguards or enhances the landscape features, character or setting’. In contrast with safeguarding, the proposed development at Netherbarns seems, on the face of it, to run counter to this policy objective. Again, there is an inconsistency between policy aims and practical implementation. It is difficult to conceive of a housing development which is set within the landscape opposite Abbotsford as being one that safeguards the landscape. As such it is not consistent with your own policy statement that ‘[a]ll development should be informed by and respectful of the historic landscape structure.’ (*op. cit.* p. 129). The landscape setting of Abbotsford is clearly historic and the proposed development runs counter to safeguarding that landscape.

EP8: Historic Environment Assets and Scheduled Monuments

‘The aim of the policy is to give historic environment assets strong protection from any potentially damaging development. These assets include ... historic landscapes and natural features of cultural significance. ... Historic Environment assets represent a *fragile irreplaceable* [my italics] part of the Scottish Borders heritage and environment. In addition to their inherent historic and cultural value, they are important sources for ... tourism. The historic environment is intrinsically tied to the Borders’ landscape, sense of place and identities.’ (*op. cit.* p. 121: 1.1) There is no evidence presented to demonstrate that the proposed development is consistent with EP8. Instead, the proposed development will reduce the historic and cultural value of the landscape in which Abbotsford sits and may reduce the attraction of Abbotsford to tourists and, thereby, reduce the economic benefits to the area.

Full site assessment

I note in this document that ‘[t]his site was considered during the Local Plan Inquiry 2006 (EGL2B) and at the recent Local Development Plan Examination 2016. The Reporter's recommendation at both was for the site to be removed from the Local Plan/LDP.’ (p. 252) This theme is expanded upon (p. 253): [t]he Reporters' assessment was that the site should not be developed because of the adverse impact on the setting of the A Listed Abbotsford House and its Garden and Designed Landscape. However, Historic Scotland have now removed their objection to some form of development on the site.’ It is pertinent to ask whether such a decision by Historic Scotland is a sufficient reason for the Council to overturn the Reporter’s recommendation? It would seem that the decision to grant approval for the development, in contradiction to the Reporter, rests solely on the belief that additional trees will provide sufficient screening to prevent a degradation of the landscape. However, I would argue that, given the statement (p. 253) about the 15 year photomontage showing less visibility than the 1

year photomontage, is hardly a conclusive argument in favour of the development. Yet that seems to have been the clinching argument for the Council.

In summary, I wish to object to the proposed development on the grounds that the Council appears not to have paid sufficient attention to its own policy statements EP5, EP8 and EP10. In particular it has not provided any evidence which I could find that demonstrates a positive benefit-cost ratio for the proposed development. Yet this test is a fundamental component in determining whether or not a proposed development should be approved. Given the lack of such important evidence, in my view AGALA029 should not be approved, a view that is consistent with the Reporter's recommendation on two separate occasions.

(Prof.) Donald MacLaren