

Archived: 01 February 2021 13:16:33

From: [REDACTED]

Sent: Mon, 25 Jan 2021 16:08:12 +0000ARC

To: [localplan](#)

Cc: [REDACTED]

Subject: Scottish Borders Local Development Plan 2

Sensitivity: Normal

Attachments:

[REDACTED]

CAUTION: External Email

Good afternoon,

Please accept the attached as Scottish Land & Estates' (SLE) response to the Scottish Borders Proposed Local Development Plan 2.

Should you have any questions, please feel free to get in touch.

Kind regards

[REDACTED]

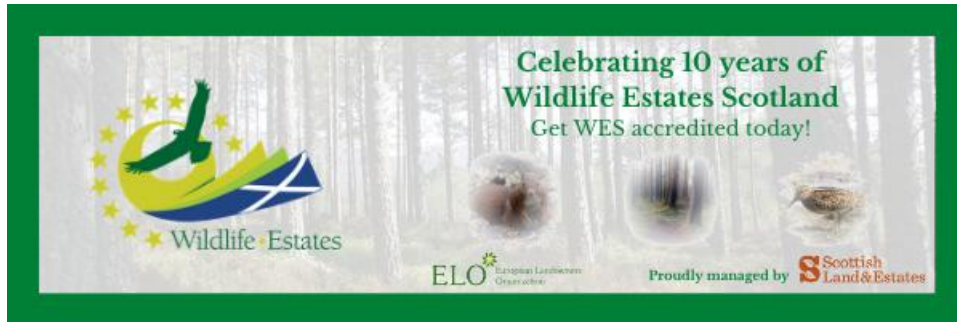
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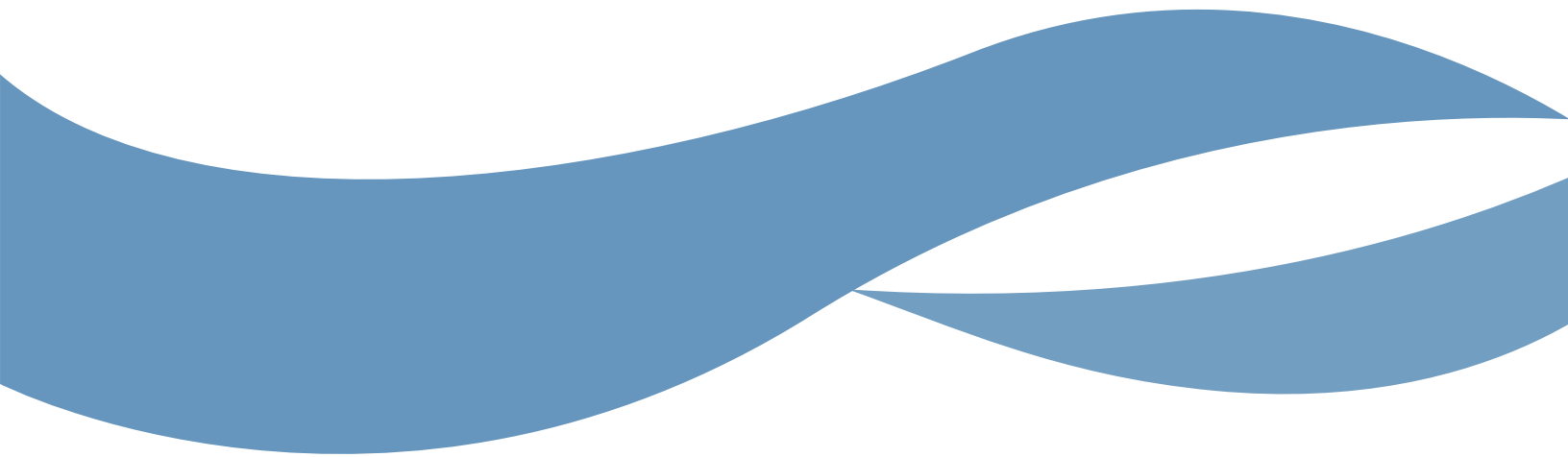
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## Scottish Borders Council: Proposed Local Development Plan

25/01/2021

### **About Scottish Land & Estates**

At Scottish Land & Estates (SLE) our work helps to ensure that rural Scotland thrives. We are a membership organisation for landowners, rural businesses, and rural professionals. We promote the wide range of benefits land-based businesses provide: tourist attractions, leisure facilities and landscapes enjoyed by the public, as well as housing, employment, tourism & enterprise and farming opportunities. We represent the interests of our members and wider rural Scotland to the UK and Scottish Governments to help ensure that policy and legislation reflects the unique requirements of rural Scotland and its communities.



## Introduction

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SLE seeks an efficient and enabling planning system that is fit for purpose in a rural context and we therefore welcome the opportunity to comment on the proposed Scottish Borders Local Development Plan 2. With the challenges raised by the COVID-19 outbreak, the climate emergency and the uncertainty of Brexit, there has never been a more crucial time for a planning system to work with rural businesses to help deliver resilient and thriving rural communities. To move toward achieving this, we consider that rural development must be shaped by the following key principles:

1. Planning policy for rural areas must set out a thorough blueprint for rural development with emphasis on enabling sustainable development that creates resilient and thriving communities. It should set out coherent policies which recognise the challenges of development in a rural context and establish an appropriately flexible approach that enables those challenges to be overcome.
2. Climate action must underpin planning policy. The LDP should promote an approach to planning which links the three goals of conserving the natural and historic environment, responding to the climate emergency and sustaining more resilient communities.
3. In supporting NPF4's aim to increase the rural population, there should be a presumption in favour of sustaining rural populations in local planning policy. Allowing for flexible and enabling policy regarding housing spatial strategy should also support the viability of rural businesses to ensure that the rural population is a working population that does not need to commute to urban centres.
4. A 'rural infrastructure first' approach should drive delivery. Recognising infrastructure as a major hurdle to overcome in delivering development, we are keen to see local planning policy prioritise rural infrastructure delivery to facilitate longer term strategic planning and address future transportation, health, education and community facility requirements.
5. Better design and placemaking. Ensuring quality of life, health and wellbeing are crucial if we are to retain and attract people to live and work in rural Scotland. The LDP needs to ensure that planning better supports quality of life through better design and place making, and this must be properly applied and enforced at Local Development Plan level.

As an organisation SLE is only responding to the policy section of the LDP proposals and we will leave our individual members to comment on the settlement proposals.

## Vision, Aims

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SLE strongly agrees with the vision, which in our view, succinctly articulates the main issues that need to be addressed if our rural communities are to thrive.

### Growing Our Economy

We support the wording here. In particular we welcome the recognition that funding and delivery mechanisms must be put in place which will help ensure sites are fully serviced and are readily available

for use. And that improvements to the road network must be supported. In our view, achieving this will enable sites to be unlocked more easily. (5.11)

#### Rural Environment

Very much welcome recognition of the challenges Brexit will bring for rural landowners and that in response the LDP will seek to encourage diversification of the rural economy by supporting appropriate economic development and tourism in the countryside.

### Paragraph 8.3

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The line, “Developments should include clear and direct links to public transport nodes.” is welcome in the sense that it will help combat climate change. However, we are concerned that it could be read as a tool to refuse development which is not near public transport nodes, without considering the impact this may have on rural communities and businesses which may depend on single vehicle transport.

Scotland’s [National Transport Strategy](#) says, “Whilst alternative modes of transport to car use must be encouraged, we also need to accept that car ownership is not a luxury but a necessity for many living and working in rural areas. For this reason, this Strategy will take a realistic and staged approach to the use of vehicles in rural areas that recognises the practical realities of travel in many rural areas.”

We therefore suggest the wording should be changed to read: “Developments should include clear and direct links to public transport nodes, **but where no such node exists, they should be included in proposals or development should be permitted where not doing so would affect community / business viability.**”

### Policy PMD2: Quality Standards

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In the section “Accessibility” we consider it might be useful to make reference to the idea of twenty-minute neighbourhoods. This builds on the idea of encouraging active travel which already feature in this section by planning for neighbourhoods that can access all amenities within a twenty-minute walk. It may not be a realistic objective for many rural communities in Scottish Borders, but it is surely achievable in some of the larger towns.

### Policy HD2: Housing in the Countryside

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In this section, under (F) Economic Requirement, we consider it is important to allow development of housing to accommodate retiring farmers to facilitate succession of viable farm businesses.

Agriculture has an ageing workforce. [Scotland’s Agricultural Census: June 2019](#) showed that 67% of farmers were over the age of 64 while only 19% were under 41. Recognising the housing needs of farming families would remove one of the barriers that prevents the next generation from taking over the business.

Succession is a critical stage for a farming business which can be both financially and emotionally difficult. Having a home on the farm for the retiring farmer to move into would enable the retired farmer to continue to provide advice and support. It would also enable a farming family to provide care for an elderly farmer. Brexit and the change it will bring to the agricultural sector may be the catalyst for many farmers to retire. Having positive policies that remove barriers to this is a sensible step to take at this time.

Succession is the process of transferring the management of business assets, it is not a single event but should be a process that takes place over an extended period of time. Succession may take months or years and an additional home can play an important role in easing this transition as well as providing for accommodation needs at the end of the process. It should also be noted that in some circumstances the retiring farmer may continue in some form to contribute to the family business, either by retaining a financial interest, advising on the local agri-environmental conditions or by involvement in some form of business diversification.

Supporting new entrants into farming and providing a way for older farmers to stay on the land preserves an intergenerational connection on a farm. It provides important benefits such as helping to build responsibility for the land and retaining location specific information and how to deliver effective agricultural and environmental management.

It is important to note that the intention of this proposal is not to provide every farmer with an automatic right to build an additional property on their land when they retire. The intention is to minimise exposure to existing barriers at local level where the need arises. This is highlighted in a recent CAAV report "[Retirement Housing for Farmers in the United Kingdom: A review of the issues, experiences and possible answers](#)" which notes that the issue of housing concerns can lead the occupier to remain farming long into old age, with the potential for increasing infirmity.

We consider it is critical that the most recent research published should be taken cognisance of as a material consideration in formulating planning policies for development in the countryside and rural businesses.

Currently, [Scottish Planning Policy \(SPP\)](#) allows planning authorities some discretion to support single house development in remote rural areas, without occupancy restrictions on housing (paragraph 83). Without explicitly referencing farming retirement, we consider this policy is very relevant to succession planning because, as with bullet point three in paragraph 83, small-scale housing development under these circumstances supports sustainable economic growth where it would not happen otherwise.

We consider the 2017 Aberdeenshire Council [Local Development Plan](#) to be an example of good practice where in it's Policy R2 on housing and employment development elsewhere in the countryside, it states: "*Single homes will also be permitted for the retirement succession of a viable farm holding.*"

Scottish Government's Chief Planner wrote to the Heads of Planning in November 2009 to draw their attention to a recommendation of the Tenant Farming Forum that easing the retirement housing of a tenant farmer could open opportunities for new entrants, assisting the rural economy. And more

recently, the 2017, [Places, People and Planning: A consultation on the future of the Scottish Planning System](#), said:

*“We are aware that a well-functioning planning system is vital for the business activities of Scotland’s farmers and rural communities. We will be examining a number of planning issues, such as permitted development rights, which could potentially contribute to the development of economic activity in rural Scotland. We will also be examining what measures need to be taken to increase the supply of affordable housing for retiring tenant farmers.”*

Given the Scottish Government recognise the need to address this specific topic, we are of the view that planning authorities should embed an explicit reference to supporting housing development for retired farmers within their rural housing policy and guidance.

SLE’s view is that an additional paragraph under (F) Economic Requirement of the HD2 Housing in the Countryside policy should be included to recognise the important role that housing can play in succession within agriculture. We suggest wording could be as follows:

***“(f) a farmer is retiring and a single dwelling is required to enable the farmer to continue to live on that land and facilitate the orderly transfer of a viable farm business.”***

### **Policy EP3: Local Biodiversity and Geodiversity**

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We have concerns around the process undertaken in developing the proposed Local Biodiversity Sites. It is our understanding that Following the publication of national guidance by NatureScot on [establishing and managing local nature conservation site systems in Scotland](#) Scottish Borders Council, in conjunction with the Scottish Borders Local Biodiversity Action Plan Partnership and local volunteers, introduced a new system of non-statutory Local Biodiversity Sites to replace Scottish Wildlife Trust’s existing series of Local Wildlife Sites designated in the 1990s and early 2000s. The guidance set out the responsibility for introducing, reviewing and managing Local Biodiversity Sites, which Local Authorities should take into consideration. It notes that the work should be carried out with the help of a panel of advisors comprising relevant interests and expertise, stating the following groups should be considered:

- Local expert naturalists
- Local representatives of voluntary and statutory nature conservation organisations
- Land owners and managers
- Farmers and crofters
- Forestry managers
- Water resource managers
- Development planners
- Businesses
- Local communities.

SLE was not asked to participate in this group, and our landowning members were not consulted during the identification and selection process. In fact, our members first became aware of the proposed designations has been through correspondence from The Wildlife Information Centre (TWIC) highlighting the proposals in the LDP. In one proposal reported to us more than 40% of a farm is to be covered under a local biodiversity site, yet the owner was not aware of such a proposal before this consultation and no supporting evidence has been provided to the owner.

In addition, we note that in the technical report on the methodology used to identify sites states that, “no specific site surveys were commissioned.” and there is no mention of contacting landowners who would have been able to offer ‘ground truthing’ of data. This appears to be a flawed process.

While Local Biodiversity Sites are not intended as statutory designations, the same can be said of Wild Land which does not have an official designation in planning. However, in the case of Wild Land there are a number of instances where Wild Land has had an impact on planning decisions across the country.

Given that such designations may have implications regarding woodland creation through the Forestry Grant Scheme or renewables, we consider these proposals should have been brought to the attention of landowners at an earlier stage. We therefore strongly urge the planning authority to give proper and careful consideration (including feedback) to representations made on behalf of landowners relating to any proposed Local Biodiversity Sites. This should be carried out in order to comply with guidance on [Planning Advice Note 3/2010: Community Engagement](#) in accordance with the [Participation Statement](#).

SLE would welcome further dialogue with Scottish Borders Council on this issue.

**For more detailed information**

  
Policy Adviser (Rural Communities)  
