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From: [REDACTED]

Sent: Mon, 25 Jan 2021 10:25:15

To:
Subject: PLDP Representation: Land north of Cockburnspath objection

Sensitivity: Normal

Attachments:
[REDACTED]

CAUTION: External Email

Dear Sir/Madam

Please find attached a representation to the PLDP which is an objection to the non-inclusion of a housing allocation at land north of Cockburnspath. The objection is made on behalf of our clients, Dunglass Estate.

Alongside the objection I also attach 3 appendices:

- Main Issues Report representation
- Location Plan
- High Level Development Framework

I trust all is in order but please let me know if not. I would be appreciative if you could acknowledge receipt in due course.

Kind regards
Philip

Philip Graham MRTPI
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25 January 2021

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Dear Sir/Madam

Objection to Scottish Borders Council Proposed Local Development Plan: non-inclusion of land north of BC04B, Cockburnspath as a housing allocation

On behalf of our clients, Dunglass Estate we are writing to object to the Proposed Local Development Plan (PLDP) and to formally request the inclusion of the land north of BC04B as a housing allocation in the final Local Development Plan 2 (LDP2).

The land can either be included alongside the two existing allocations or it can be substituted in to replace the existing allocation BC010B.

As part of our submission we attach three appendices:

- 1) Main Issues Report representation made to Scottish Borders Council in January 2019. This submission outlines the case for the allocation of the proposed site. We provide necessary updates to the previous representation within this letter.
- 2) Location Plan of the site
- 3) High level Development Framework for the site

We also provide additional context and update within this letter to the original MIR response.

We consider that it is critical that a new approach is taken to the future development of Cockburnspath to attract much needed investment and to help protect the facilities of the settlement.

Contextual Update

The MIR representation was written in January 2019 and so there are updates that should be outlined so that contemporary information is to hand for all parties.

The update is that, Dunglass Estate are no longer in discussions with [REDACTED] about an affordable housing development at [REDACTED]. Instead, these discussions are being undertaken with [REDACTED], albeit no commercial deal has been agreed at the time of writing.

It is now approaching 15 years since the consent was issued at BCO10B. We are not aware of any further update in terms of development of the site. It is approaching 16 years since consent was issued at the BC04B site, we remain unaware of any houses being built. We understand that the landowners of the two allocations did not make representations to the Main Issues Report during the consultation period. It is therefore unknown whether either of the allocations in Cockburnspath are effective or deliverable.

All other information in the MIR representation is considered to still be relevant.

Emerging National Policy Update

The NPF4 Position Statement outlines that future Development Plans are to be more collaborative in nature. Our clients have significant concerns that Cockburnspath's sustainable growth as a settlement is constrained and will continue to be constrained by the two allocations. The opportunity for our client as a local landowner, who has available land for development, and relevant stakeholders to collaborate is then hampered because a key route to increasing the population of the settlement via new housing is not available. As a result, there is a significant risk Cockburnspath's vitality as a settlement is under threat as the lack of new houses causes an adverse impact upon the school roll and the availability of other services in the settlement. This constraint will only get worse unless a new approach is found.

Our clients advocate a collaborative approach to development to extend Cockburnspath to the north, which is the direction of growth stated to be preferable within the settlement profile (p272 of the PLDP). In advocating a collaborative approach, we expect that this means that our clients, the adjacent landowner of the BC04B site, the community and relevant stakeholders should be involved in planning for the future of Cockburnspath.

In taking a collaborative approach with all parties, effective planning of the northward expansion of the settlement can take place to ensure that emerging NPF4 aims in relation to resilient communities and infrastructure first can take place.

Scottish Borders Council- Main Issues Report Site Assessment

We note the Site Assessment that was undertaken following the Main Issues Report consultation period. This found that the “Overall Assessment” was “Acceptable” and that a site capacity of 28 units could, in principle, be allowable. However, the assessment also stated that the site should only come forward once the BC04B site was complete. There is reference to the recession having affected the ability for the two allocations to come forward.

However, the point that we are making is that a collaborative approach is intended to allow for BC04B to come forward as part of a northern expansion of Cockburnspath. Greater site capacity and “firepower” will help bring forward housing land and help mitigate any hangover effects of the 2008 recession (which is now some time ago).

It is frustrating to be told that development of our Client’s site would be “premature” when no volume housebuilding has taken place in Cockburnspath in repeated Development Plan cycles and there is no evidence to suggest that the position is going to change. This is compounded by the fact that the development plan cycle is likely to increase in length with less opportunity to promote land (as a result of the Planning (Scotland) Act).

Scottish Borders PLDP Context

Notwithstanding the Cockburnspath settlement profile, we consider that it is relevant to highlight other parts of the PLDP which are relevant to the case. At page 13 in the ‘Coronavirus’ section, the Council state that *“The Planning system has a crucial role to play within and beyond the immediate emergency. A high performing planning system will have a critical role in supporting our future economic and societal recovery. The LDP must address these issues and policies”*.

The same section states that *“Consequently implications COVID 19 may be having on, for example, the economy, performance of town centres, business recovery, house building, health and well-being will be addressed as part of the decision making process for relevant planning applications”*.

We agree with this wording above and consider that it is directly applicable to Cockburnspath. The settlement requires housing to increase resilience and economic investment. In addition, as a sizable rural business our client requires the ability to diversify income to help mitigate the huge adverse impact of COVID 19 restrictions on their wedding and events business.

Conclusions


As the next LDP is likely to have a longer timescale we consider that **now is the time to take action**. It is no longer appropriate for two large allocations to dominate this settlement and not come forward. A different approach is required and we consider that our client's proposed northward extension of Cockburnspath is the appropriate planning response.

We propose a modest extension to the northern BC04B allocation and a collaborative approach to finally bring new housing and investment to Cockburnspath. Development will take place in a location which SBC deem is appropriate and it will be in line with the input of all key stakeholders.

Cockburnspath and our clients as a rural business require alternative means of investment, particularly when the huge adverse effects of COVID-19 are considered. As a result it is critical that all means possible to bring forward development at Cockburnspath should be investigated and this should start with an effective spatial strategy for the settlement in LDP2.

Yours sincerely
PP Philip Graham

Philip Graham • MA MSc MRTPI
Associate

A solid black horizontal bar used to redact the signature of Philip Graham.

Land north of BCO4B, Cockburnspath Main Issues Report Representation

Dunglass Estate

Land north of BCO4B, Cockburnspath

Main Issues Report Representation





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1. Introduction

1.1. This representation is put forward by Savills on behalf of Dunglass Estate to bring forward an area of land in Cockburnspath measuring 2.8 ha which is located immediately to the north of the existing allocated housing site, BCO4B. The proposals would be for residential development land within the next Local Development Plan (LDP2).

1.2. The representation is written in response to Question 7 within the Main Issues Report (MIR)- in particular, the land is proposed as an alternative housing site option to those presented in the MIR. It is also a response to Question 9, in that one of our options is for the allocation BCO10B to be deallocated and replaced with our proposal site.

QUESTION 7

Do you agree with the preferred options for additional housing sites? Do you agree with the alternative options? Do you have other alternative options?

QUESTION 9

Do you agree with the proposed existing housing allocations to be removed from the LDP? Are there any other sites you suggest should be deallocated?

1.3. The land has not previously been considered for development potential.

1.4. Our opinion is that the land would form an excellent housing allocation option to help serve the growth of Cockburnspath over the expected 10 year LDP2 period. Development of the land would link with the Estate's plans to reuse the Pathhead Farm steadings for mixed use development such as a local hub. In addition, Dunglass Estate are keen to bring new residents to Cockburnspath to help maintain and bolster the vitality of the settlement and to support local services, particularly Cockburnspath Primary School.

1.5. We include a Location Plan at Appendix 1 and a High-level Development Framework at Appendix 2.

2. Site Context

Surrounding area

2.1. The proposed site is located to the north of the allocated site BCO4B and to the south and west of Pathhead House, Pathhead Cottages and Cloverknowe Cottage. The land is currently used for agriculture.

Land north of BCO4B, Cockburnspath

Main Issues Report Representation



2.2. To the south of the site there is greenfield ground. There is also a housing development at Ladyhall Road and Tollview which was constructed in the nineties. There is an allocated housing site (BCO4B) surrounding this housing which has planning permission for 45 units (03/01239/FUL). An access road has been constructed which runs north-south, but stops short of our proposal site boundary. No other construction has taken place on this allocated site.

2.3. To the east of the site is Pathhead House which is a large detached private home in third party ownership. Beyond this property is the A1 access road which then connects with the A1 motorway. Also to the east is Pathhead Farm and its farm cottages which are in Dunglass Estate ownership. There is then private dwellings beyond the farm buildings.

2.4. To the north and west there is further agricultural land.

2.5. Cockburnspath is a settlement in the far north-east of the Scottish Borders, close to the administrative boundary with East Lothian. The settlement sits adjacent to the A1 motorway, around 9 miles south-east of Dunbar and 15 miles north-west of Eyemouth.

Proposed Development Site

2.6. As stated the land is currently used for agriculture. The site is predominantly flat with a gentle slope to the north

2.7. Access would be taken from the Edinburgh road to the east, albeit access would also be possible through the allocated site to the south should this be developed. Previously, Dunglass Estate have discussed stopping up two accesses that lead to Pathhead Farm and Pathhead house respectively, and then having one access to the south (the proposed access point). We consider that this option is viable to service the proposed housing site also (please see Figure 1, High level Development Framework).

2.8. The land is south facing and there are long views to the sea to the north.

2.9. A farm track runs north-south on the western boundary, this track connects to the playing field, play park and Cockburnspath Primary School in the village.

3. Planning Context

Scottish Planning Policy (SPP)

3.1. One of the principles of Scottish Planning Policy is that “the right development should be directed to the right place”. The proposed development site is located adjacent to the existing northern settlement boundary of, Cockburnspath. The LDP settlement profile states that Cockburnspath is proposed to grow in a northern direction, and so the prospective allocation is located in the “right” place.

3.2. SPP also supports the six principles of successful places. Development that is: safe and pleasant, welcoming, adaptable, resource efficient and easy to move around and beyond. Within this Supporting Statement we outline how the proposal site meets these principles.

Proposed SESplan 2

3.3. The SESplan 2 proposed plan outlines that strategic growth in the south-east will be directed to locations further east along “Long Term Growth Corridors”. Indeed a new settlement is mentioned as a possibility in the east of East Lothian. Figure 3.2 “*South East*” shows that there is expected to be “strategic growth” in the immediate period 2018-2030.

3.4. Cockburnspath is in close proximity to the A1 and to Dunbar. We consider that the proposal site is located in good proximity to Dunbar railway station (15 minute drive/bus), enabling sustainable travel. Development at Cockburnspath can therefore help contribute to the desired strategic growth in the south-east.

3.5. The final adoption of SESplan 2 is awaited, however it is understood that further housing land is required within the Edinburgh city region. The proposal site provides a realistic option to help provide for housing land to support the city region’s growth.

Local Development Plan

3.6. The settlement profile for Cockburnspath contains placemaking considerations. Of relevance is the fact that the settlement has expanded northwards in the last 20-30 years. However, it is also stated that the settlement has two existing housing allocations that have not been developed, and this is a critical point in this submission for an alternative/additional housing proposal.

3.7. Future development in, Cockburnspath is preferred “*between the development boundary and Pathhead House to the north*”. This includes the majority of the site proposed in this submission.

3.8. Key outcome 1 of the current Local Development Plan seeks “The continued provision of an effective housing land supply to ensure that a generous housing land supply is maintained”. The identification of the proposal site would help LDP 2 to plan strategically for the long-term growth of Cockburnspath. It would also channel development in the most logical direction, as previously outlined.

3.9. Identification of the land would also support Key outcome 2 which states that there should be “encouragement of opportunities for affordable housing”. It would be expected that prospective development would contribute a proportion of affordable housing, most likely to a level of 25%. Dunglass Estate are already progressing an affordable housing proposal with Berwickshire Housing Association for a site adjacent to Hoprig Road.

3.10. We also believe that the land is in line with Key Outcome 9 which states that development should be directed to sustainable locations. The land has no particular natural or built environment constraint, it is located within walking distance of the highly valued local school, sport, village shop and hall facilities. Support for these facilities is vital to their survival. Dunglass Estate are also keen to consider further services, for example a local hub located at Pathhead Farm.

3.11. The site is also close to Dunbar where further key services and amenities are located and there is excellent existing transport links on the A1 to Dunbar and the rail station and to the potential Reston rail halt.

3.12. Prospective development in due course would be in line with the policies of the relevant development plan. As shown in the site context map initial placemaking considerations have already been made.

4. Strategic development at Cockburnspath

4.1. It is expected that the allocation of Land north of BCO4B will be seen as premature, given that there are two allocated sites in Cockburnspath. However, our counter argument is that allocation of a further site will actually help provide delivery of housing in Cockburnspath, and assist the Borders to meet their housing land supply targets.

4.2. The current situation is that the allocated site BCO10B achieved planning consent for 28 dwellings in 2006 now 13 years ago and it is assumed that this consent lapsed in 2011. It appears there has been no progress on this site since. Matters are more severe at the other allocated site, BCO4B where consent was issued for 45 dwellings in 2005. Since this time two AMSC applications have been submitted to modify the approved layout and an access road has been constructed. No houses have been built.

4.3. Dunglass Estate are in discussions with Berwickshire Housing Association (BHA) about a housing development for two phases of 8 units (16 affordable houses total) on land adjacent to the settlement boundary at Hoprig Road. In addition, the Estate also propose a small amendment to the settlement boundary to the south of the prospective affordable housing site which would likely cater for 3 or 4 self-build plots (see separate submission).

4.4. Should BHA secure consent they will likely commence development in the currency of the current Local Development Plan. It is also reasonable to assume that self-build plots will also come forward, should they receive planning consent. Overall therefore, the Estate are active in considering development at Cockburnspath in different housing delivery types, and an effective market value allocation is therefore seen to be part of this mix.

4.5. Dunglass Estate are aware that local services in Cockburnspath are struggling. In 2015, Cockburnspath Primary School had a roll of 35 pupils. There is understandable local concern that the School will come under threat in due course if no new housing is built.

4.6. Other facilities within Cockburnspath, including the local shop, village hall and Bowling Club could also struggle in the future without new residents to support them, particularly in the context of an ageing population (para 2.3 MIR).

4.7. Dunglass Estate's proposal is for the LDP review to consider the addition of a further allocation at Land North of BCO4B to attempt to stimulate house building in the settlement. We consider two options below:

1. Addition of Land North of BCO4B to form third housing allocation

- Our opinion is that a third housing allocation in Cockburnspath will bring competition and fresh impetus to the delivery of housing for Cockburnspath. Clearly the allocated sites have, as yet, failed to deliver any housing, and this has occurred over a sustained period of time and multiple development plan periods.
- The introduction of the proposal site allows for a further party to bring forward much needed housing to sustain the settlement and hopefully bring new inward investment. This would also be in-line with the Council's desired direction of development, as explicitly stated in the current LDP settlement profile.
- There is also the possibility that the addition of the land north of BCO4B will mean that housing could be delivered in conjunction with the BCO4B site should it come forward. A larger housing allocation may attract a volume housing builder, because a higher number of units will mean that delivery of the site is in line with their requirements.
- It is anticipated that the SBC LDP 2 will be a 10 year plan and so a higher number of housing units would not bring undue pressure on Cockburnspath because delivery would be spread over the full currency of the development plan.

2. Substitution of BCO10B with new allocation at Land north of BCO4B (deallocation of BCO10B)

- If the Council were of the opinion that three allocations would result in too much development pressure, then we consider that it is reasonable to suggest that BCO10B should be deallocated and replaced with Land north of BCO4B.
- It is clear to Dunglass Estate that, Cockburnspath requires housing delivery to sustain the village. It is reasonable to state that BCO10B has not delivered over multiple development plan periods and as a result it cannot be argued to be effective (as per PAN 2/2010 and SPP) and so should be deallocated to allow other development sites to come forward. A site should not be allowed to sit in a development plan to the detriment of the vitality of the settlement, particularly when other parties are keen to bring forward housing land. It is our opinion that BCO10B has had a sustained chance to deliver and has failed. To quote SPP, para 123:

“Planning authorities should actively manage the housing land supply. They should work with housing and infrastructure providers to prepare an annual housing land audit as a tool to critically review and monitor the availability of effective housing land, the progress of sites through the planning process, and housing completions, to ensure a generous supply of land for house building is maintained and there is always enough effective land for at least five years. A site is only considered effective where it can be demonstrated that within five years it will be free of constraints⁵² and can be developed for housing.”

- The Council are keen to see development move in a northward direction, and so our opinion is that the combination of BCO4B and Land north of BCO4B brings the best option for the future growth of Cockburnspath. The sites have the potential to be delivered together (subject to agreement with the adjacent landowner or separately).

5. Site Effectiveness and Deliverability

5.1. It is critical that housing allocations are effective and can be delivered within the currency of LDP2. This is required by SPP and SESplan.

5.2. To analyse effectiveness of housing sites Planning Advice Note (PAN) 2/210 ‘Affordable Housing and Housing Land Audits’ is used, in particular the criteria outlined at paragraph 55.

5.3. Regarding the existing allocated sites in Cockburnspath is that clearly the length of time that they have been allocated, without any housing being built, is clear evidence that their effectiveness is surely in question. Dunglass Estate is, however, willing to work with the owners of BCO4B to increase the likelihood of housing coming forward at both locations.

5.4. In relation to the proposal site, we have considered site effectiveness below:

- Dunglass Estate are willing to investigate how to bring the site forward for development and will engage with the development industry to assess interest. The Estate are willing to commit to update SBC in advance of the publication of the PLDP. There is also the potential to engage with the owner to the south, as previously stated.
- The site is free from physical constraints. Access can be achieved onto the A1 access road.
- There is no known contamination present on this site
- The site is marketable- Dunglass Estate would be willing to assess developer interest as mentioned.
- Infrastructure is available in immediate proximity to the site. It is understood that there is both water and waste water capacity, power, and telecoms; and
- Housing is the sole preferred use of the site therefore the delivery of the site is not dependent upon cross-funding activities

5.5. In relation to the marketability of the site, the scale proposed should make this site more economic to deliver and therefore more attractive to a housebuilder. This will be complemented by the self-build opportunities in our other submission at Hoprig Road. Again, we can update SBC with progress in the coming months.

6. Constraints Analysis

6.1. We have reviewed relevant online constraints mapping and we are confident that there are no constraints that would preclude development at the site. In particular:

- There is no flood risk on site
- There are no nature designations on site and no obvious links to any nearby designations
- There are no cultural heritage designations that would be affected by development
- There are no coal authority/groundwork issues
- There is no known contamination of the site

7. Placemaking Considerations and Development Proposals

7.1. The High-level development framework drawing at Figure 1, below provides an outline of the key placemaking considerations in relation to the overall development of the site. We have also provided this at drawing at Appendix 2.

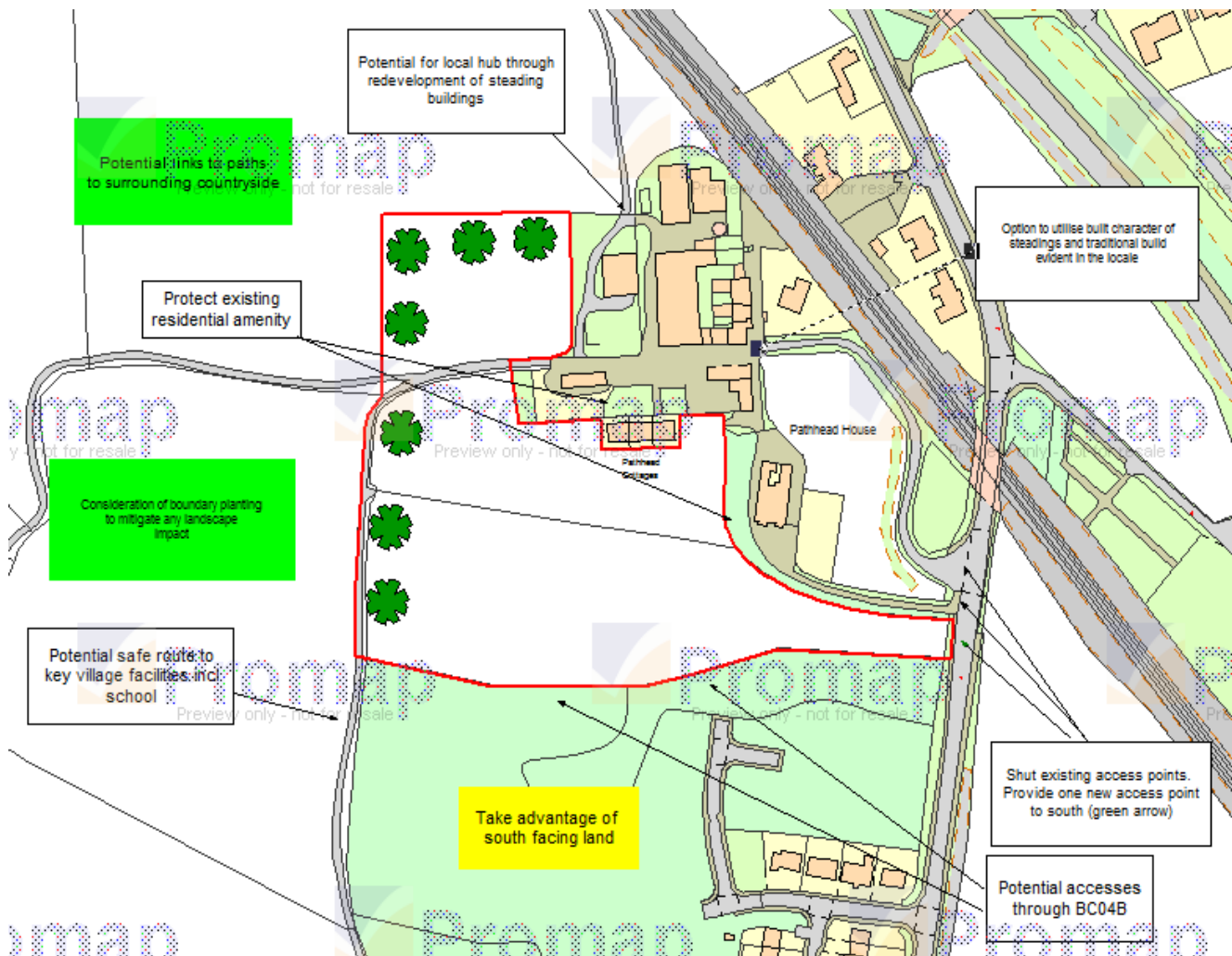


Figure 1: High-level Development Framework

Land north of BCO4B, Cockburnspath

Main Issues Report Representation



7.2. The Scottish Borders outline their placemaking and urban design criteria within policy PMD2: 'Quality Standards' and the associated Placemaking and Design Supplementary Planning Guidance (SPG).

7.3. Our opinion is that the proposal site is in line with these policy considerations and we provide our analysis below:

Placemaking/design Consideration	Commentary
Sustainability	<p>We have outlined that the proposal site is in close proximity to Dunbar and the rail station. In addition, it is likely that future housing will have EV charging capability, and so travel from the site will become more sustainable.</p> <p>The land is south facing and so property orientation can take advantage of solar gain. Provision of solar panels would allow for housing to meet the requisite SAP calculations for building standards.</p> <p>Although the land is prime agricultural land, it comprises an awkward shape and so there is a minimal net loss of productive agricultural land.</p> <p>There is land available for consideration of- landscape mitigation, SUDs, waste/recycling storage and digital connectivity infrastructure.</p>
Placemaking and Design	<p>In considering “10-49 houses on or near the settlement edge” the SPG outlines that proposals must demonstrate an understanding of landform and views within the wider context; the settlement pattern; how urban forms can incorporate local character; and appropriate access and infrastructure provision.</p> <p>As stated, development in this location is in line with the development strategy for Cockburnspath as outlined in the current LDP settlement profile. There is no Special Landscape Area designation and the land is not prominent in any particular views to or from the settlement.</p> <p>We are of the opinion that key infrastructure is available in close proximity to the site.</p> <p>In due course, we anticipate that the built form would benefit from detailed consideration in the form of a masterplan or development brief. This brief could incorporate the farm steading buildings, which it is hoped can be redeveloped- the brief would incorporate consideration of local views; good examples of local built character; landscape design; connections; open space and green network provision; and the key elements of successful places as outlined in current national, strategic and local planning policy.</p>
Accessibility	<p>There are multiple appropriate access points for vehicles and it is considered that buses could also access the site, or a stop could be provided on the A1 access road.</p> <p>Active travel routes can also be provided off the main road, by taking advantage of the track that runs north-south to the west of the site. This will allow for safe pedestrian and cycle access into the heart of the village, in particular to allow school children to access the Primary School and play facilities.</p>



Greenspace, Open Space and Biodiversity	There is land available to create meaningful open space for prospective residents, and this open space could connect into active travel links running through the site and on to the surrounding countryside and the heart of the village.
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Table 1: Placemaking and Design Considerations

8. Conclusions

8.1. Dunglass Estate are keen to promote the growth of Cockburnspath and to attract new residents who will in-turn bolster key local services and help sustain the vitality of the settlement.

8.2. This representation puts forward a new proposed housing allocation either in addition to the two existing housing allocations, or as a replacement site for BCO10B. Our assertion is that the LDP review process must take a bold approach to ensure that housing sites are effective and can actually deliver housing. In our opinion, Cockburnspath is now at a critical juncture in that housing must be delivered or the settlement's facilities will suffer as a result. It is plainly clear that the existing allocations have not delivered despite ample time to do so.

8.3. This Supporting Statement has shown that the proposal site is in line with the development strategy for Cockburnspath and brings excellent potential for a new housing development on the edge of Cockburnspath. In particular, there is potential to take advantage of active travel routes, to link with the redevelopment of Pathhead Farm, to take advantage of a south facing site, and, most importantly, to introduce competition to the development land process at Cockburnspath.

8.4. Our client would be very happy to engage with Scottish Borders Council through the LDP review process.

Philip Graham
Associate Planner

[REDACTED]
[REDACTED]
[REDACTED]

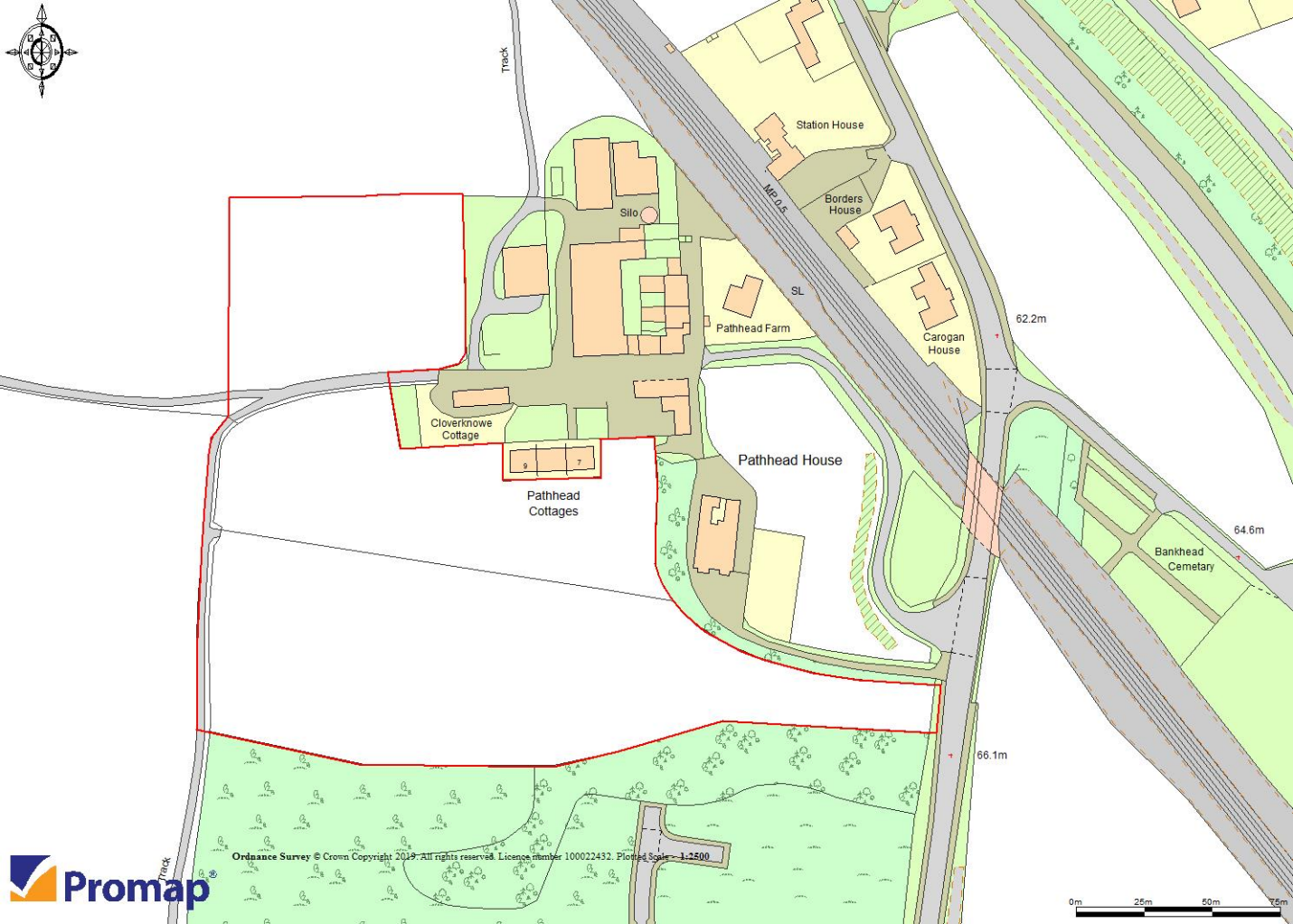
Debbie Mackay
Director

[REDACTED]
[REDACTED]
[REDACTED]

Land north of BCO4B, Cockburnspath

Main Issues Report Representation





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Potential for local hub through redevelopment of steading buildings

Protect existing residential amenity

Potential links to paths to surrounding countryside

Consideration of boundary planting to mitigate any landscape impact

Potential safe route to play area/football pitch & Primary School

Take advantage of south facing land

Option to utilise built character of steadings and traditional build evident in the locale

Shut existing access points. Provide one new access point to south (green arrow)

Potential accesses through BCO4B

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