

Response ID ANON-VDDE-RA3P-S

Submitted to **Proposed Scottish Borders Local Development Plan**
Submitted on **2021-01-25 15:33:01**

About you

Are you responding as an: individual, group / organisation, agent?

Agent

Agent

Agent details:

Business / company:

[REDACTED]

Name:

[REDACTED]

Email address:

[REDACTED]

Contact telephone number :

[REDACTED]

Client details:

Name:

Messrs Mitchell and Burn

Email address:

[REDACTED]

Contact telephone number:

[REDACTED]

Proposed Local Development Plan Menu

Where would you like to go?

Quick Comment / Supporting Information

Quick Comment / Supporting Information

Leave a quick comment about the Proposed Scottish Borders Local Development Plan, or planning and development in general.....

Quick Comment:

Please see detailed submissions in attached Statement of Representations

Do you wish to submit supporting information?

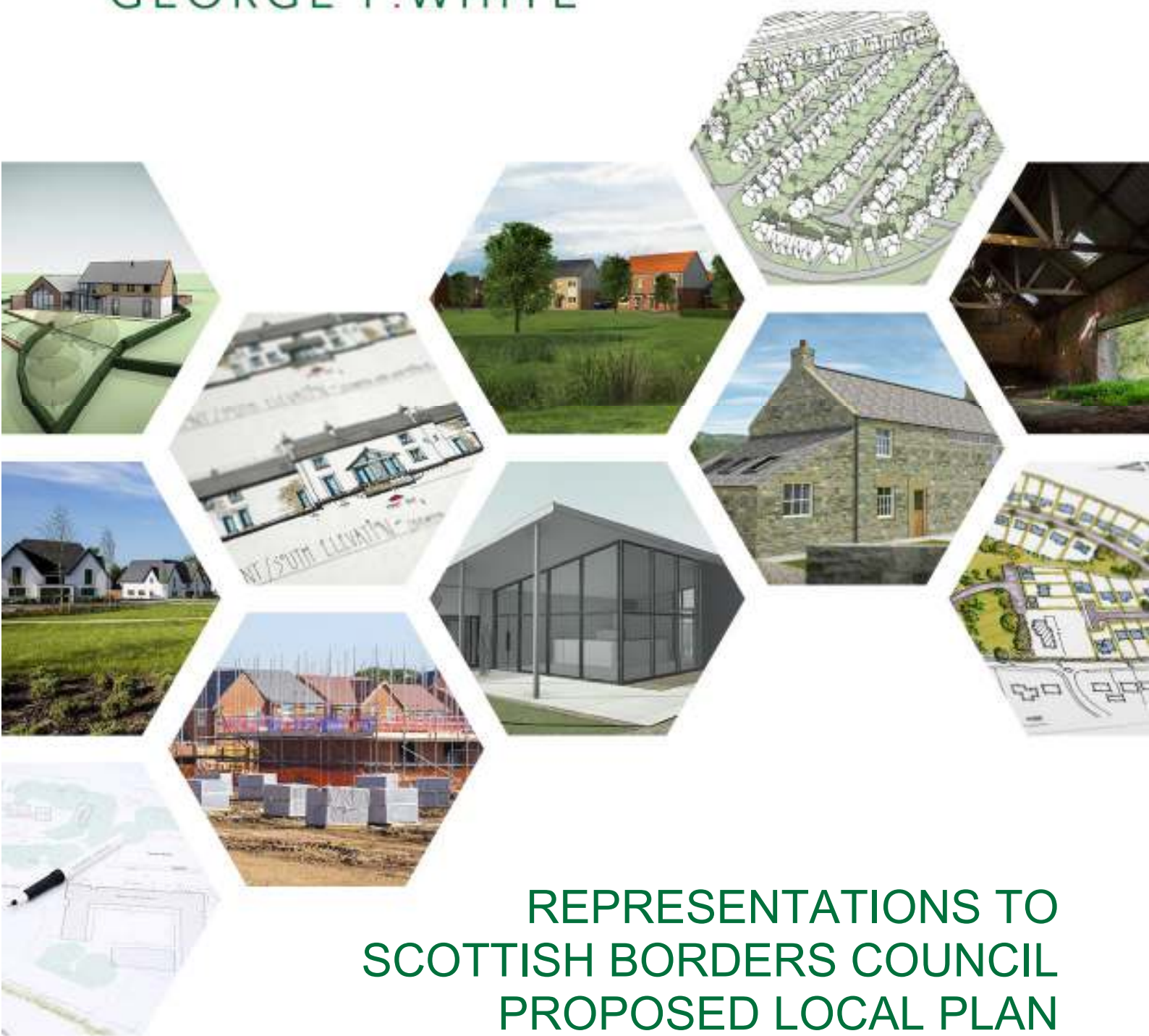
Submissions:

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Where would you like to go now?

Submit your response to the consultation (Exit)

GEORGE F. WHITE



REPRESENTATIONS TO SCOTTISH BORDERS COUNCIL PROPOSED LOCAL PLAN

On Behalf of Messrs Mitchell.Burn

January 2021

CLIENT: Mr S Mitchell and Mrs F Burn

REF: ALN512192

PREPARED BY:

[REDACTED]

George F. White

[REDACTED]
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2 REPRESENTATIONS

- 2.1 The overall approach of the Local Plan, its alignment with the Strategic Development Plan for South East Scotland (evidence base as a material consideration) directing growth to the Strategic Development Areas of Central, Eastern and Western Borders is generally supported.
- 2.2 The Plan indicates that it also supports modest growth in other areas having regard to the protection and where possible enhancement of the built and natural environment including access to and enjoyment of these reserves. This is also generally supported.
- 2.3 This representation seeks the allocation of a site of approximately 1.65ha in the centre of Birgham for residential development within the Plan period. It is estimated that the site could deliver approximately 15 new homes, and could include affordable housing and community benefits in the form of an improved and expanded area for car parking off a single access road thus improving road safety and enhancing the character of the settlement. The opportunity to provide landscaping throughout the site and along the northern boundary creating a strong settlement edge could also be achieved.
- 2.4 The site has previously been submitted for consideration through various stages of the Plan preparation, It is understood that the main issue preventing the site from allocation was the ability to secure a safe vehicular access. Since this assessment the speed limit in the village has been reduced to 20 mph. Advice from a Highways Consultant has indicated that a suitable vehicular access to the site along the eastern road frontage in the vicinity of the existing field access can now be achieved including sufficient vision splays to provide a safe vehicular access onto the A698.

Background

- 2.5 This representation seeks the allocation of approximately 1.65 ha of land at Birgham for residential development. The land is located in the centre of the village, to the north of The Fisherman's Arms. It is currently to grazing and includes a small storage/workshop building located to the southwest of the Site. The Site location plan (Appendix A) shows the proposed Site with the boundary outlined in red and land also in our client's ownership outlined in blue.
- 2.6 The size of the Site is of a scale appropriate to the settlement, it is anticipated that it would have a net developable area of approximately 1.25 ha having regard to the provision of landscaping boundaries and improvements to community car parking provision. A development respecting the grain and form of the existing development in the locality would be relatively low density at an estimated capacity of 15 dwellings. If deemed appropriate the development could be undertaken in phases commencing from the east (preferred point of access) to the west.

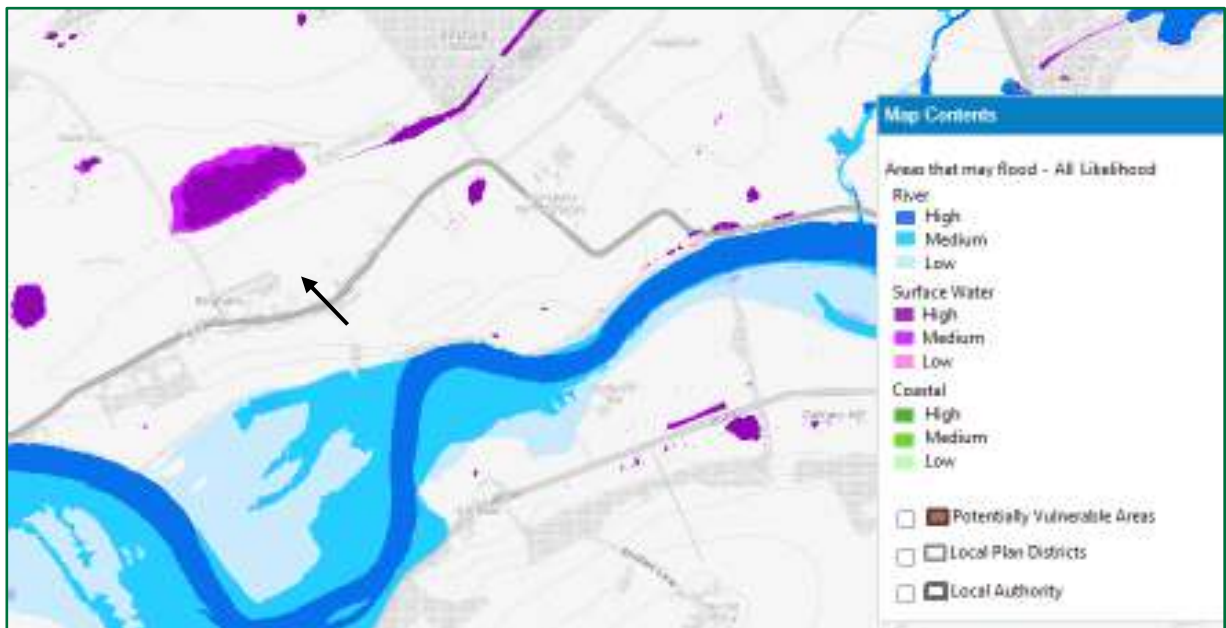
Figure 1 – Site location in the centre of Birgham



- 2.7 The topography of the Site is relatively flat. It is bounded by a mix of hedgerows and post and rail fencing with metal field gates to the southern boundary.
- 2.8 There are no statutory or non-statutory nature conservation designations on the Site. The Site does however lie within a SSSI Impact Risk Zone for the River Tweed. Given the distance from the protected designation it is considered that the development of the Site would not have a significant adverse impact on the purposes of the designation.
- 2.9 It is understood that there are no tree preservation orders on the site.
- 2.10 There are no heritage assets on or close to the Site. The nearest listed buildings are the Church of St Cuthbert's, its Gatepiers and Gates, which lies approximately 0.51 miles from the Site. The development of the Site would not be likely to have an adverse impact on the setting of a listed building.
- 2.11 The Site is primarily greenfield and is in agricultural use for grazing. There is low risk of contamination. It does not lie within a Coal Risk Area.
- 2.12 The Site, as part of a larger site (the combination of the blue and red line areas) was previously considered as a residential allocation during the preparation of the local plan and local plan amendment. The Site was not allocated at that time, although it was indicated by the Reporter that the Site was capable of development and could be considered in a future review of the Local Plan.
- 2.13 The proposed Site (red-line) was submitted for consideration through the Call for Sites (2017) and Main Issues Report (2018). A pre-application enquiry was also undertaken with the Council in 2019.

- 2.14 The Main Issues Report and pre-application response indicated that: Flood investigations and an archaeological evaluation would be required; the Site is prime agricultural land and is constrained due to the access. It is contended that these issues can be addressed. The Full Site Assessment is reproduced in Appendix B
- 2.15 A review of the SEPA flood risk map indicates that the site is not at risk from flooding from rivers and the sea and does not have any recorded surface water flooding. A full Flood Risk and Drainage Assessment along with a Site Drainage Strategy would be undertaken for the site.

Figure 2 – SEPA Flood Map (Extract 2021.01.11)



- 2.16 The Site does not have any recorded Heritage Assets on or adjoining the site. An Archaeological Desk Based Assessment would be provided.
- 2.17 The Council's Roads Planning Officer advised that an appropriate access could not be provided for the Site due to junction visibility and land ownership. However, since this assessment the speed limit on the A698 at the point where vehicular access would be sought (to the east of the site) has been reduced to 20 mph. Advice from a Highways Consultant has indicated taking into account the speed limit at this location that appropriate visibility splays could now be achieved (Appendix C).
- 2.18 The proposed site offers the opportunity for a small infill residential development within the settlement of Birgham within the Plan period. The Site is bounded by residential development on three sides and existing fencing to the north. It comprises a logical infill Site in this fairly linear village. Residential development of the Site will consolidate the built form within the current extent of the village, it will not encroach into the open countryside to the east or west of the village, or indeed extend the village beyond the existing built form to the north.

Figure 3 – Proposed vehicular access



Figure 4 – Vision Splay

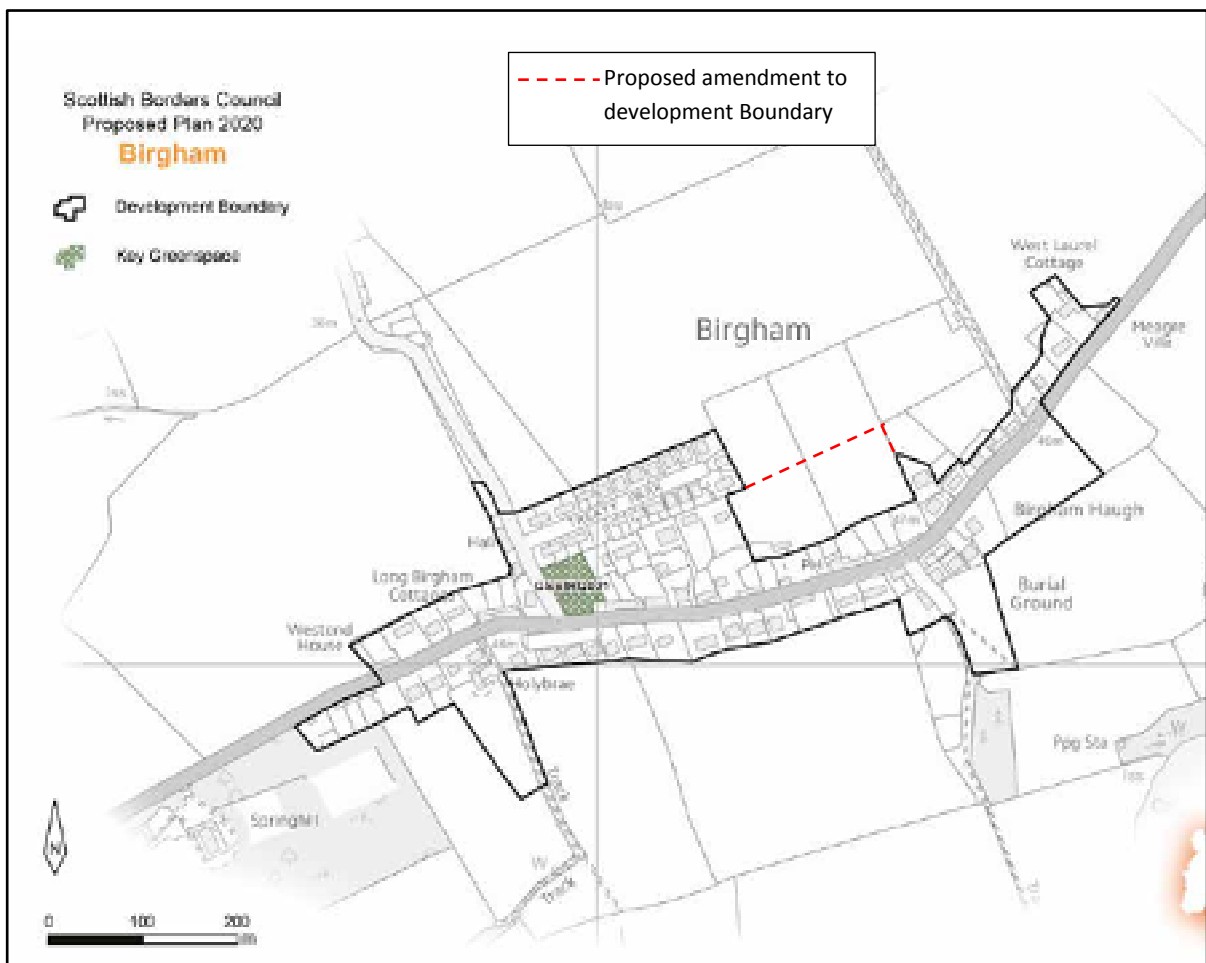


- 2.19 A small residential development to the southeast of the village has recently completed. It is understood that demand for these properties was good indicating a healthy local housing market even in difficult times and when other areas of the Scottish Borders are experiencing low demand. Birgham is located only 4 miles from Coldstream along the A697/A698 and just over 5 miles from Kelso A698, both of which offer a wide range of services, facilities and employment opportunities. Birgham whilst comparatively small offers basic services and has a vibrant community evident in the community owned Pub, the village hall which hosts a number of community groups and events, and well used and maintained areas of open space and children's play area.
- 2.20 Birgham is a sustainable settlement which is well connected by the road network to the main service centres of Kelso and Coldstream, there are opportunities to use public transport with bus stops located close to the Site. The Site is a suitable location for new residential development.
- 2.21 The Site is in a single land ownership and is available for development.
- 2.22 The Site is located within the centre of a sustainable settlement. It is a green field site which is free from significant known constraints. A suitable access can be provided to the site and there are opportunities for the provision of utility services. The site is deliverable and if allocated could contribute to the delivery of housing in this area within the Plan period.
- 2.23 It is proposed that a Masterplan of the site would be provided for comment and input by the Council and community, along with the development of an appropriate development brief for the site as part of any allocation within the Local Plan.

3 Policy PMD3: Land Use Allocations, Settlement Map (Birgham)

3.1 Policy PMD3 indicates ‘Development will be approved in principle for the land uses allocated within each of the settlement profiles and settlement maps’. The settlement maps are detailed in Volume 2 of the Plan. **This representation seeks a change to the development boundary for Birgham**, to include land to the west, north and east of The Fishermans Arms. The proposed change to the settlement boundary is indicated below. This would allow the proposed site to be allocated for residential development within the development boundary.

Figure 5 – Proposed Change to Birgham Development Boundary



3.2 The proposed development boundary in the Plan for Birgham is tightly defined. This severely limits the growth of Birgham and its community for the Plan period and beyond. This approach does not align with the Plans stated aims to support the sustainable growth of local communities, to encourage and facilitate increased levels of development activity and housing completions, whilst also supporting the local economy.

3.3 The Plan acknowledges that the housing market in the Scottish Borders and specifically completions rates of new build housing development has been low since the recession, and that the Plan seeks to

direct the right development to the right place. The proposed amendment to the settlement boundary and inclusion of the land for housing development would address this. Allowing small scale development appropriate to the location to contribute to meeting the areas stated housing needs.

3.4 The Site:

- Represents a logical extension to the built-up area. It is an infill site with existing development along three boundaries and an access to centre of the village.
- The Site is of an appropriate scale in relation to the size of the settlement. It comprises approximately 1.65ha of greenfield land. It is anticipated that the net development of the site would be for approximately 15 dwellings. This is proportional to the scale of the existing settlement.
- The Site is infill development. Careful consideration of the proposed development including design and materials as well as scale, density and massing would enable new housing development to sit within, and integrate with, the existing built development having regard to protecting the amenity associated with existing development, whilst respecting the landscape.
- The Site offers the opportunity to create a landscaped boundary to the north of the site reinforcing the settlement edge and assisting in integrating the development into the wider landscape setting. The provision of landscaping throughout the site using native species appropriate to the locality would also provide for wildlife connectivity and result in a net biodiversity gain.
- Access can be provided from the A698 along the south-eastern boundary of the Site. Previous concerns were raised regarding access to the Site by the SBC highways authority. However, since this assessment the speed limit on the A698 within the settlement, has been reduced to 20 mph. Technical advice from a Highways Consultant indicates that suitable vision splays for a road junction within the 20 mph speed limit can be achieved. See Plan at Appendix C. Therefore, the technical consideration of access to the Site have now been addressed.
- Development of the Site offers the opportunity to redesign, improve and if necessary, increase the parking provision currently along part of the south- eastern site frontage. Cars parked in this location are known to reverse into the highway. The development of the Site could redesign this parking provision to ensure sufficient turning area to allow vehicles to access the A698 in a forward direction from a single access point. This would offer a significant highway improvement and community benefit.
- It is understood that there is sufficient infrastructure and service capacity within the settlement to accommodate additional housing development.
- It is acknowledged that additional information would need to be provided in support of development of the Site including an Ecological Assessment, an Archaeological Desk Based Study, and a Preliminary Contamination Assessment.

- The Council have identified that the site lies within an area of Prime Quality Agricultural land. Prime Quality Agricultural land is identified as land within classes 1, 2 and 3.1 of the Macaulay Institute Land Classification for Agricultural System. This is a general area and further investigation of the specific land qualities of the Site can be undertaken. The Site has been in agricultural use for livestock as grazing for a number of years. Our Client is not aware that it is of a specific high quality land. It is contended that the loss of this small area of land in comparison to the proportion available in the locality would, whilst irreversible, not be significant. It is noted that a number of other sites allocated within the Plan for housing also fall within this general area of prime agricultural land. It is contended that this should not be a reason for discounting the Site.
- The Site is of small scale but if allocated would offer an increase or greater flexibility in the Plans housing provision. It would increase the range of sites available (currently no sites are allocated in the settlement of Birgham), offer more opportunity for an appropriate range and choice of dwellings size and tenure, including provision for older age groups - smaller units for 1 and 2 persons reflective of the aging population, and affordable homes - should a need to identified.
- It is understood following the successful development of a small housing scheme to the east of the village, that there is market demand for high quality, well designed housing offering a range of house types and tenures in this locality. The allocation of this site could assist the Council in increasing the level of housing completions and supporting the local house building economy by offering a small scale site of interest to local builders/developers.

Summary

- 3.5 The proposed development boundary for Birgham should be amended to include land north of The Fisherman's Arms and allocate this for residential development. The proposed Site is infill development within a sustainable village where new housing development will help to support the existing services and meet latent demand which could include the provision of affordable housing. The Site is free from or could be made free from significant constraints with appropriate mitigation, it has the physical capability to support development. The assessed main reason for discounting the site (appropriate vehicular access) can now be achieved. It is in a single land ownership and is genuinely available for development. The Site can be delivered within the Plan period and will assist with the delivery of the identified housing shortfall.

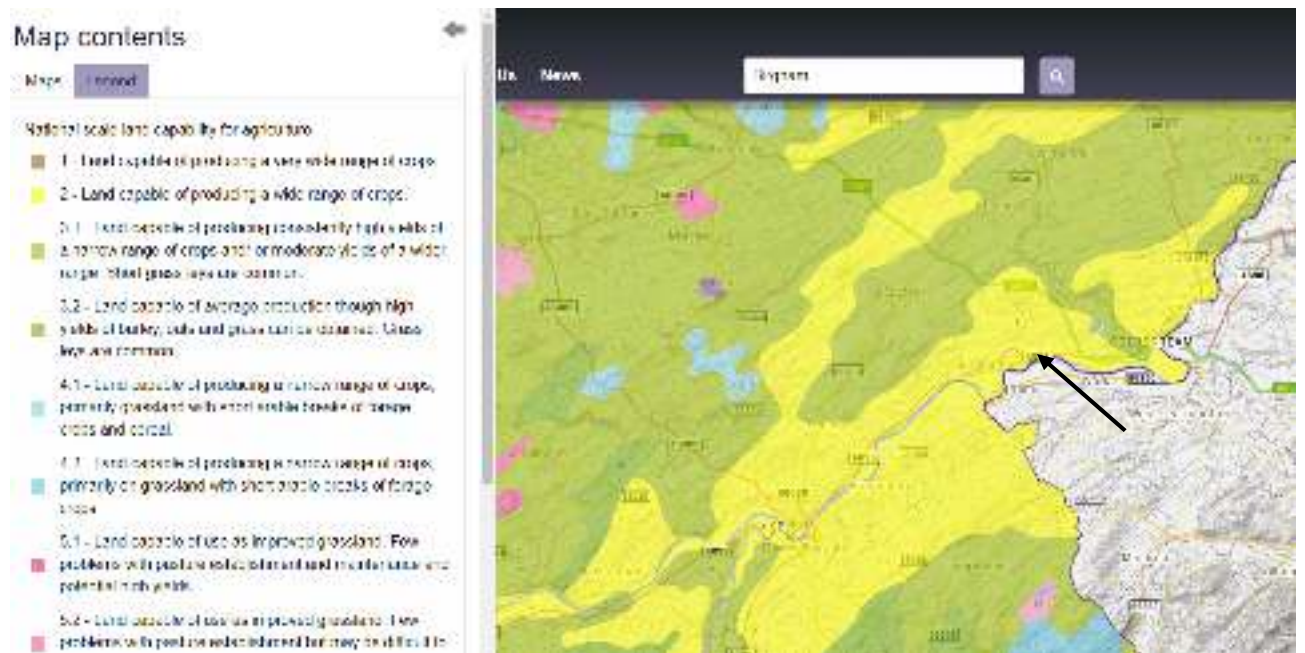
4 Policy HD4 – Further Housing Land Safeguarding

- 4.1 Policy HD4 and Section 10 (10.5) of Vol2 indicates that sites identified as ‘longer term’ proposals are not formal allocations and that these may be considered for inclusion in a future Plan subject to more detailed masterplanning work. It also identifies that ‘some’[sites] may be brought forward in the event of accelerated housing land development during the Plan period resulting in housing and supply shortfall. Effectively the identification of a site as a ‘longer-term’ site is confirming an ‘in principle’ acceptance of development. On this basis it is essential that sufficient sites in a variety of locations to meet a wide range of housing options are identified as potential longer-term sites. Policy HD4 appears to go further and indicates that these identified sites are ‘safeguarded’.
- 4.2 This representation seeks the identification of the proposed Site (as identified in Appendix A) for residential development during the plan period. Sufficient evidence has been provided to demonstrate that the Site is suitable, available and that an appropriate form of development can be achieved. It is contended that there is a local housing market for the Site and that it would be delivered during the Plan period. However, should the Examiner determine that sufficient land has been allocated to meet the identified housing needs of the Plan during the Plan period, the landowners request that the Site is considered and allocated as a longer-term Site to deliver new residential development in the future or where a shortfall is identified within the Local plan area.

5 Policy ED10 Protection of Prime Quality Agricultural Land and Carbon Rich Soils

- 5.1 Paragraph 1.1 under Policy ED10 indicates that the Plan has sought to avoid allocating prime quality agricultural land. Large areas of the south-eastern area of the Scottish Borders is classified as prime quality agricultural land. If the Plan is to achieve its stated aims and allow settlements to grow and flourish new sites for development are likely to be on prime quality agricultural land within large areas of the south east. Indeed, a number of sites within the Plan fall within this category including new sites identified in Appendix 2.
- 5.2 An amendment is sought to Policy ED10 to acknowledge that large parts of the Scottish Borders are classified as Prime Quality Agricultural Land, specifically in the south east area. Criterion (c) should be amended to allow for small scale development, development adjacent to development boundaries, and development supported by an agricultural land classification assessment.

Figure 6 – Extract from Scot.gov Soil Maps (2021.01.11)



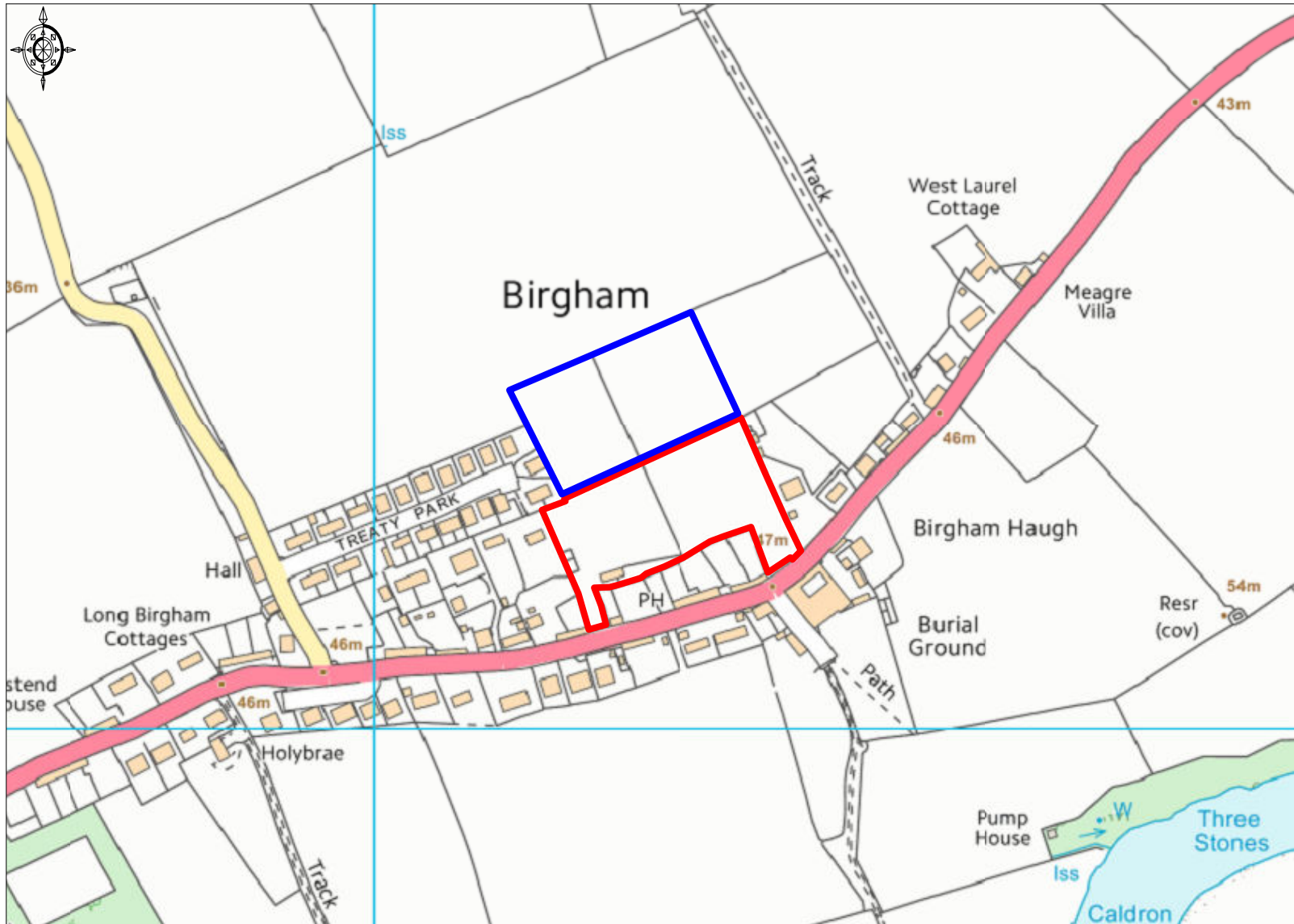
5.3 In addition, due to the blanket classification of prime quality agricultural land in the south east of the area, it is suggested that the methodology for site selection Appendix 1 Stage II should be amended, to give less weight to this site constraint in the south east of the area. Sites should not be filtered out or refused planning consent simply on the basis of the classification as Prime Quality Agricultural land in this part of the Plan area.

6 CONCLUSION

- 6.1 This representation seeks amendment of the development boundary of Birgham as identified in figure 5.
- 6.2 This representation seeks the allocation of land within the redline identified on the location Plan at Appendix A for residential development.
- 6.3 Should the Site identified in Appendix A, not be required during the plan period, then at the very least it should be identified for development in the longer-term.
- 6.4 Amendments are sought to policy ED10 to clarify that small-scale development, infill sites, and where appropriate development outside of development boundaries may be permitted on Prime Quality Agricultural land in the south east of the area.

APPENDIX A – Location Plan

Land North of A698, Rear of the Fishermans Arms



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GEORGE F. WHITE

APPENDIX B – Extract of full Site Assessment Report

Birgham

Site reference	Site name	Settlement	SDA	Proposed Use	Indicative Capacity	Ha	PP status
ABIRG005	Land south east of Treaty Park	Birgham	Rest of Borders	Housing	15	1.7	Excluded

Initial assessment

Floodrisk	SAC	SPA	SSSI	Ramsar
Not applicable	Not applicable	Not applicable	Not applicable	Not applicable

Initial assessment summary

The site does not lie within any International/National designation.

SEPA: In respect of flood risk, review of the surface water 1 in 200 year flood map shows that there may be flooding issues in this area. This should be investigated further and it is recommended that contact is made with the flood prevention officer. There is the potential that the development could increase the probability of flooding elsewhere. There is a Surface Water Hazard identified at the site.

In respect of foul water, it must connect to the existing SW foul network.

SBC FLOOD AND COASTAL MANAGEMENT TEAM: This site is out with both the fluvial and surface water 1 in 200 year flood extents. I would have no objection to this proposal on the grounds of flood risk.

Background information

Minerals and coal	NNR	Prime Quality Agricultural Land	Current use/s	Planning history references
Not applicable	Not applicable	On site	Other	Local Plan: (BB2) included the proposed site and an area to the north Local Plan: (BB9) included the small access area to the east of the proposed site LPA: (ABIRG001) included the proposed site and an area to the north, but omitted the eastern access, which is now proposed. As part of the LPA, the Reporter agreed with the Council. However, stated that the site is capable of accepting development and whilst this potential could always be considered, if appropriate, in a future review of a Local Plan. (Page 58 of Reporter's Recommendations). LDP: (ABIRG004) included the proposed site and an area to the north. The site assessment concluded that there were outstanding objections from the Roads Planning team and a safe vehicular access could not be achieved.

Accessibility and sustainability assessment

Access to public transport	Access to employment	Access to services	Wider biodiversity impacts	Site aspect
Good	Good	Good	Minor	Not applicable

Accessibility and sustainability summary

SBC ECOLOGY OFFICER: No response to date.

GENERAL COMMENTS: The site is located to the north of Birgham. There are bus stops located within Birgham and the gradient is relatively flat to the bus stop. The nearest railway station is Berwick-Upon-Tweed, located 18 miles away. Birgham is located approximately 4 miles from Coldstream and 5 miles from Kelso, where there are a variety of shops, employment and other local services located within the town. There is a lack of employment opportunities and local services located within Birgham itself.

Local impact and integration assessment

Conservation area Not applicable	Open space Not applicable	Listed buildings Not applicable	Scheduled Monument Not applicable	Ancient woodland inventory Not applicable	Archaeology On site	Garden and designed landscape Not applicable
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Local impact and integration summary

HERITAGE & DESIGN: Did not raise any concerns regarding the development of this site.

HISTORIC ENVIRONMENT SCOTLAND: Did not raise any concerns regarding the development of the site.

ARCHAEOLOGY: On the edge of the medieval village, some evaluation likely.

Landscape assessment

NSA Not applicable	SLA Not applicable	Over 200 metres? <input type="checkbox"/>	Over 12 degree slope <input type="checkbox"/>	Wild Land Not applicable
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Landscape summary

SCOTTISH NATURAL HERITAGE: No comment due to existing landuse and location of allocation as contained extension of existing settlement.

LANDSCAPE COMMENTS: No response to date.

Planning and infrastructure assessment

Physical access/road capacity

Near a trunk road?

NETWORK MANAGER: Additional junctions onto A698 but not felt to be a significant issue.

TRANSPORT SCOTLAND: Did not raise any concerns regarding the development of this site.

ROADS PLANNING OFFICER: I am unable to support this site being allocated for housing due to the absence of suitable vehicular access from the A698. The two locations where the site abuts the A698 would fail to provide appropriate junction visibility requirements due to a combination of factors such as the geometry of the road and the position of adjacent buildings. As such, I am unable to see how residential development can be accessed safely. The site could be satisfactorily accessed from Main Street via the area of ground immediately to the west of the car park serving the Fisherman's Arms Public House, but this land is outwith the site boundary. If this issue can be resolved then I would only be able to support an extent of development which reflects the limitations of the road infrastructure in the village. Pedestrian connectivity would be required with the main street at the east end and, ideally, with Treaty Park though this would require agreement with a third party land owner.

PASSENGER TRANSPORT: Did not raise any concerns regarding the development of this site.

Right of way Not applicable	TPOs Not applicable	Contaminated land Not applicable	Water supply Limited	Sewerage Yes	Gas Supply No	Education provision Good
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Planning & infrastructure summary

DEVELOPMENT MANAGEMENT: There is a historic enclosure to the west of the site, so there may be archaeological interests in this site. The site is Prime Quality Agricultural land. Roads Planning Service response is key in terms of acceptability of visibility at the proposed access points. Connectivity/double access points desirable? The site is level and well related to the remainder of the settlement.

HOUSING STRATEGY: Did not raise any concerns regarding the development of this site.

SCOTTISH WATER (WWTW): Birgham WWTW has sufficient capacity, sufficient capacity in the network.

SCOTTISH WATER (WTW): Sufficient capacity at Rowburn WTW, in terms of the network, a flow and pressure test will be required to establish what impact, if any this development has on the existing network.

OUTDOOR ACCESS TEAM: Did not raise any concerns regarding the development of this site.

CONTAMINATED LAND: The site appears to have remained undeveloped throughout the map extracts reviewed. There is no evidence to indicate that this site is brownfield land or that its historic uses may present development constraint.

NEIGHBOURHOOD SERVICES: No response received.

ENVIRONMENTAL HEALTH: No response received.

PROJECTS TEAM: Did not raise any concerns regarding the development of this site.

EDUCATION OFFICER: No issues regarding the school capacity.

NHS: No response received.

Overall assessment

PP status Excluded	Overall assessment Unacceptable	Site capacity 15
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Conclusions

The site was submitted for consideration at the 'Pre MIR' stage of the LDP2 process. The site lies to the north of the Birgham Development Boundary.

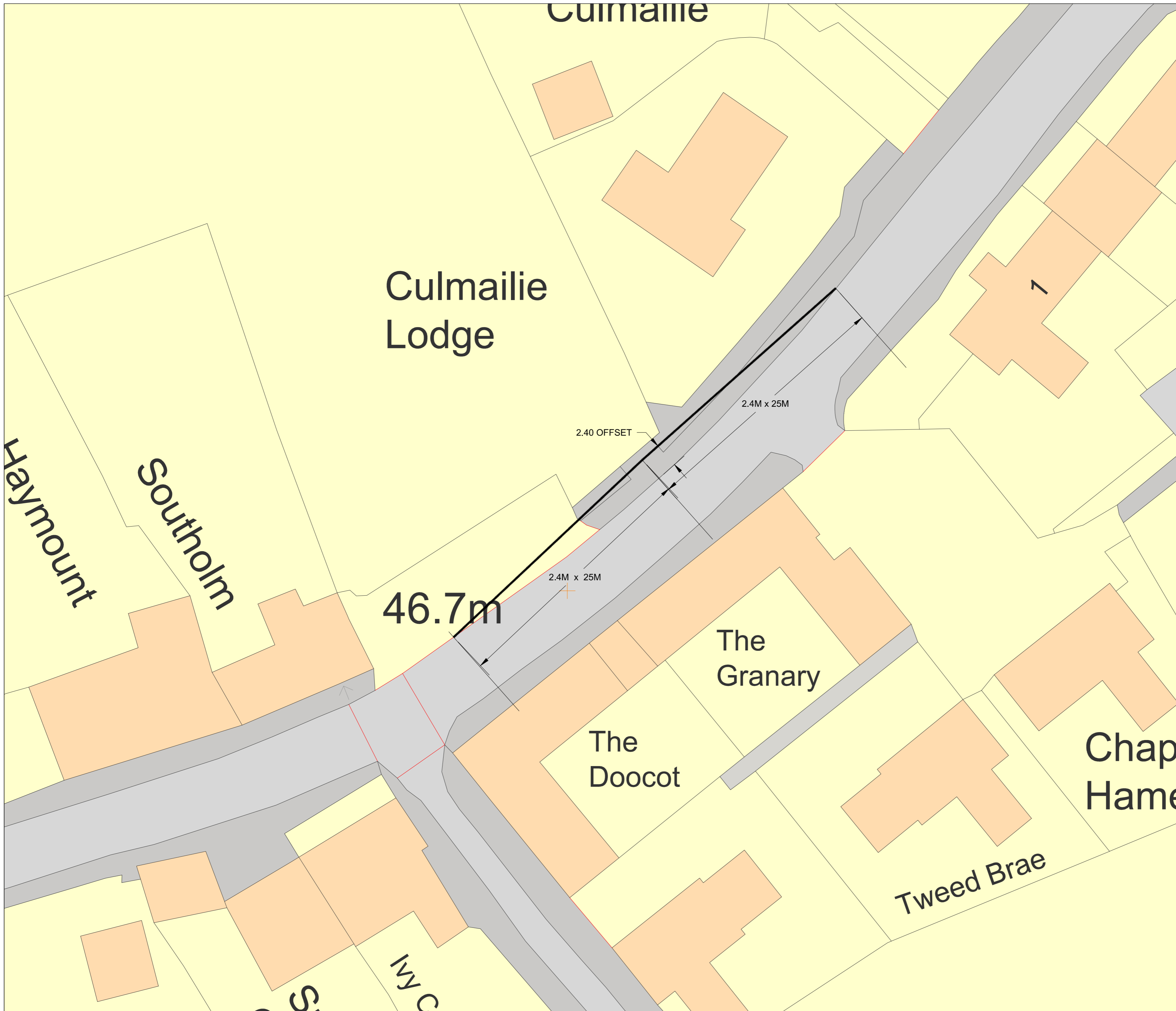
It should be noted that this site formed part of a larger site, which was considered as part of the Local Plan, Local Plan Amendment and Local Development Plan. The larger site considered, included an additional area to the north of the proposed site. The larger site was rejected by the Reporter at the Local Plan Inquiry, where the Reporter agreed with the Council's assessment. However, the Reporter stated that the site is capable of accepting development and this potential could always be considered, if appropriate, in a future review of a Local Plan.

The site currently under consideration must be assessed on it's own merits. There were a number of constraints identified through the consultation, which are outlined below:

- Flood investigations would be required;
- Site is located on Prime Agricultural land;
- Potential archaeology evaluation would be required; and
- Roads Planning Officer is unable to support the proposal, due to the absence of a suitable vehicular access point.

The Roads Planning Officer expanded and advised that the 2 locations proposed, would fail to provide appropriate junction visibility requirements due to a combination of factors such as the geometry of the road and the position of adjacent buildings. The site could be satisfactorily accessed from Main Street via the ground immediately to the west of the car park serving the Fisherman's Arms Public House, however this land is outwith the site boundary. The site was not included within the Main Issues Report as a preferred or alternative housing option. In conclusion, taking the above into consideration, the site is not included within the Proposed Local Development Plan.

APPENDIX C – Proposed Location of Site Access



REVISION	DETAILS	DATE
CLIENT		
PROJECT		
BIRGHAM		
DRAWING TITLE		
VISIBILITY SPLAY (MFS) BASED ON 20MPH ROAD SPEED		
DRG No.	NO.	REV
DRG SIZE	SCALE	DATE
A2	1:250	06/01/2021

PRELIMINARY



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